

## DESIGN 5

A R C H I T E C T S

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### **COBBITTY VIEW MOUND (Denbigh Curtilage Earthworks)**

531, 531 A & 531 B Cobbitty Road, and 6-54 Squires Avenue, Cobbitty Camden

Associated with Lots 2005, 2009 and 2008, and Lot 800 (part of former Lot 2006) respectively

### **Heritage Impact Statement**



**FINAL REPORT**

February 2023

| <i>Document Progress</i> | <i>Prepared by</i> | <i>Reviewed by</i> | <i>Issued</i>                  |
|--------------------------|--------------------|--------------------|--------------------------------|
| Draft Report             | Sagar Chauhan      | Alan Croker        | 5 <sup>th</sup> Dec 2022       |
| Final Report             | Sagar Chauhan      | Alan Croker        | 10 <sup>th</sup> February 2023 |

Cover Photo: A view of the Denbigh Homestead in the distance, as viewed from the crest of the ridge - location of the proposed view mound. (Source: Design 5 Architects)

## 1.1 BACKGROUND

Design 5 – Architects has been engaged by Mirvac to prepare an assessment of the Heritage Impact (HIS) of the proposed earthworks to be located at 531 Cobbitty Road (Lot 2005 DP 1162239), 531 A Cobbitty Road (Lot 2008, DP 1168651) and 531 B Cobbitty Road (Lot 2009, DP 1168651) in Camden.

This HIS assesses the impacts of the proposal on the significance and landscape setting of the Denbigh estate against the proposed amended Oran Park Precinct DCP. Design 5 – Architects had previously assessed the heritage impacts of the proposed earthworks against the former DCP to inform amendments to Part B of the DCP. To give effect to the recommendations made by Design 5 in the previous assessment, the design of the earthworks (HIS dated 28<sup>th</sup> June 2022) has been modified to achieve a more natural ridgeline when viewed from the Denbigh homestead. Since the new design of the earthworks is a minor modification of the earlier design, it is our assessment the design generally complies with the relevant controls and guidelines of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SRGC SEPP), and the 2006 Curtilage Study and the 2008 CMP, both prepared by Design 5 – Architects. The assessment against these has been generally extracted from the earlier HIS, dated 28<sup>th</sup> June 2022 and modified in accordance with the updated design included in the DA.

Design 5 have been providing architectural and heritage services with regard to the Denbigh property for over 17 years and are familiar with its exceptionally significant rural complex. This has included guidance with ongoing repair and maintenance of significant structures. In 2006 we completed a Curtilage Study for the property and in 2008 completed a Conservation Management Plan including policies to guide and assist the management and future development of the property, while retaining and respecting its remarkable cultural heritage values. The policies and guidelines of the Curtilage Study and CMP formed the basis for Oran Park Precinct DCP Part B3: Denbigh Transition Area, and were used as a basis to guide the amendments to the DCP.

This report has been prepared by Sagar Chauhan, with assistance from and review by Alan Croker, both from Design 5 – Architects.

## 1.2 STRUCTURE OF THE REPORT

The report is set out in the following manner:

- Background to the proposal
- Description of the place
- Brief description of the proposal
- Discussion of the impact of the proposal on the significance of the place
  - Impact against policies included in Conservation Management Plan 2008 & Denbigh Curtilage Study 2006;
  - Impact with regard to planning instruments;
    - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SRGC SEPP); and
    - Amendment No. 12, Oran Park Precinct Development Control Plan 2007
- Summary conclusion of the impact of the proposal

## 2.1 DESCRIPTION OF THE SITE

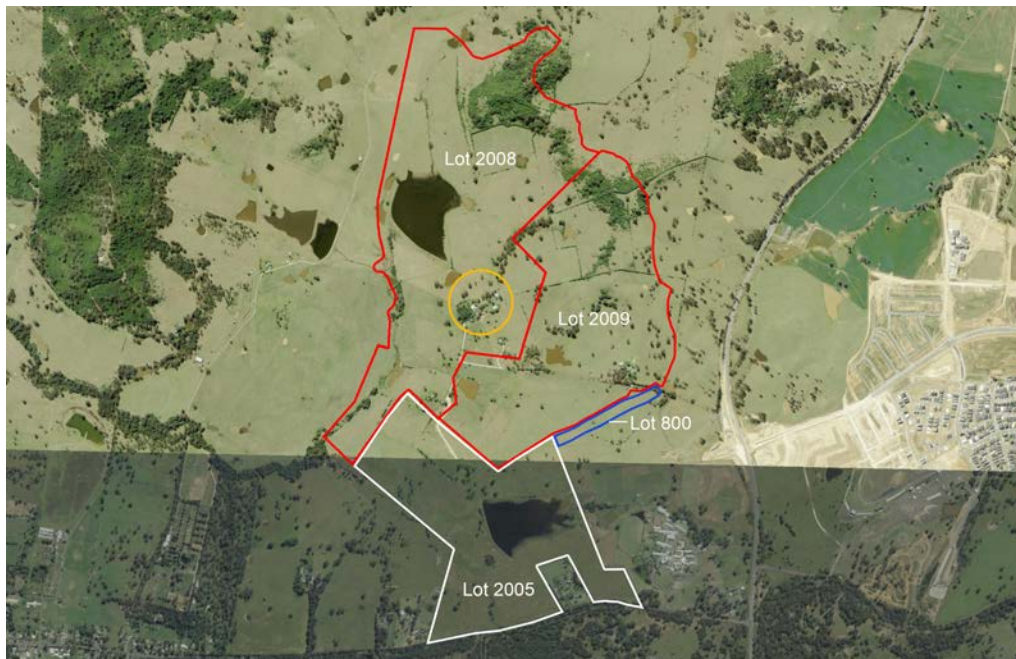
The site of this proposal is located at the shared boundary of Lots 2005, 2008 and 2009, with the Lot 800 (part of former Lot 2006 (since developed)) immediately adjacent to the east. The Lots 2008 and 2009 collectively form the Denbigh estate, a state heritage listed rural property comprising a total of approximately 207 hectares. Lot 2005 lies to the south of the Denbigh estate and will be subject to subdivision for residential purposes as part of a separate future development application. A ridge defines the shared northern boundary of Lot 2005 with adjacent lots. Cluny Hill exists at the high point at the west end of the shallow ridge which rises to the east along the shared boundary of the lots and surrounds the eastern boundary of Lot 2009, visually containing the Denbigh estate to the north and the west.

The core curtilage of the Denbigh estate includes the original Denbigh homestead and outbuildings as well as the later family houses of Bangor and Cluny Hill. The Denbigh estate has been subject to subdivision in the past and part of the former estate is now occupied by residential development (Arcadian Hills) to the south-east of Lot 2009. Part of the subject site exists within the 'Southern Viewscape Precinct' as identified in the Oran Park DCP 2007. The 'Southern Viewscape Precinct,' in addition to the 'Central Viewscape Precinct' and 'Northern Viewscape Precinct' is part of Denbigh Transition Area. The vision for the Transition Area is to:

*... achieve a site responsive transition between residential development and the existing heritage curtilage of the Denbigh homestead. The Transition Area will be developed in a manner which respects the cultural significance of the homestead curtilage and seeks to retain its rural context and setting.*

*Residential homes will be of a character which provides a transition between the areas of residential development to the south and the rural context of the Denbigh curtilage.*

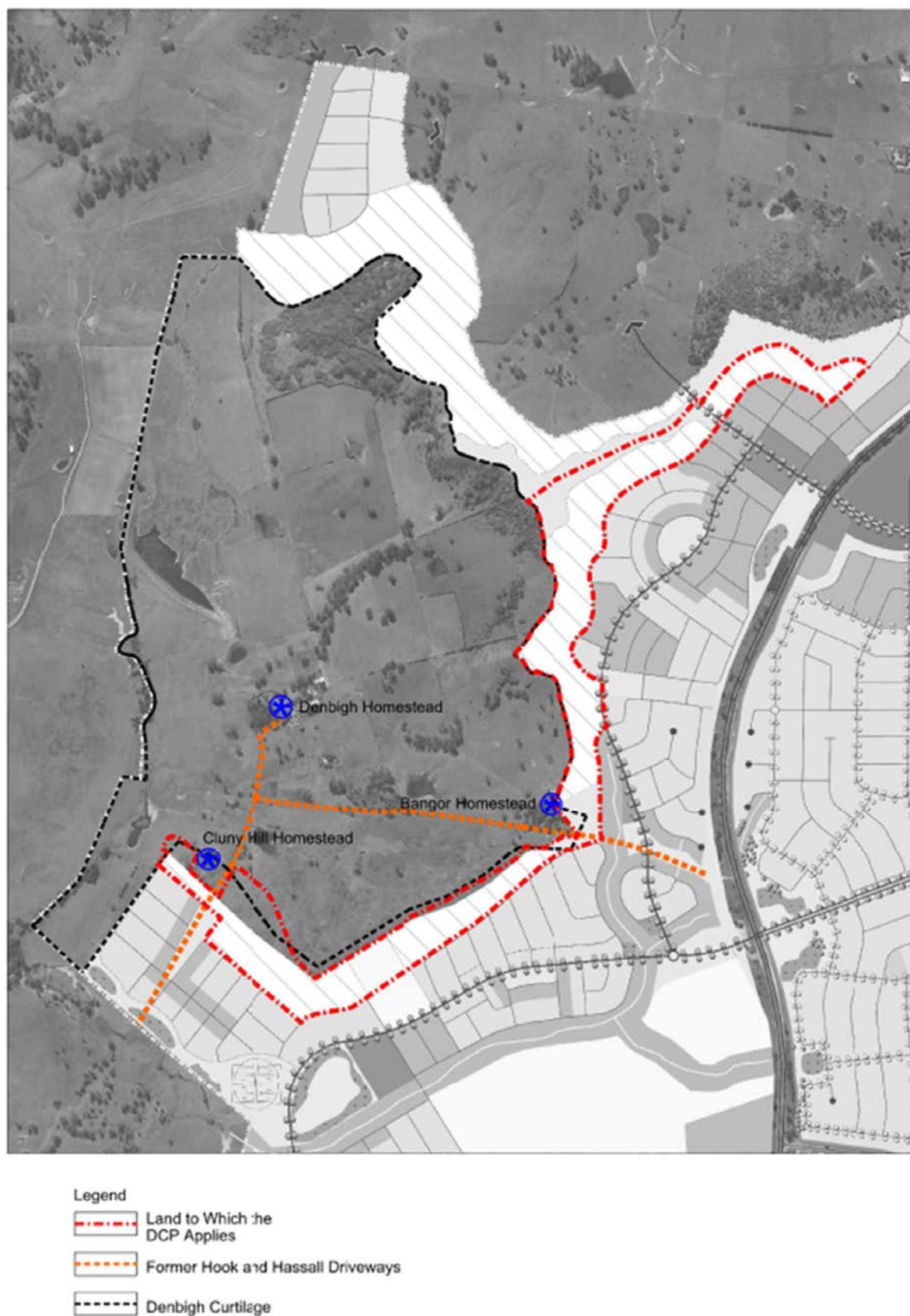
The Denbigh estate, the project area and 'Transition Area' are marked in the figures 2.1 to 2.4 below.



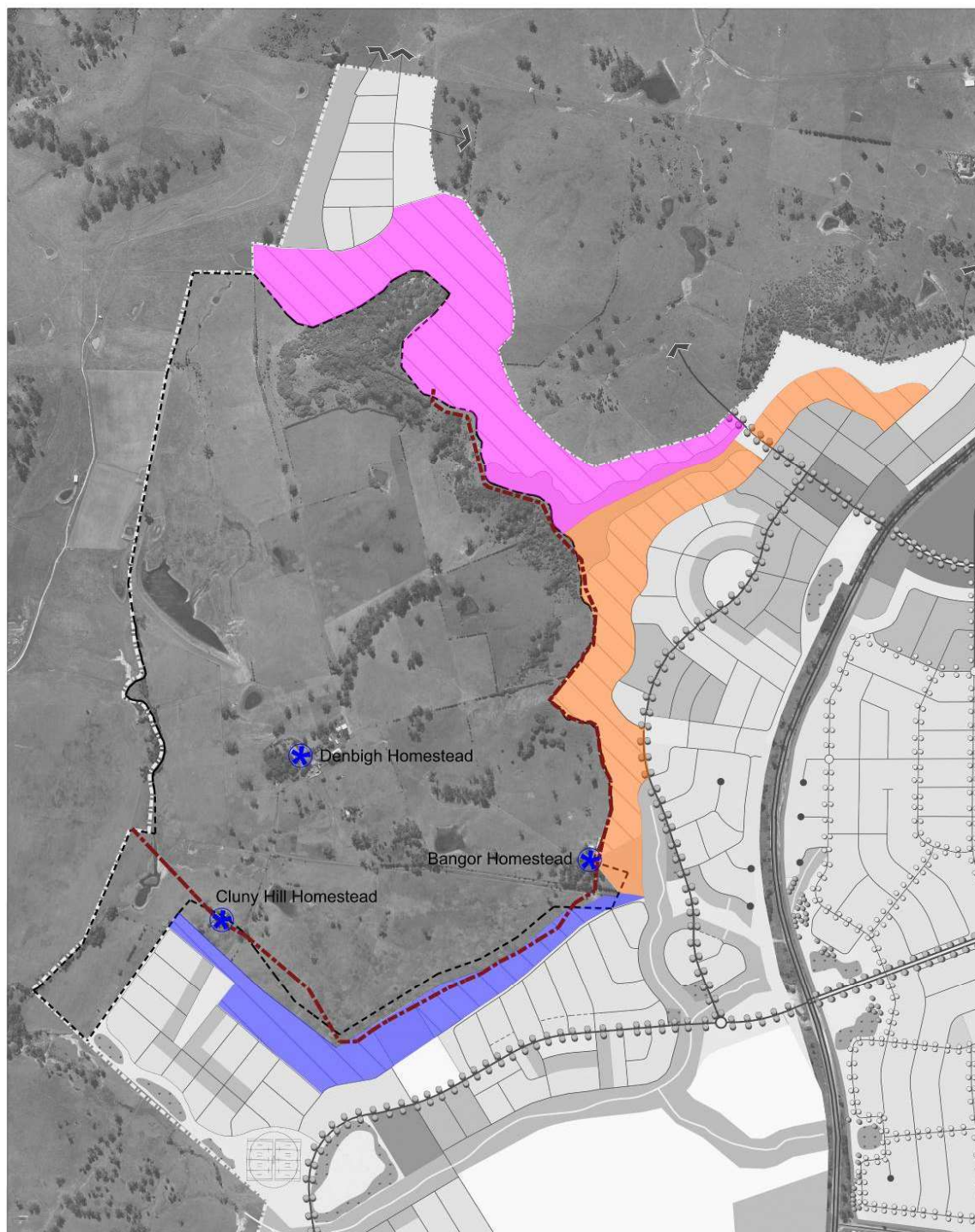
**Figure 2.1:** Satellite view showing the Lots 2005, and Lots 2008 and 2009 of Denbigh estate. Denbigh homestead and outbuildings group is outlined in orange (Source: SEED Portal)



**Figure 2.2:** Satellite view showing the site of the proposed view mound outlined in red. The Denbigh homestead and outbuildings group is outlined within the orange circle. (Source: SEED Portal, NSW Government)



**Figure 2.3:** Denbigh Transition Area. (Extract from the Part B Oran Park Precinct DCP 2007 (Amendment No. 12), Section 3.0: Denbigh Viewscape Precincts.)



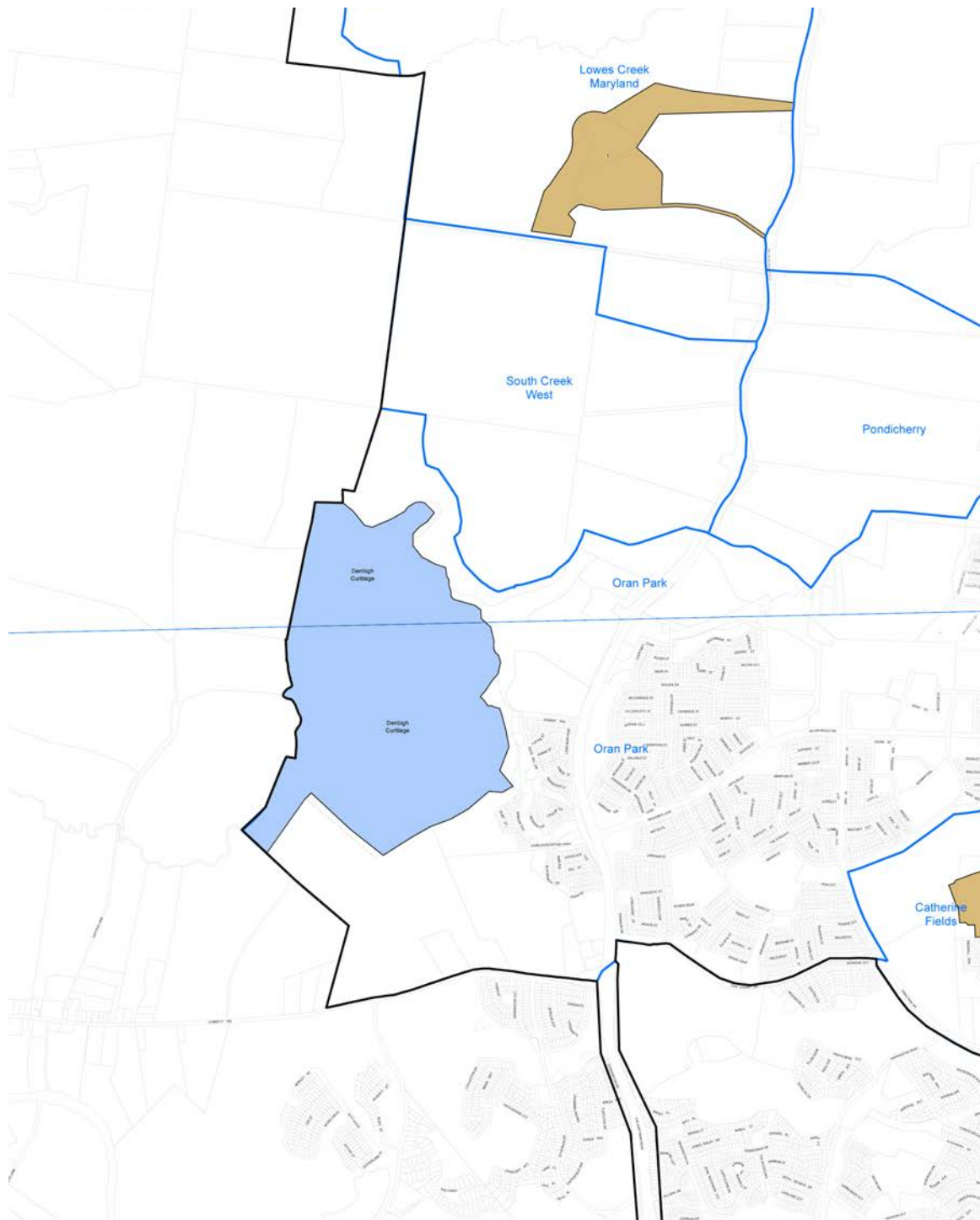
- Legend
- Northern Viewscape Precinct
  - Central Viewscape Precinct
  - Southern Viewscape Precinct
  - Denbigh Curtilage
  - Existing Ridge Line

**Figure 2.4:** Viewscapes precincts. (Extract from the Part B Oran Park Precinct DCP 2007 (Amendment No. 12), Section 3.0: Denbigh Viewscapes Precincts.)

## 2.2 HERITAGE LISTINGS

The Denbigh estate is listed as a heritage item on the NSW State Heritage Register (SHR 01691) and is also a heritage item on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Schedule 5: Environmental Heritage of Appendix 1: Oran Park and Turner Road Precinct). It is of state significance:

- *Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds).*



**Figure 2.3:** Extract of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, showing location of 531 Cobbitty Road, marked in blue. Other heritage items in the area are marked in mustard. (Source: South West Growth Centre Heritage Map, NSW Planning Portal)

### 3.1 BASIS OF ASSESSMENT

This Heritage Impact Statement (HIS) assesses the proposal against the guidelines and policies in the 'Denbigh Conservation Management Plan' (2008), prepared by Design 5 – Architects for the Denbigh estate. (also see section 5.1)

Furthermore, the proposal is assessed against the proposed amended planning controls outlined in Appendix 1: Oran Park and Turner Road Precinct in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and the Oran Park Precinct Development Control Plan 2007 (DCP 2007).

### 3.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the principles and processes of the *Australia ICOMOS Burra Charter 2013*. The preparation of this Heritage Impact Statement also follows the process and model recommended in the NSW Heritage Manual, specifically the NSW Heritage Office guideline *Statements of Heritage Impact* (revised 2002).

### 3.3 DOCUMENTS REVIEWED

The works considered in this report are as described in the documents prepared by Orion Consulting and Paterson Design Studio. Specifically, the drawings and reports listed below:

| <i>Drawing Number</i>                                     | <i>Title</i>                                             | <i>Revision</i> | <i>Date</i>                 |
|-----------------------------------------------------------|----------------------------------------------------------|-----------------|-----------------------------|
| <b>Orion Consulting</b>                                   |                                                          |                 |                             |
| <b>Cobbitty View Mound (Denbigh Curtilage) Earthworks</b> |                                                          |                 |                             |
| <i>Preliminaries</i>                                      |                                                          |                 |                             |
| DA 000                                                    | <i>Cover Sheet &amp; Plan Index</i>                      | B               | 12 <sup>th</sup> Sep 2022   |
| DA 001                                                    | <i>General layout Plan, Notes &amp; Legend</i>           | B               | 12 <sup>th</sup> Sep 2022   |
| DA 002                                                    | <i>Site Regrading Plan</i>                               | B               | 12 <sup>th</sup> Sep 2022   |
| DA 003                                                    | <i>Site Regrading Sections Sheet 01 OF 02</i>            | B               | 12 <sup>th</sup> Sep 2022   |
| DA 004                                                    | <i>Site Regrading Sections Sheet 02 OF 02</i>            | B               | 12 <sup>th</sup> Sep 2022   |
| <i>Engineering</i>                                        |                                                          |                 |                             |
| DA 400                                                    | <i>Denbigh Curtilage Line of Sight Ray Plan</i>          | B               | 12 <sup>th</sup> Sep 2022   |
| DA 401                                                    | <i>Denbigh Curtilage Line of Sight Ray Long Sections</i> | B               | 12 <sup>th</sup> Sep 2022   |
| DA 500                                                    | <i>Maximum Building Height Heat Map</i>                  | B               | 12 <sup>th</sup> Sep 2022   |
| <b>Paterson Design Studio</b>                             |                                                          |                 |                             |
| <b><i>Landscape Development Application</i></b>           |                                                          |                 |                             |
| LA-2                                                      | <i>Landscape Masterplan</i>                              |                 | 21 <sup>st</sup> Nov 2022   |
| LA-6                                                      | <i>Landscape Section</i>                                 |                 | 21 <sup>st</sup> Nov 2022   |
| LA-7                                                      | <i>Plant Schedule</i>                                    |                 | 21 <sup>st</sup> Nov 2022   |
|                                                           | <i>Landscape Maintenance Guide and Manual</i>            |                 | 11 <sup>th</sup> April 2022 |

#### 4.1 BRIEF DESCRIPTION OF THE PROPOSAL

The proposal comprises the construction of a mound on the ridgeline along the southern boundary of the Denbigh estate to screen any future development to the south of the mound. The mound is primarily located on the Lots 2008 & 2009, owned by Ian & Susan MacIntosh and Angela Head respectively. The proposed height of the mound exceeds the controls in the DCP and ranges from 0m to more than 8m above the existing topography.

The mound is essential to avoid adverse visual and amenity impacts of future developments on the rural setting and character of the Denbigh Estate and on the views from the Denbigh homestead and outbuildings group (core curtilage). A similar approach was undertaken in the past for the subdivision of Lot 2006 for the Arcadian Hills development which lies to the south-east of Lot 2009. The current proposal to erect a higher mound is in response to the constraints of the existing topography in this Southern Viewscape Precinct of the 'Denbigh Transition Area.'

To achieve desirable screening height for the future development on Lot 2005, in addition to the mound, the ground level of allotments to the south of the new ridgeline will be cut into the existing topography to lower their levels by 0m to more than 4.5 m.

#### 5.1 COMPLIANCE WITH DENBIGH CURTILAGE STUDY 2006 & CONSERVATION MANAGEMENT PLAN 2008

The 2006 Curtilage Study and 2008 CMP were used as a guide for the drafting of the Oran Park Precinct DCP Part B3, and their objectives embedded in this document. The policies and guidelines of the CMP and Curtilage Study that overlap with the planning controls of the DCP have not been assessed separately. Only those policies and guidelines that have not been included in the DCP are discussed separately below in section 5.2 and 5.3. The assessment against the DCP is discussed in section 6.2.

#### 5.2 CMP Section 4 STATEMENT OF CULTURAL SIGNIFICANCE

The following Statement of Significance from the 2008 CMP summarises the significant values of the place. This Statement of Significance is a slightly expanded version of the Statement of Significance included in the 2006 Curtilage Study.

*The Denbigh estate is of exceptional cultural significance for its historical, aesthetic, social and technical values.*

*The homestead and attendant farm buildings are an exceptionally rare and intact group of structures dating from the very early nineteenth century. They demonstrate the aspirations of, and continuous occupation by only three families as well as the continuous evolution of farming and grazing practices over this period. The extant structures, pastoral landscape, associated family and public archives, all combine to make this a very rare and important place in the history and evolution of NSW. This is strengthened by the survival of significant physical and historic links with the surrounding early roads and settlements as well as significant buildings and structures built by the three families, with the changes associated with each phase of ownership still legible. It is one of several important colonial estates in the local area including Maryland, Wivenhoe, Brownlow Hill and Raby.*

*The physical evidence of Aboriginal occupation of the estate, both prior to and after European arrival together with documented evidence of this including ceremonial use, strengthens the integrity and rarity of the continuous physical record of the place. Important named historical Aboriginal figures such as Cannabaygal, a visiting chief from the mountains, are associated with the Denbigh farm, and possibly also Cogy (Cogrewoy) a leader of the 'Cowpastures' Tribe who also acted as guide through the district to Barrallier and Macquarie.*

*The establishment of the Denbigh farm by Charles Hook (1812-1826), its subsequent ownership and development by the well-known local clergyman the Reverend Thomas Hassall (1827-1868), and then by the McIntosh family to the present time, connects the place with very important figures in the development of this area of NSW.*

*The homestead group, with its main house and two flanking rear wings, retains substantial and intact*

*evidence of the evolution of the complex from c.1818 to the present.*

*The complex retains as its focal point a substantially intact Colonial Indian-styled bungalow, one of the finest and most intact surviving example of its type in the country. The style, form and construction of this building as well as the form, configuration and integrity of the whole complex are of exceptional significance to the state of New South Wales.*

*The outbuildings group behind the homestead group demonstrate the changing technologies and range of activities from the establishment of the property by Charles Hook, then Thomas Hassall, followed by five generations of the McIntosh family (1868 - present). The physical fabric, layout and spatial relationships of the outbuildings, associated paddocks, fences and fence lines strengthen the agricultural/pastoral nature of the property and its significance. As a group, the Denbigh outbuildings are of exceptional significance to the state of New South Wales and this is strengthened by their context and setting which is an essential component of this significance.*

*The associated residences within the estate Bangor, Cluny Hill and Roberts' Cottage retain important associations with the development of the Denbigh estate by the McIntosh family. The significant visual, spatial and physical connections between these properties and the homestead grounds are retained within the Denbigh's core curtilage and the role of Bangor and Cluny Hill as entry markers or 'gatehouses' to the Denbigh estate is of high significance.*

*The fact that the landscape remains as agricultural/pastoral land, retains the sense, both physically and visually of this connection with all of these periods and occupations. This remains a critical underpinning and unifying aspect of Denbigh's significance.*

*The Denbigh farm estate retains a curtilage and setting of exceptional historic and aesthetic significance. Unlike most of its early colonial contemporaries in the Cumberland Plain, it retains this curtilage and setting in a largely uncompromised state, and thus its integrity, from the time of early European occupation.*

*The landscape and setting of the homestead and outbuildings and the views to and from these, provide a very rare and intact early colonial landscape of great beauty and integrity and of exceptional cultural significance to the state of NSW.*

*The grounds of the core of the Denbigh estate are of exceptional cultural significance as they retain many key elements of the formative 19th century estate planning period. These include extensive early plantings of rows of Eucalypts (the extensive survival of which is rare within the Cumberland Plain), an example of an 1830s ornamental garden directly relating to the development of the bungalow, various plantings from the 19th century including an early planting of the more uncommon 'horizontal' form of Roman Cypress and the original entry drive. Two very early estate roads (Northern Road and Cobbitty Road) are retained and remain in use, leading to the outbuildings group and the front of the bungalow.*

*The immediate areas around the building group retain evidence, through planted vegetation and layout, of changing taste and fashion relative to landscape design from the mid-19<sup>th</sup> century to the present.*

*The structures at Denbigh contain very fine and intact examples of early construction techniques, including early timber-framed wattle and daub, timber slab construction, joinery, masonry work and ironwork. They have the ability to demonstrate the evolution of construction from the early 19<sup>th</sup> century through to the 20<sup>th</sup> century.*

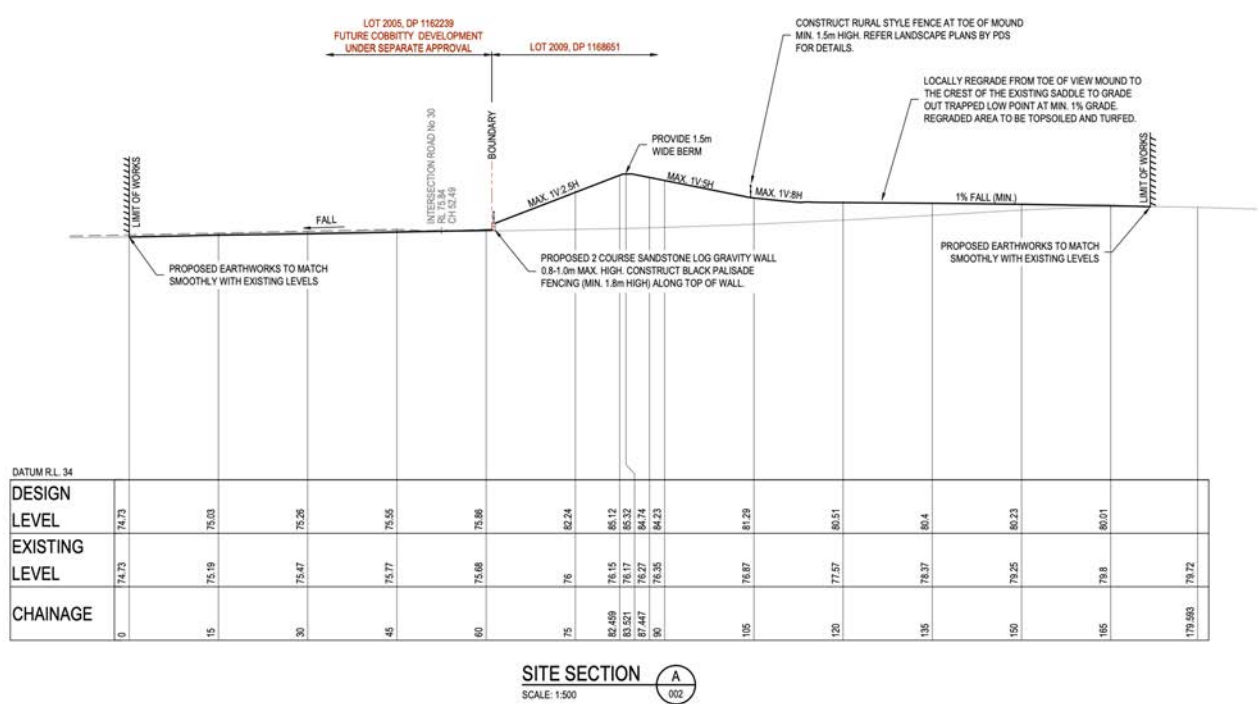
## **Comment**

The proposal generally retains and respects the exceptional cultural significance of the site. The rural landscape with its network of low and high ridges and hills surrounding the valley is an important aspect of the exceptional setting and significance of the Denbigh estate. The proposed view mound is located within areas of exceptional to high aesthetic significance on the southern boundary of this estate. Modification of the existing low broad ridge through the addition of a continuous raised mound will have some impact on the visual integrity of the existing setting of the Denbigh estate, particularly the homestead and outbuildings group (core curtilage). However, this proposed mound aims to protect this setting from proposed adjacent development.

The homestead complex will be preserved in its landscape setting as the centrepiece of the Denbigh property. The mound on the low ridge will generally protect and preserve the rural landscape setting of the place. Impacts on the rural setting in relation to the extent of fill and cut have been addressed in section 6 below. The views to the low ridgeline along the southern boundary of the Denbigh Estate will be altered by the construction of the mound. However, the impact of this proposal will be to protect the significant rural setting and views from the core curtilage as identified in the 2006 Curtilage study.

The height of the proposed mound reaches a maximum of approximately 8.92 meters above natural ground level (see Plan 004 of the proposal). The excavation to the south of the mound reaches more than 4.5 metres at its deepest point (see Plan 002 of the proposal). These modifications should provide the required visual screening of future developments on Lot 2005, south of the Denbigh Estate.

In the following figure, the height of the mound at the ridgeline is 8.91 meters above the existing level. The difference in elevation between the proposed ridge and new ground level to the south of the mound may exceed 8.91 metres (dependent upon the extent of cut on Lot 2005). When viewed from Lot 2005, there is a possibility that the mound may appear as a highly engineered landform. Some of this impact would be ameliorated by the proposed landscaping and natural appearance of the proposed ridge which remains consistent with and interprets the high and low points of the existing topography. Therefore, the mound would potentially appear convincing as a ‘natural’ landform and not at odds with the rural character and natural topography that surrounds the Denbigh Estate.



**Figure 5.1:** Site Section A (Plan 003, Site regrading Sections 01 of 02)

The design parameters for the future development immediately south of the mound include single-storey dwellings (having an approx. maximum height of 6 metres), and two-storey dwellings (having an approx. maximum height of 8.5 metres) elsewhere. It is proposed the dwellings will be situated according to the ‘Maximum Building Height Heat Map,’ submitted as part of the proposal. It is envisioned that no development will be visible from the selected viewpoints in the core curtilage. Any retaining walls or fences will also not be visible from the core curtilage.

The proposed design has been considered by the owners of Lots 2008 and 2009, the Denbigh Estate and is supported subject to the recommendations in this report.

### 5.3 CMP Section 5.2.6 CLUNY HILL

#### Policy 2.6.1

*The rural context, careful siting as entry marker (or 'gatehouse'), and carefully articulated views and links that Cluny Hill has with its setting and Denbigh must be retained and respected. (Refer Figure 5.1). This should happen regardless of the ownership or occupancy of the respective properties.*

*Of particular importance are the subtle but powerful visual links and associations Cluny Hill has with the Denbigh homestead group. The landscape setting of Cluny Hill plays a key role in this and must be retained and managed to respect these links.*

*Should further linkages be considered, either in terms of tracks, paths or landscape elements, they should where possible, be based on historic precedents.*

#### Comment

The setting of Cluny Hill will be modified to its south and east and it will no longer be perceived as occupying the high point at the end of the ridge since the ridge will be modified with the addition of the mound to extend this high point eastwards. The setting of Cluny Hill on an elevated location acted as a marker / gatehouse on the former Hassall driveway from Cobbitty Road. This will be adversely affected to some extent on the southern approach.

### 6.1 IMPACTS WITH REGARD TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 (SRGC SEPP)

| <i>SRGC SEPP controls</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>Assessment</i>                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 1 Preliminary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                  |
| <b>1.2 Aims of Precinct Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                  |
| <p>The aims of this Precinct Plan are—</p> <ul style="list-style-type: none"> <li>(a) to make development controls for land in the Oran Park and Turner Road Precincts within the South West Growth Centre that will ensure the creation of quality environments and good design outcomes, and</li> <li>(b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of those Precincts, and</li> <li>(c) to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and</li> <li>(d) to promote housing choice and affordability in those Precincts, and</li> <li>(e) to provide for the sustainable development of those Precincts, and</li> <li>(f) to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.</li> </ul> | <p>The proposal will not have a significant negative impact on the built and landscape heritage of the site. Impacts against the same have been discussed within section 5 and within this section of the report.</p>                                                                            |
| <b>Part 2 Permitted or prohibited development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                  |
| <b>2.1 Land use zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                  |
| <p><b>2.3 Zone objectives and land use table</b></p> <p>(1) The Land Use Table at the end of this Part specifies for each zone--</p> <ul style="list-style-type: none"> <li>(a) the objectives for development, and</li> <li>(b) development that may be carried out without consent, and</li> <li>(c) development that may be carried out only with consent, and</li> <li>(d) development that is prohibited.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The project area is zoned R1 and E4 and requires consent for the erection of the view mound.</p> <p>The mound is located within Lots 2008 &amp; 2009. These lots are zoned for Environmental Living.</p> <p>The excavation / cuts are limited to Lot 2005, zoned for General Residential.</p> |

## Part 5 Miscellaneous Provisions

### 5.10 Heritage conservation

#### (1) Objectives

The objectives of this clause are—

- (a) to conserve the environmental heritage of the Oran Park Precinct and the Turner Road Precinct, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

#### (2) Requirement for consent

Development consent is required for any of the following—

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

#### (3) When consent not required

However, consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
  - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

#### (3AA) Effect on heritage significance

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

The proposal will not have significant negative impacts on the heritage significance of the place. The impacts of the proposal have been assessed against the 2006 Curtilage Study and 2008 CMP.

While the proposed mounds will be substantial in themselves and will raise the height of the ridgeline, their purpose to protect and preserve the exceptionally significant setting and character of the Denbigh estate is justified. Impacts in relation to the height and design of the earthworks have been discussed in detail within the sections 5, 6 and 7 of this report.

The proposal includes erection of a view mound on an item listed in the Schedule 5: Environmental Heritage of the SRGC SEPP and therefore requires consent.

This HIS assesses the impact of the proposal against the 2006 Curtilage Study and 2008 CMP, and against the planning controls in the DCP that have been based upon the policies and guidelines of the Curtilage Study and the CMP. These impacts have been summarised in Section

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 7: Summary Conclusion of the impact of the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>(4) Heritage impact assessment</b></p> <p>The consent authority may, before granting consent to any development on land—</p> <ul style="list-style-type: none"> <li>(a) on which a heritage item is situated, or</li> <li>(b) within a heritage conservation area, or</li> <li>(c) within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>                                                                                                                                                                                                            | See above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>(5) Heritage conservation management plans</b></p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The 'Denbigh Curtilage Study' 2006 and the 'Denbigh Conservation Management Plan,' 2008 are two primary management documents for Denbigh estate. The 2006 Curtilage Study is submitted with this report. Design 5 are the authors of both management documents and are well acquainted with the conservation issues and policies that are relevant to the current proposal. The planning controls have been based upon the policies and guidelines of the Curtilage Study and the CMP. Assessment of impacts against these has been included within this HIS.</p>            |
| <p><b>(6) Archaeological sites</b></p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act</i> applies):</p> <ul style="list-style-type: none"> <li>a) notify the Heritage Council of its intention to grant consent, and</li> <li>b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</li> </ul>                                                                                                                                                                                                                                                    | <p>An 'Aboriginal Heritage Due Diligence Assessment' was prepared by Kelleher Nightingale Consulting in February 2022. The study concludes that no Aboriginal archaeological objects were found within the project area on the Denbigh Estate and that the proposed works to construct a mound can proceed with caution.</p> <p>If any Aboriginal objects are found during the course of the proposed works, including excavation, they must be recorded, assessed and conserved in accordance with the Heritage Act, and relevant National Parks and Wildlife legislation.</p> |
| <p><b>(7) Places of Aboriginal heritage significance</b></p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance—</p> <ul style="list-style-type: none"> <li>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and</li> <li>(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent, and</li> <li>(c) be satisfied that any necessary consent or permission under the <i>National Parks and Wildlife Act 1974</i> has been granted.</li> </ul> | <p>The assessment against the relevant policies in the 'Denbigh Curtilage Study,' 2006 and 'Denbigh Conservation Management Plan, 2008 has shown that the proposal would not have significant negative impacts on the significance of the site. The proposal would not have significant adverse impacts on the natural setting of the place and aims to protect the rural character of the place in the wake of future development on Lot 2005.</p>                                                                                                                             |
| <p><b>(9) Conservation incentives</b></p> <p>The consent authority may grant development consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The assessment against the '2006 Curtilage Study and 2008 CMP has shown that the proposal would not have significant</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

- development for that purpose would otherwise not be allowed by this Precinct Plan if the consent authority is satisfied that—
- (a) the conservation of the heritage item is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

negative impacts on the significance of the site.

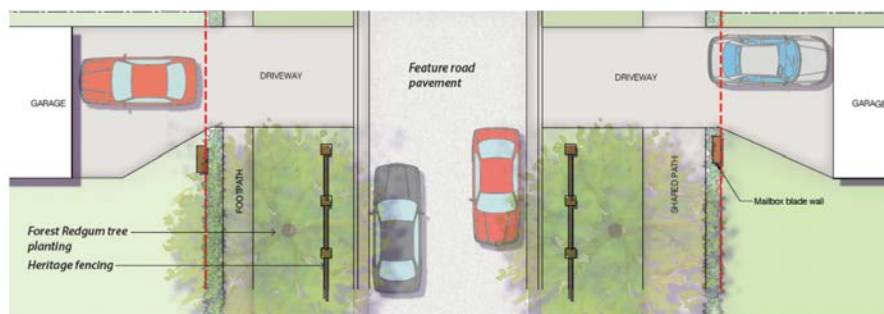
## 6.2 IMPACTS WITH REGARD TO PROPOSED AMENDED ORAN PARK PRECINCT DEVELOPMENT CONTROL PLAN (DCP 2007)

| <i>DCP controls</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>Assessment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Part A - Precinct Wide DCP</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>5. Special Area Design Principles</b><br><b>5.4 Denbigh Transition Area</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>a. To protect and enhance the heritage curtilage of the Denbigh Homestead.</li> <li>b. To provide a visual buffer to the Denbigh Homestead and to provide a 'green' backdrop to the residential areas.</li> <li>c. To ensure development within the Transition Area is constructed in an environmentally responsive manner.</li> </ul> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>1. The Denbigh Transition Area is shown in the figure at Appendix B. Council shall not grant consent for any development within the Denbigh Transition Area (except for the land adjacent to Cobbitty Road), unless the development is for the purposes of remediation, environmental landscape works or other minor works that, in the opinion of Council, do not predetermine an outcome on the land covered by the Part B amendment. Council may grant consent if it is satisfied that appropriate development controls are in force in the form of a Part B DCP.<br/><i>Note: The exact boundary between the Transition Area and the residential area to the east is to be determined following detailed analysis of slopes and other site constraints.</i></li> <li>2. The Part B DCP must be prepared in consultation with the NSW Heritage Council. Future development within the Denbigh Transition Area is to be consistent with the following principles: <ul style="list-style-type: none"> <li>– residential subdivision is to be in the form of large lots to reflect the rural character of the area,</li> <li>– the ridgeline is to be revegetated with appropriate endemic species so as to provide a dense visual buffer,</li> <li>– retention and enhancement of vegetation identified on Figure 27, where possible,</li> <li>– existing significant trees, in particular large hollow bearing Eucalypts, are to be retained,</li> <li>– riparian corridors are to be protected and revegetated,</li> <li>– ridge top areas that are subject to landslip are to be protected from development. Subject to detailed design,</li> </ul> </li> </ol> | <p>The proposal will generally protect the heritage curtilage of the Denbigh Homestead in response to the future developments on Lot 2005.</p> <p>The construction of a view mound for the purpose of screening new developments to the south of the mound and to provide a green backdrop to the residential areas is permitted within the Part B of the DCP. This is contingent upon the planning controls in the Part B of the DCP relating to the protection and retention of the cultural significance of the Denbigh estate and for subdivision works permitted to the south of the mound. Impacts of the proposal against the same have been discussed below.</p> <p>Subdivision of Lot 2005 and the layout of any new developments are not part of this assessment and will be subject to a separate HIS submitted with the relevant DA.</p> <p>Retention of existing trees as recommended in the DCP may not be viable owing to the location and extent of cut and fill being proposed.</p> <p>No Aboriginal archaeological conservation areas have been identified within the project site. However, every effort should be made to achieve the objectives of Control 2.</p> <p>The assessment of the design of the dwellings within the Transition area will be subject to a separate HIS in the future.</p> |

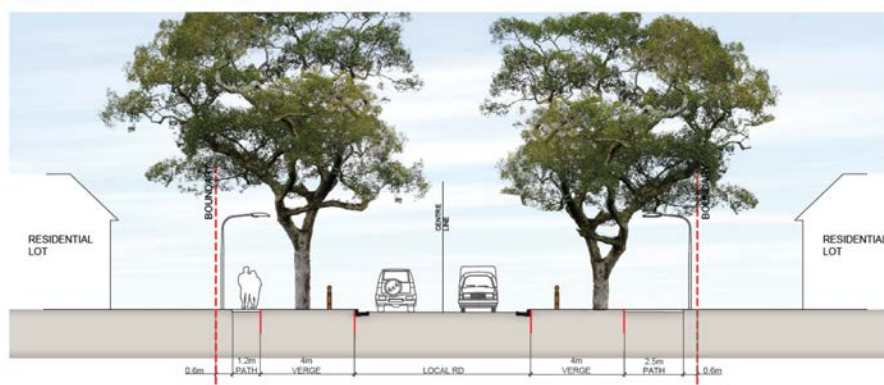
- areas of soil creep are to be restricted from development. All areas of landslip and soil creep are to be revegetated,
- ongoing management of any Aboriginal archaeological conservation areas,
  - bush fire hazard is to be minimised and APZs and fire trails provided where necessary, and
  - roads and cuttings are to be minimised.
3. The visual impact of dwelling houses within the Transition Area is to be minimised through appropriate siting, landscaping, and the use of materials and colours sympathetic to a rural environment.
  4. Subdivision DAs within the Transition Area are to be accompanied by a Vegetation Management Plan. The Plan is to address weed removal, proposed revegetation and ongoing tenure and maintenance of the ridgeline vegetation buffer.
  5. A landscape buffer shall be provided on both sides of the original alignment of the entrance driveway to the Denbigh Homestead (i.e. from The Northern Road). The buffer is to be a total of 40m wide and at least 10m on any one side (measured from the edge of the existing road alignment to any new adjacent road reserve alignment). The buffer shall be appropriately landscaped to reflect the rural landscape character of the approach to the Homestead. Uses or activities within this buffer, and any development immediately adjacent to this buffer, are to respond to the heritage values of the entrance driveway alignment.
  6. A tree lined boulevard with widened verges facilitating planting and shared pedestrian and vehicle access shall be provided along the alignment of the Former Hassall Road (i.e. entrance from Cobbitty Road) to ensure that this historic connection to the Denbigh Homestead is not compromised. The driveway is to be designed generally in accordance with **Figure XX** (Hassell Driveway Concept Layout) and **Figure XX** (Hassell Driveway Cross Section).

A Maintenance Plan is being submitted with this DA and addresses the maintenance of the revegetated ridge as outlined in the Landscape Masterplan.

The mound will obscure that part of the former Hassall driveway that exists within the project site. Design for a feature road pavement with 4m wide verges on either side was submitted with the earlier proposal to make amendments to the DCP and has been incorporated as control 6. A boulevard designed in accordance with the concept layout and cross section (extract from the DCP included below) will have a positive impact on the interpretation of the driveway. The final design and alignment of such a feature corridor will be part of a future development and its impacts on the cultural significance of the former Hassall driveway should be assessed at that stage.



**Figure XX: Hassell Driveway Concept Layout**



**Figure XX: Hassell Driveway Cross Section**

**Figure 6.1:** Extract from proposed amended Oran Park Precinct DCP Part B showing Hassell Driveway Concept.

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| <p><b>6. Environmental Management</b><br/> <b>6.4 Aboriginal and European Heritage</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To protect and manage areas and elements of identified Aboriginal and European archaeological heritage of the precinct.</li> <li>2. To incorporate elements of Aboriginal and European heritage within the redevelopment of the precinct.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>1. Aboriginal Archaeological Conservation Areas are identified <b>Figure 24</b>. Development shall not proceed within these areas without appropriate investigation and consultation with the relevant local Aboriginal groups and until a Plan of Management has been prepared that addresses the ongoing management of any archaeological deposits within the Conservation Areas.</li> <li>2. Interpretive signage, that provides information on the history and heritage significance of the sites, is to be provided within the public domain areas.</li> <li>3. Items of European heritage significance are shown at <b>Figure 25</b>. Prior to any development that affects these items, an assessment of heritage significance is to be undertaken which addresses the significance assessment criteria contained in the <i>NSW Heritage Manual</i>. An applicant is to demonstrate to Council how any proposed development responds to identified archaeological constraints. If any relics are to be retained <i>in situ</i>, an applicant is to outline all management measures to ensure ongoing protection of the relics.<br/> <i>Note: A Part B DCP will be required prior to development in the Denbigh Transition Area. See Section 5.4 and Appendix B of this DCP for further details.</i></li> <li>4. Development within the curtilage of the Oran Park House as shown on <b>Figure 25</b> shall be designed having regard to the following: <ul style="list-style-type: none"> <li>– limiting the visibility of the development from the Oran Park House, or</li> <li>– where development will be visible from the Oran Park House, public views are provided to the House and building design and form has regard to the setting and significance of the House and its surrounds.</li> </ul> </li> </ol> | <p>The proposal would not have negative impacts on the European heritage of the site. Impacts against the setting of these items have been discussed within section 5 and 6.1 of this report.</p> <p>Aboriginal Archaeological Conservation Areas are located outside the Denbigh estate. The impacts on Aboriginal heritage have been discussed in Section 6.1 of this report.</p> |
| <p><b>Part B: Site Specific DCPS</b><br/> <b>3 - Denbigh Transition Area</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>1.2 The Purpose of this Part</b><br/> The purpose of this part is to outline the vision for the Denbigh Transition Area and facilitate development sensitive to the curtilage of the Denbigh property as shown in Figure 1.</p> <p><b>1.3 Relationship to Oran Park Part A DCP 2007</b><br/> Development in the Denbigh Transition Area should be consistent with the following:</p> <ul style="list-style-type: none"> <li>• – the provisions of this Part B DCP, and</li> <li>• – the relevant sections and clauses of the Oran Park Part A DCP 2007, including, but not limited to, Clauses 5.4 and 6.4 and Section 7.0. Where an inconsistency exists, provisions within a Part B DCP prevail over Part A.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The Denbigh Transition Area map has been included within Section 1 of this report. The project site is part of the Denbigh Transition Area and the design of the mound should comply with the relevant controls mentioned in the DCP. Compliance issues are discussed in detail within this section.</p>                                                                         |
| <p><b>2.1 Vision for the Transition Area</b><br/> The vision for development within the Denbigh Transition Area is to achieve a site responsive transition between residential development and the existing heritage curtilage of the Denbigh homestead. The Transition Area will be developed in a manner which respects the cultural significance of the homestead curtilage and seeks to retain its rural context and setting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The view mound generally complies with the objectives of the Control 2.1 and 2.2. The mound will obscure potential visual impacts of the future development on the heritage curtilage of Denbigh homestead. It is envisioned that any residential development within the project site will be bound to height</p>                                                                |

Residential homes will be of a character which provides a transition between the areas of residential development to the south and the rural context of the Denbigh curtilage.

## 2.2 Development Objectives

The objectives of this part are to:

1. To respect the heritage curtilage of Denbigh.
2. To obscure the visual impact of development within the Denbigh Transition Area when viewed from the Denbigh homestead and associated rural outbuildings.
3. To retain and respect the rural context and setting of the Denbigh homestead.

controls based upon the heatmap in DA Plan No. 500.

The desired character of the residential homes within the project site / transition area and how these achieve a balance with the rural context of the Denbigh curtilage and the future residential developments to the south will have to be assessed within the relevant future DA.

## 3.0 Denbigh Viewscape Precincts

The existing Denbigh curtilage is separated from the proposed residential development within the Transition Areas of Oran Park Precinct by a natural ridgeline which extends along the northern, eastern and southern boundaries of the heritage curtilage area, generally creating an amphitheatre setting.

The height and boundary relationship of this ridgeline changes along its length, resulting in a number of different visual interface outcomes on the Denbigh homestead and associated rural outbuildings from future development within the Transition Area.

In the preparation of this Part B DCP, detailed cross sectional diagrams were prepared along the length of the ridgeline surrounding the Denbigh homestead to understand the relationship with future development in different parts of the Transition Area. The preparation of these cross sections identified three viewscape precincts along the length of the ridgeline being the northern, central and southern viewsapes. These are discussed in detail below and shown in Figure 2.

The project site is part of the Southern Viewscape Precinct. Landforming strategies of fill and cut to modify the ridgeline are permissible within the DCP to achieve desired screening of future development.

The Viewscape Precinct diagram has been included within Section 1 of this report.

## 3.3 Southern Viewscape Precinct

The Southern Viewscape Precinct is situated along the southern boundary of the Denbigh curtilage. In this area, the existing ridgeline encompasses more gently sloping land than the Northern and Central Viewscape Precincts, and the ridgeline falls within the Transition Area and the Denbigh curtilage.

The ridgeline location and height within this area do not provide complete screening of residential development within the Transition Area.

To obscure the visual impact of residential development, whilst facilitating suitable development, the topography of the ridgeline may require modification. The provision of an earth mound within the Denbigh curtilage and the Transition area, in conjunction with some site re-grading in the Transition Area and adjacent Residential Area, will provide adequate visual screening along this portion of the ridge line.

Further detail relating to the height and location of an earth mound along the ridgeline are provided in the following sections of this Part B DCP. The provision of this earthmound to screen housing and better define the ridgeline is also referred to as land forming in this document and is considered to be environmental landscape works under Section 5.4 of the Part A DCP.

## 4.0 Subdivision Works

### 4.1 Southern Ridgeline Treatment

#### Objectives

- a. To allow modification of the landform, either prior to or in conjunction with the subdivision of the land, within the Denbigh curtilage and the Southern Viewscape Precinct to completely obscure the visual impact of development when viewed from the Denbigh homestead.
- b. The modifications to the landform are to respond to and strengthen the existing topography and screen views of residential dwellings from the Denbigh homestead and associated rural buildings.

The purpose of the view mound generally complies with the objectives.

The height of the proposed mound reaches a maximum of approximately 8.92 meters above the natural ground level (see Plan 004 of the proposal). The excavation to the south of the mound reaches more than 4.5 metres below the ground levels at its deepest point (see Plan 002 of the proposal). The land from resulting from this cut and fill should provide the required

- c. To provide suitable ridgeline landscaping to enhance the ridgeline.

#### Controls

1. Residential subdivision is to be in the form of large lots to reflect the rural character of the area.
2. A Development Application incorporating a land forming strategy which provides a landscaped earth mound along the ridgeline is to be prepared either prior to, or in conjunction with, the first Development Application for school buildings or for subdivision to create residential allotments within the Transition Area adjoining the Southern Viewscape Precinct area (Refer to Figure 3).  
The strategy must include view lines and detailed cross sections from the Denbigh homestead and associated rural outbuildings demonstrating that houses in the Transition Area will not be visible above the top of the mound.
3. Land forming within the Southern Viewscape Precinct may provide for a landscaped earth mound, to obscure the visual impact of development when viewed from the Denbigh homestead. Screening is to be achieved through a combination of earth mounding and cut / retaining walls on the residential side of the ridge line (Refer **Figure 4a** and **Figure 4b**).  
**Figure 3** identifies the indicative location of earth mounding along the ridgeline.  
The maximum slope of the northern batter of the earth mound is to be 1:8 at the foot of the batter and 1:5 at the ridgeline.  
The earth mound is to be formed generally in accordance with the cross sections shown in **Figure 4a** and **Figure 4b**.
4. Any development consent for the landscaped earth mound along the ridgeline, referred to in Controls (2) and (3), should include:
  - a. a detailed as-built survey to be undertaken upon completion of the earth mound to confirm that the combination of earth mounding and cut / retaining walls on the residential side of the ridgeline achieves a total minimum screening height of 6.0m,
  - b. the determination, using cross sections of view lines projected from the Denbigh homestead over the top of the completed earth mound, of lots requiring the imposition of a height control to ensure that no part of the building on the lot will be higher than the relevant projected view line,
  - c. the calculation, using the projected view lines, of the maximum height of a building on each and every lot requiring a height control, expressed as a Relative Level (RL) based on Australian Height Datum (AHD), and
  - d. the creation of a 'restriction as to user' in a S.88B instrument on each and every lot which is subject to a height control, specifying as a RL the calculated maximum height of a building on the lot.
5. Any land forming or mounding is not to obstruct the Hook and Hassall driveway alignments.
6. Any Development Application which incorporates the ridgeline earth mound, whether or not including residential allotments in the Transition Area, is to include the following, prepared by suitably qualified and experienced consultants:
  - a. a Concept Landscape Plan for the ridgeline mound which demonstrates the intended ridgeline landscaping treatment, utilising a random natural planting of the ridgeline vegetation buffer (refer to Figure 4a, Figure 4b, Figure 5a and Figure 5b), and
  - b. a Maintenance Manual which demonstrates the manner in which the Denbigh side of the mound is managed for a two (2) year establishment period, to ensure a consistent visual buffer and rural outlook is achieved when viewed from the Denbigh homestead and associated rural outbuildings.

visual screening of future developments on Lot 2005, south of the Denbigh Estate.

The design of the mound generally includes the tapered transition at its base as described in Control 3 and shown in Figures 4a, 4b, 5a and 5b in Part B3 of the DCP. A gradual slope of 1:6 to 1:5 is proposed for the ridgeline, and the slope at the foot of the batter ranges from 1:6 to 1:8. The mound is envisioned to "match smoothly with the existing levels."

Based upon an analysis of the cross sections in the proposal, a minimum screening height of 6m appears to be achievable.

The height restrictions for the future residential development on Lot 2005 are identified in Plan No. 500.

The mound will conceal the alignment of the Hassall driveway within the project site. However, its presence should be interpreted in the design and configuration of the plantings on the mound along the original driveway alignment as an extension to the design approach presented by the concept layout included as part of Control 6 Part 5.4 Denbigh Transition Area.

No areas of significant vegetation exist within the project site (which largely excludes the Lot 2005). However, it is recommended that retention of existing mature trees within the project site should be preferred over their removal.

The Landscape Masterplan being submitted as part of the proposal includes revegetation of the ridgeline mound with a combination of grassed areas for use as pasture at the foot of the mound and areas with native shrubs, trees, grasses and groundcovers. This composition of green elements will potentially ameliorate any negative visual impacts that the height of the mound will have on the natural setting of the Denbigh estate. Low native grasses, native evergreen shrubs and groundcovers are proposed to the south of the mound's ridgeline. The overall composition of vegetation will potentially allow better screening of light and sound from the future residential development on Lot 2005. This will be dependent upon the density of screening achieved over the years in accordance with the Landscape Masterplan and the Maintenance Manual.

The Maintenance Program lists maintenance tasks and their aims for a two-year establishment period.

According to the Landscape Masterplan, a livestock fence / barrier is proposed at the crest of the mound's ridgeline. The fence and fence lines strengthen the agricultural / pastoral nature of the Denbigh estate. The height and design of the fence depicted in the section on drawing LA-06 should be in accordance with

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <ol style="list-style-type: none"> <li>7. The Concept Landscape Plan in (6)(a) above must propose the revegetation of the ridgeline mound with appropriate species to achieve a natural visual buffer. Details of proposed species to be used must be included in landscaping plans.<br/>Landscaping of the mound must utilise endemic species and be of an appropriate density and mix of grasses, groundcovers, shrubs and trees to present as a wooded ridgeline screening views from Denbigh and associated rural outbuildings to new houses beyond.<br/>Planting must be undertaken as part of the earth mound works and completed prior to the occupation erection of any dwellings.</li> <li>8. The Maintenance Manual in (6)(b) above should include details on stock control, weed removal, replacement of sick or dead plants, and fence repair, as well as appropriate procedures for certification at completion and handover to the Denbigh owners.</li> <li>9. Landscaping works are to incorporate a timber post and rail open rural style fence with stock / dog- proof wire netting, minimum height 1.35m and maximum 1.5m, along the property boundary or top of the ridgeline earth mound compatible with existing rural fencing on the Denbigh curtilage. No other fence style is permitted, including solid timber, metal or masonry fencing.<br/>Timber fencing is to be maintained in a natural timber colour and not painted white or similar colour.</li> <li>10. Where possible, areas of significant vegetation along the Denbigh curtilage ridgeline as shown in Section 6.6 Figure 24 of the Oran Park DCP must be retained and enhanced.</li> <li>11. Despite Control 1, land forming may not be required if the development application for subdivision demonstrates that appropriate land forming exists on adjoining land to adequately meet the objectives of this clause. Appropriate cross sections are to be included with the development application to support any argument that land forming is not required on the subject site.</li> <li>12. No sheds, gazebos or other outbuildings or structures are permitted to be constructed on the Denbigh side of the mound.</li> </ol> | <p>the Control 10 and should respect the cultural significance of the Denbigh estate.</p> <p>Both the north and south faces of the mound exist wholly within Lots 2008 &amp; 2009, part of the Denbigh estate. This places the control of the mound with the estate owners.</p>                                                                                                                                                                                                                                                                  |
| <p><b>4.2 Road Design</b></p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>a. To obscure the visual impact of road design and users on views from the Denbigh homestead and associated rural outbuildings during the day and night.</li> <li>b. To allow for the construction of rural style roadways within the Transition Area.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>1. Roadways are to be designed and constructed in a manner which obscures the visual impact of the road and vehicles on views from the Denbigh homestead and associated rural outbuildings.</li> <li>2. Roadways adjacent to the curtilage boundary are to be constructed a minimum of 1.5m below the maximum RL of the ridgeline relevant to the location of the road (either natural or land forming level, whichever is greater), to reduce the impact of headlights from vehicles when viewed from the Denbigh homestead and associated rural outbuildings.</li> <li>3. The ridgeline interface road as shown in Figure 6 is to be designed in accordance with Figure 7.</li> <li>4. Where appropriate, roadways are to be designed to respond to steep topography with road gradings of up to 10% being acceptable.</li> <li>5. Street lighting is to incorporate hoods or other appropriate design treatment to minimise impacts of ambient light haze as much as possible on views from the Denbigh Homestead and associated rural outbuildings (subject to achieving relevant Australian Standards and confirmation from service authorities).</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Any roadways adjacent to the mound are more than 1.5m below the maximum RL of the ridgeline of the mound.</p> <p>It is unlikely that any headlights will be visible from the Denbigh core curtilage since minimum screening heights of 6 metres have been achieved throughout the length of the mound. However, this will be dependent upon proposed subdivision and the extent of regrading on Lot 2005 in future DAs.</p> <p>Controls 3, 4 and 5 should be addressed at the relevant design stages for future developments on Lot 2005.</p> |

## **5.0 Residential Development**

### **5.1 Building Height Controls**

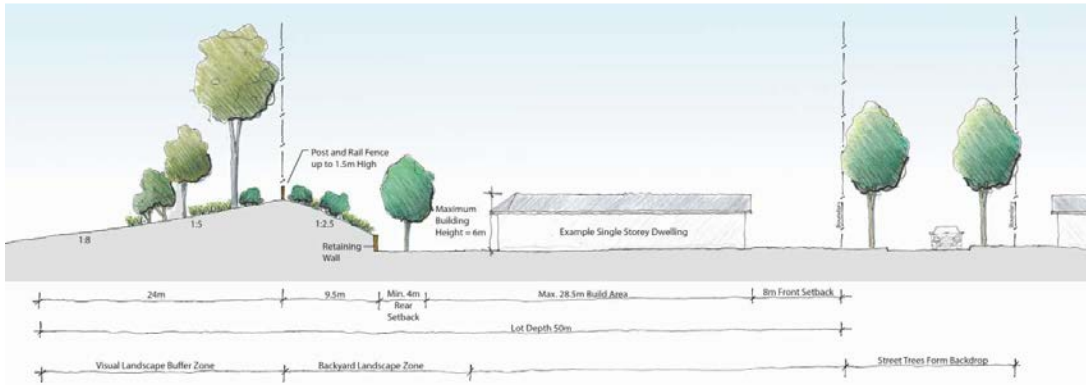
#### **Objectives**

- a. To obscure the visual impact of dwellings within the Transition Area when viewed from the Denbigh homestead and associated rural outbuildings.
- b. To allow housing which responds to the setting and context of the transition land through minimising building heights.

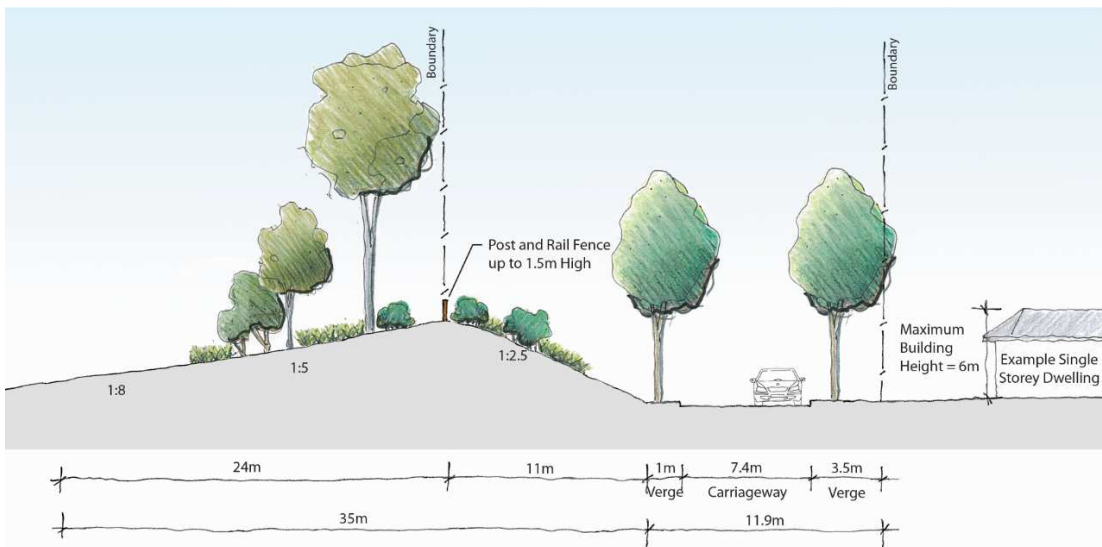
#### **Controls**

1. Dwellings within the Transition Area as shown in Figure 3, must be designed to ensure that the roof line of the dwelling does not protrude above the height of the adjoining ridgeline / earth mound as demonstrated in Figure 5a and Figure 5b.
2. Dwellings directly backing on to the ridge line in the Southern Viewscape Precinct must be constructed to maintain the appearance of a single storey dwelling when viewed from the rear of that property as shown in Figure 4a.  
Basement garages will be permitted where it can be demonstrated that the dwelling will achieve a single storey design at the rear building setback.

Future developments within the Transition Area and the rest of Lot 2005 will be subject to height restrictions as presented in the Plan No. 500. According to this map generally single and double storey dwellings will be allowed along the road adjoining the southern face of the mound. The design guidelines outlined in Controls 1 & 2 should continue to be followed as part of any future developments on Lot 2005.



**Figure 4a:** Indicative Earth Mound Option – Large Lots Backing on to Landscaped Screen Mound



**Figure 4b:** Indicative Earth Mound Option – Roadway Adjoining Landscaped Screen Mound



**Figure 5a:** Indicative Earth Mound Elevation (Transparent)



**Figure 5b:** Indicative Earth Mound Elevation with Landscaping

**Figure 6.2:** Extract from Oran Park Precinct DCP Part B showing view mound and landscaping options.

#### 5.4 Residential Cut and Fill

##### Objectives

- a. To allow for appropriate and reasonable levels of cut and fill associated with the construction of residential development.
- b. Encourage dwellings to be sensitively located to ensure minimisation of site works during construction.

##### Controls

1. The maximum amount of cut and fill on a residential allotment adjoining the Denbigh curtilage ridgeline is generally limited to 2m (excluding basement garages). A variation to the retaining wall heights can be considered with supporting justification.
2. Any cut or fill must be designed and undertaken in a manner which does not impact on the structural integrity of the earthmound.
3. All retaining walls proposed are to be identified in the development application.
4. All retaining walls and footings are to be wholly contained within the allotment.
5. Retaining walls are to be designed and constructed to allow installation of boundary fencing without impact on the structural integrity of the retaining wall and its footings.

The levels of cut on the allotments (as suggested by the proposal and shown in Plan 002) adjoining the ridge ranges from 0m to more than 4.5m. The extent of the cut differs from what is permissible in the DCP. However, such a deviation allows greater flexibility in achieving the development objectives for Lot 2005.

#### 6.0 Former Hook and Hassall Driveways

This clause is to be read in conjunction with Clause 6.4 of the Oran Park DCP 2007.

##### Objectives

- a. To provide for appropriate conservation and interpretation of the Former Hook and Hassall Driveways.
- b. To minimise the visual impact of development on the alignment of the Former Hook and Hassall Driveways.

##### Controls

1. Any development application for subdivision which includes the Former Hook and Hassall Driveways must be accompanied by:
  - a. An assessment of heritage significance with corresponding management measures (such as a Heritage Assessment / Heritage Impact Statement prepared by a suitably qualified and experienced heritage consultant / heritage landscape consultant) in accordance with Clause 6.4 of the Oran Park DCP 2007,
  - b. A Landscape and Visual Analysis identifying the key landscape and visual qualities of the Former Hook and Hassall Driveways alignment and any measures proposed to protect and enhance the qualities of the alignment through appropriate landscape design, species selection, development setbacks or other measures, and
  - c. A detailed Landscape Plan, prepared by a suitably qualified and experienced heritage consultant / heritage landscape consultant, for the Former Hook and Hassall Driveway corridor indicating proposed species, planting densities and maturity of stock.
2. Residential development adjoining the alignment of the Former Hook and Hassall Driveway must be appropriately setback in accordance with the recommendations of the reports referred to in Control 1 above.

The Former Hook and Hassall Driveway must be landscaped with appropriate species to preserve and enhance its heritage qualities, in accordance with the Conservation Management Plan for Denbigh and the Heritage Curtilage Study by Design 5 Architects, and the assessment of heritage significance and landscape and visual analysis required under this Clause.

The proposed mound will conceal the former Hassall driveway immediately east and south-east of Cluny Hill, but not to the north of the project area where the original Hassall drive descends towards the Denbigh homestead group. However, its presence can be interpreted in the design and configuration of the planting on the mound.

The landscape interpretation of the Hassall Driveway in accordance with Figure XX and Control 6 Part 5.4 Denbigh Transition Area of the proposed amended DCP will help interpret this historic connection to the Denbigh estate.

The interpretation plan suggests appropriate species to be planted within the wide verges. The desired boulevard character for the corridor will interpret the existing rural character of Lot 2005 and is supported.

It is important that this interpretation of the Hassall driveway follows its original alignment. This alignment must be included as part of future development proposals for Lot 2005. The assessment of the final design of the proposed Hassall driveway corridor as part of future developments on Lot 2005 should be assessed at the relevant stage.

## 7.1 SUMMARY CONCLUSION OF THE IMPACT OF THE PROPOSAL

The proposed view mound is generally respectful of the cultural significance of the Denbigh estate and the setting of its core curtilage that includes the Denbigh homestead and outbuildings group. The proposed earthworks are substantial in themselves, but with appropriate design and landscape treatment these have the potential to blend with the existing topography, and be an acceptable addition to the low ridge that forms the southern enclosure of the amphitheatre setting of the Denbigh core curtilage.

The proposed earthworks aim to balance the objectives of the DCP, CMP and the Curtilage Study for the 'Denbigh Transition Area' in anticipation of future development on Lot 2005. To ameliorate potentially adverse impacts of the extent of land forming, the mound design includes the following design features:

- The proposed ridgeline generally respects and interprets the high and low points of the existing topography to achieve a naturalistic appearance.
- A gradual integration of the batter with the adjoining rural pastures at the foot of the mound. A gradual slope of 1:6 to 1:5 is proposed for the ridgeline, and the slope at the foot of the batter ranges from 1:6 to 1:8.
- A landscaped mound with a combination of scale and type of native species planted to ameliorate potentially negative visual impacts of the height of the mound.

The extent of cut and fill proposed appears to achieve a minimum screening height of 6m for the future development. This eliminates future possibility of roof lines, streetlights or car headlights being visible from the Denbigh core curtilage. Height controls as per this proposal generally allow for single and double storey dwellings within the transition area. Two-storey dwellings and higher will be achievable for the rest of the Lot 2005. This will also be dependent upon the subdivision proposed and the extent of regrading proposed on Lot 2005 as part of any future DAs.

Design 5 recommends the approval of the proposal based upon the following recommendations:

1. The proposed amended DCP does not include any height restrictions for the mound. Such restrictions were part of the earlier iteration of the document and were carefully derived to deter highly engineered land forming. If in future any design modifications to the land forming in the current DA are proposed the mound height must not exceed the maximum included in the current design.
2. The mound will conceal the alignment of the Hassall driveway within the project site. However, its presence should be interpreted in the design and configuration of the plantings on the mound with the original driveway alignment flanked by large red gums. This should be designed as an extension of the Hassall driveway concept included as part of Control 6 Part 5.4 Denbigh Transition Area of the proposed amended DCP.
3. It is noted that the excavation shown within the project site may not permit the retention of existing trees. However, wherever possible the retention of existing mature trees should be preferred over their removal as recommended in the DCP.
4. This HIS assesses the impacts of the current design of the view mound and the extent of cut and fill proposed within the project site. The heatmap (Plan 500 of the proposal) is based upon these factors and shows the potential extent of single and two-storey dwellings on Lot 2005. If the height restrictions differ in any future DAs as part of any subdivision proposed on Lot 2005, this should not adversely impact on the cultural significance of the Denbigh Estate.
5. The amendments to the DCP considered in this report are limited to the Southern Viewscape Precinct as identified in the DCP.

In summary the proposal generally supports the vision of the proposed amended Oran Park Precinct DCP 2007, the SRGC SEPP 2006 and is generally respectful of the policies and guidelines of the 2006 Curtilage Study and 2008 CMP. We support the proposal based upon the recommendations mentioned above.

A handwritten signature in black ink that reads "Alan Croker". The signature is written in a cursive, flowing style.

Alan Croker  
Principal and Director  
Design 5 – Architects