

## SYDNEY WESTERN CITY PLANNING PANEL

Panel No:	2017SSW061.
DA Number:	2017/1526/1
Local Government Area:	Camden.
Proposed Development:	Use and development of land for a new 6 storey commercial building, basement car parking and associated site works and landscaping.
Street Address(es):	Part Lot 4 DP 270899 Oran Park Drive, ORAN PARK
Applicant:	Greenfields Development Company No.2 Pty. Ltd.
Owner:	Perich Property Pty Ltd
Number of Submissions:	Nil.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	General development capital investment value >\$30 million.
List of All Relevant s4.15(1)(a) Matters:	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• State Environmental Planning Policy No 55 - Remediation of Land.</li> <li>• Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.</li> <li>• Camden Development Control Plan (DCP) 2011.</li> <li>• Oran Park Development Control Plan (DCP) 2007.</li> </ul>
Does the DA Require Special Infrastructure Contributions Conditions (s7.24)?	Yes.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> <li>• Assessment report.</li> <li>• Growth Centres SEPP Assessment Table.</li> <li>• Oran Park DCP Assessment Table.</li> <li>• Camden DCP Assessment Table.</li> <li>• Recommended conditions.</li> <li>• Proposed plans.</li> <li>• Correspondence from Transport NSW.</li> <li>• Correspondence from the Roads and Maritime Services.</li> </ul>

	<ul style="list-style-type: none"> <li>Correspondence from the Camden Local Area Command.</li> <li>Applicant's written request for a contravention to a development standard.</li> </ul>
Report Prepared By:	Mathew Rawson, Executive Planner
Report Date:	26 June 2018

### Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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### Legislative Clauses Requiring Consent Authority Satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
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### Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the Growth SEPP) has been received, has it been attached to the assessment report?	Yes
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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (s7.24)?	Yes
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### Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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## PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (The Panel's) determination of a development application (DA) for a commercial development at Pt Lot 4, Oran Park Drive, Oran Park.

The Panel is the consent authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the capital investment value (CIV) of the proposed development is \$31 292 000. This exceeds the estimated development cost threshold of \$30 million for Council to determine the DA.

## SUMMARY OF RECOMMENDATION

That the Panel determine DA/2017/1526/1 for a commercial development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

## EXECUTIVE SUMMARY

Council is in receipt of a DA for a commercial development at Pt Lot 4, Oran Park Drive, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011.	The Panel is the determining authority for this DA as the proposed development has a CIV of \$31 292 000 which exceeds the CIV threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	The proposed development is permitted with consent in the applicable B2 Local Centre zone. The proposed development is consistent with the zones' objectives and generally compliant with the other matters for consideration except for the height of buildings development standard which the applicant has requested a variation to.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).	The DA was referred to the Roads and Maritime Services for comment pursuant to the ISEPP and the comments received have been considered.
State Environmental Planning Policy No 55 - Remediation of Land.	Council staff have assessed a Contamination Assessment Review which detailed the previous assessment reports and documents relevant for the site including phase 2 detailed contamination assessment. Council staff are satisfied that the site is suitable for the proposed development.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP).	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 17 to 30 November 2017. No submissions were received.

The proposed development has been assessed against the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP), Camden Development Control Plan (DCP) 2011 and the Oran Park Development Control Plan (DCP) 2007. The development is mostly compliant with these planning policies and controls in that it will provide an appropriate mix of employment generating land uses for the site that will contribute to the overall development of the Oran Park

Town Centre. The development is also mostly consistent with the area specific development controls of the Oran Park Development Control Plan 2007.

The application has been accompanied by a traffic report and information in support of the proposal. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

Through the assessment of the DA the applicant has provided amended plans that have improved the interface of the proposed development with the adjoining at-grade car park and the public domain. Additionally, the applicant has removed blind aisles from level B1 of the basement car park, and agreed to the imposition of conditions relating to additional landscape planter boxes over the basement ventilation. Overall, a reasonable balance will be achieved between attractive, articulated and landscaped frontages, requirements for servicing vehicles and commuter parking whilst maximising pedestrian linkages within the development site.

The applicant proposes a variation to clause 4.3 of the Growth Centres SEPP. The Growth Centres SEPP details a maximum height of 24m however, the proposed development has a maximum height of 28.15m. A request to vary the development standard has been submitted in support of the application. The variation is assessed in detail in this report and is supported by Council staff.

The applicant proposes a variation to Control 1 in Section 7.3 of Part B1 Oran Park Town Centre of the Oran Park DCP. The DCP sets out a 4 storey building envelope for this site however 6 storeys are proposed. The variation is assessed in detail in this report and is supported by Council staff.

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

### **COMPLIANCE WITH KEY PLANNING CONTROLS**

<b>Control</b>	<b>Proposed</b>	<b>Variation</b>
24m maximum building height.	28.15m maximum building height.	4.15m variation requested (17%).
258 car parking spaces.	319 car parking spaces.	None.
4 storey building envelope.	6 storeys.	2 storey variation requested (50%).
3m ground floor minimum ceiling heights.	4.2m.	None.
2.7m minimum ceiling heights for all other levels.	2.7m.	None.
Podium Way DCP minimum setback = 0m.	1.4m to upper floors	None.
Western Road frontage DCP minimum setback is not specified.	4.8m setback provided.	None.

## AERIAL PHOTO



Figure 1: Aerial Photo.

## THE SITE

The subject site forms part of a large existing land parcel which incorporates the balance of the Town Centre land, and is legally described as Part Lot 4 DP 270899.

The development site is situated on the western side of Oran Park Drive, and the southern side of Podium Way which is currently under construction.

The site is currently gently sloping from the edge of the existing temporary car park to Julia Creek reserve.

Oran Park Town forms part of the South West Growth Centre, and was rezoned in December 2007. Since rezoning, the Oran Park Town project has delivered over 2,500 residential homes, Stage 1 of the Town Centre retail component, Camden Council administration building, the Camden Council library building which is under construction and significant open space and recreational facilities.

The development site is zoned B2 Local Centre under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP).

The site is bordered by Podium Way (which continues on to be Main Street) to the north, Oran Park Drive to the east, Peter Brock Drive to the south and the Julia Creek (urban waterway reserve) and planned Youth & Recreation Centre and skate park to the west.

The site is highly accessible to both local and regional vehicular movements given its proximity to Oran Park Drive and Peter Brock Drive. Vehicular access to the site will be achieved via the new access roadway proposed under a separate DA. (DA/2017/1525/1).

Julia Creek, which forms the western boundary, is part of an extended off-road pedestrian and cycle pathway network, providing a key north-south connection through Oran Park Town from South Creek in the north to Kolombo Creek in the south. This will ensure high levels of pedestrian and cycle accessibility to the commercial building and surrounding precinct.

The surrounding area is characterized by a mix of residential, commercial and community land uses, as summarized below:

- To the north of the development site is Podium Way. Immediately north of the Podium Way is the indicative site of the planned Oran Park Train Station recently announced as part of the draft South West Rail Link Extension.
- To the east of the development site is an at-grade car park on the land set aside for the rail corridor. Further east, stage 1 of the Oran Park Town Centre retail component has been constructed together with the Town Park, with the Camden Council Administration Building and Library beyond.
- To the south of the development site is land identified for mixed use development in the Oran Park Town Centre section of the DCP bordered by Peter Brock Drive. Beyond Peter Brock Drive is low density residential development being one and two storeys in form.
- To the west of the development site is a planned local street which provides vehicular access to the proposed development. Beyond this street is land identified for mixed use development in the Oran Park Town Centre section of the DCP and bordered by the Julia Creek Riparian Corridor. Beyond Julia Creek is medium density residential development being two storeys in form, with Oran Park Public School to the north and the Julia Creek Community Centre, Skate Park and public open space land to the south.





Figure 2: Aerial Photo showing the surrounding context.

## MASTERPLANS

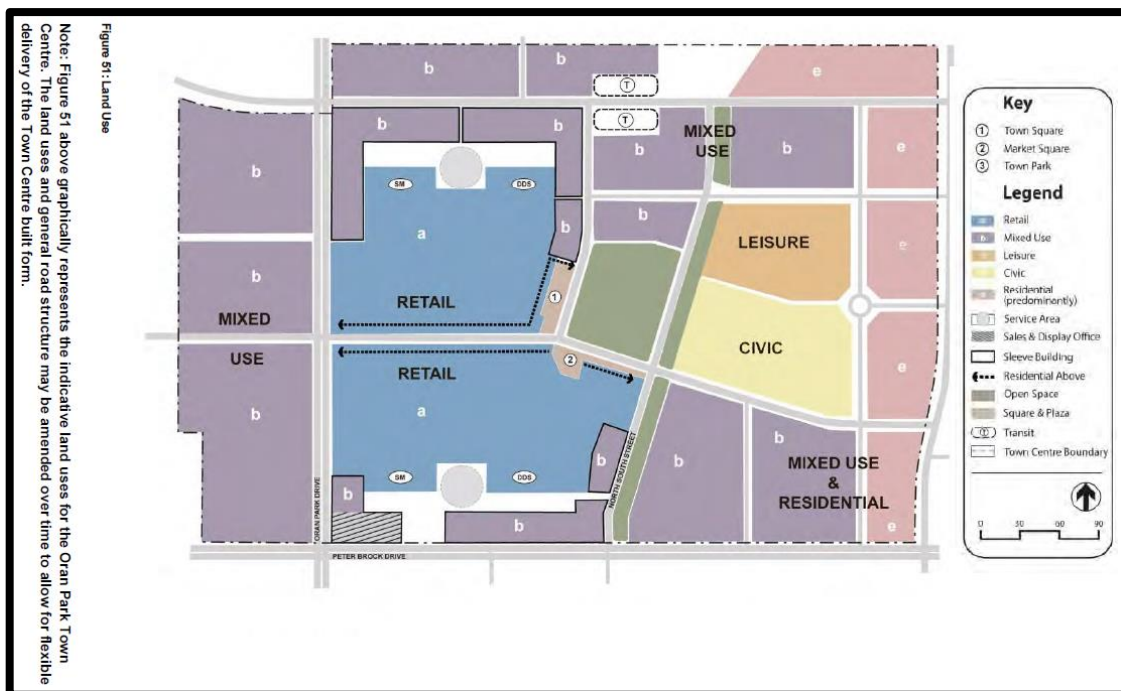


Figure 3: Structure Plan from Oran Park DCP.

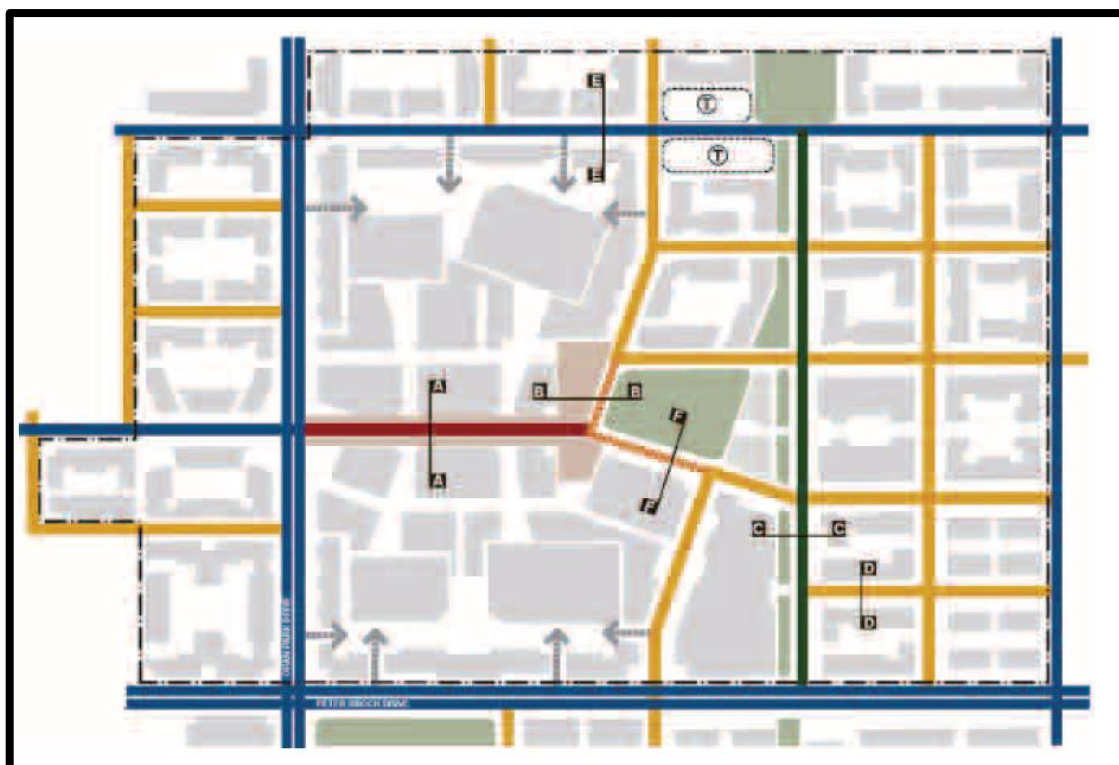


Figure 4: Street Hierarchy from Public Domain Manual

## **BACKGROUND**

The relevant development background of the site is summarized in the table below:

Application No.	Development
DA/2017/1438/1	Subdivision of one lot to create five residue lots.
DA/2017/1525/1	Subdivision to create two lots and construction of a road.
DA/2017/1763/1	Reconstruction of a temporary carpark to accommodate 125 vehicles, 5 bike parking racks, provision of kerb and guttering and landscaping works.

A separate subdivision Development Application (DA) has been assessed which will amend the description and land area to create the future development site (DA/2017/1438/1). This DA will result in subdivision of existing Part Lot 4 to create proposed Lot 8, being the Tranche 8 development site the subject of this DA, shown below:



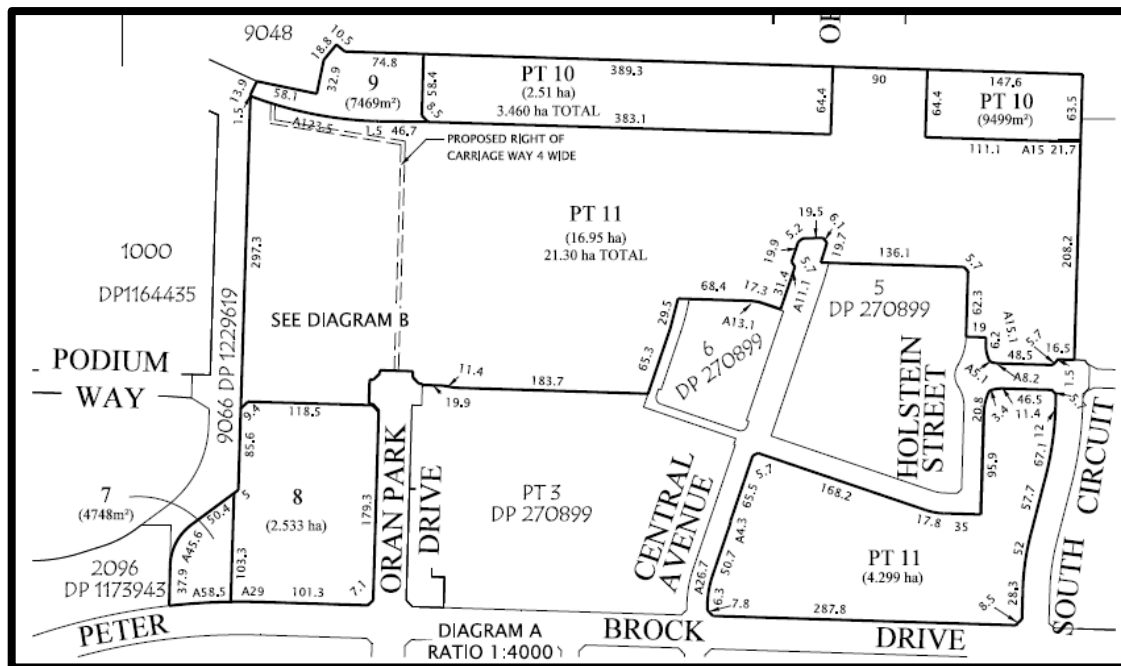


Figure 5: Approved subdivision pattern under DA/2017/1438/1. Subject shown as Lot 8.

A further DA has also been approved (DA/2017/1525/1) which results in the subdivision of the proposed Lot 8 to create 2 lots, including the development site proposed Lot 2, and construction of an access roadway and associated streetscape landscaping and services.

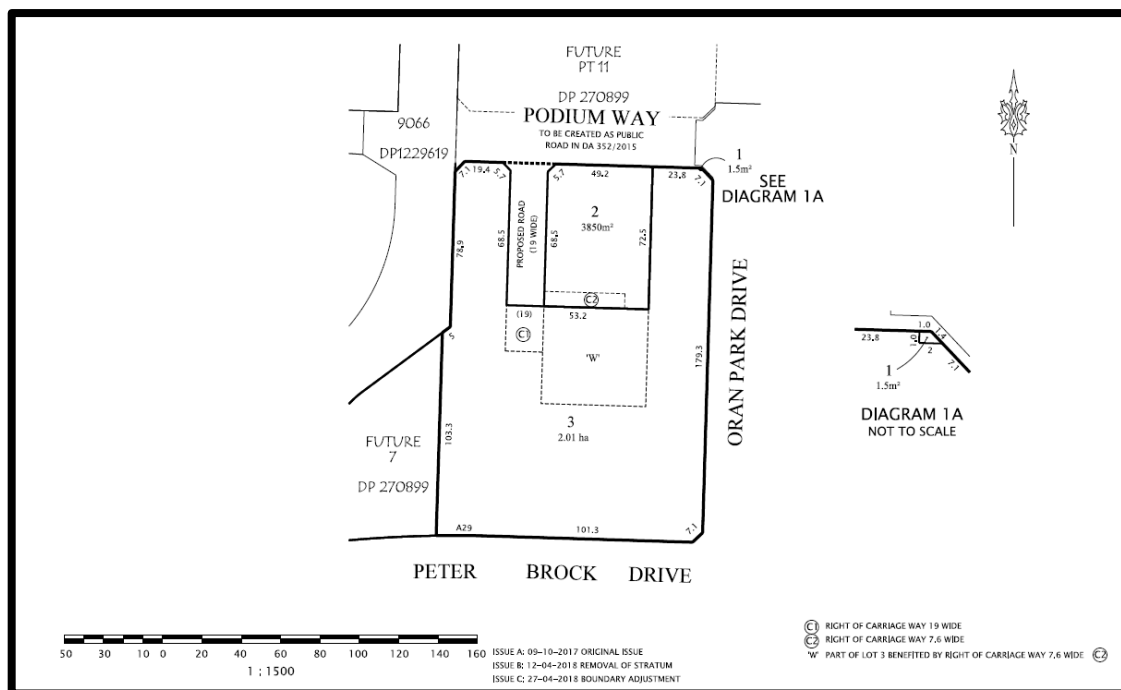


Figure 6: Approved subdivision pattern under DA/2017/1525/1. Subject shown as Lot 2.

As such, the development site will be located on proposed Lot 2 in a subdivision of proposed Lot 8 once these subdivisions have been registered. The consent for the subject DA will be subject to a condition of consent that prohibits the release of any Occupation Certificate until the release of a Subdivision Certificate for DA/2017/1525/1 as the commercial building's access is located from this proposed road.

Additionally, an application (DA/2017/1763/1) has been received for the formalization of the existing at grade car park east of the development site and above the future rail corridor, (plan extract shown below). This application is still under assessment at the time of the writing of this report.



Figure 7: Proposed formalization of the at-grade car park east of the development site under DA/2017/1763/1.

## **THE PROPOSAL**

DA/2017/1526/1 seeks approval for the construction and use of a commercial development.

Specifically, the proposed development involves:

- Erection of a six storey commercial building with a total Gross Floor Area of 10,307m<sup>2</sup>;
- Three-storey basement car park incorporating a total of 319 vehicle spaces, 20 motorcycle spaces and 56 bicycle spaces;
- Landscaped roof-top terrace;
- Two lockable bike storage areas being located on levels 2 & 3 of the basement car park;
- Employee “End of Trip” facilities including showers and bathroom facilities;
- Landscaping works;
- Dedicated loading/delivery dock area; and
- Operating hours between 7am to 10pm, Monday to Sunday.

The DA seeks approval for the construction and use of the building as described above. The internal fit outs for the tenancies within the building will be subject to either separate DAs or Complying Development Certificates (CDCs).

The estimated cost of the proposed development is \$31.292 million.

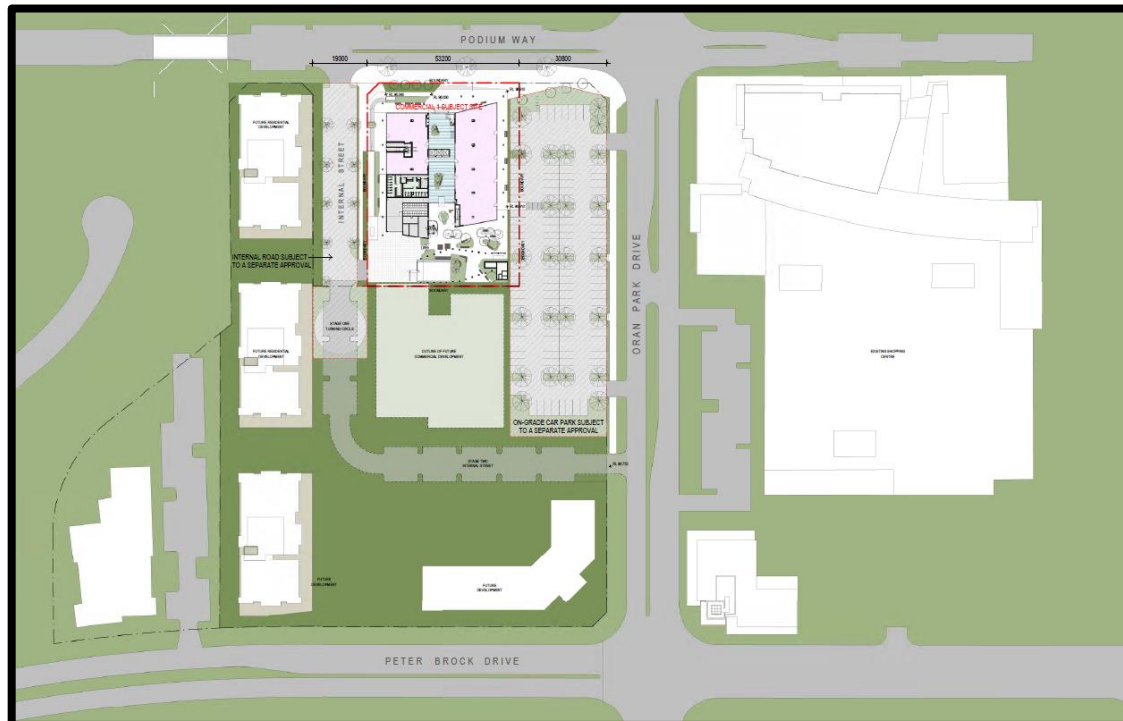


Figure 8: Site Context Plan.



Figure 9: Site Plan





*Figure 10: North-western Perspective.*



*Figure 11: South-eastern Perspective.*



Figure 12: Southern perspective.

## **ASSESSMENT**

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

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

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

The environmental planning instruments that apply to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 – Remediation of Land.
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

#### **State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)**

Pursuant to Schedule 7 of the SEPP, the Panel is the determining authority for this DA as the proposed development has a CIV of \$31.292 million which exceeds the CIV threshold of \$30 million for Council to determine the DA.

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

##### ***Site Zoning***

The development site is zoned B2 Local Centre pursuant to Appendix 1, Clause 2.2 of the Growth Centres SEPP.

**Note:** Portions of the lot are zoned R3 Medium Density Residential. However, no development is proposed upon these portions of the lot under the subject DA.

##### ***Land Use Definitions***



The proposed development is defined as an “office premises” by the Growth Centres SEPP.

### *Permissibility*

Office premises are permitted with consent in the B2 zone pursuant to the land use table in Appendix 1 of the Growth Centres SEPP.

An assessment table in which the proposed development is considered against the Growth Centres SEPP is provided as an attachment to this report.

### *Proposed Building Height and Consideration of Clause 4.6 Variation Request*

The proposal has a maximum building height of 28.15m which equates to a 4.15m (17%) departure to the 24m maximum permitted building height. Accordingly, the applicant has sought a variation to this development standard under Clause 4.6

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with Clause 4.6(3) the applicant requests that the height of buildings development standard be varied. The applicant’s written request is attached to this report. The request has put forward the following key points in relation to demonstrating that compliance with the development standard is unreasonable and unnecessary.

*“The most common and appropriate manner of demonstrating that compliance is unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.*

*The objectives of the height of buildings standard at Clause 4.3 are as follows:*

- (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*

*Comment: The proposed commercial building has been designed in conjunction with the preliminary Concept Plan for the balance of the Tranche 8 development area. The key element of this objective is addressed below:*

### *Solar Access*

*Detailed solar access diagrams have been prepared and submitted with the Development Application which demonstrate that the building will not impact on solar access to planned residential apartment buildings to the west.*

*Furthermore, the design and orientation of the building has ensured that high levels of streetscape solar access will be maintained to planned and existing roadways and footpath areas.*

### *Bulk & Scale*

*The bulk and scale responds to the both the existing Town Centre built form and the desired vision, scale and character of the Oran Park Town Centre. The proposed building is similar in bulk & scale to the large scale mixed-use retail / commercial building on the eastern side of Oran Park Drive, adjacent to the site.*

*The building design specifically responds to the site-specific design considerations and consistent with the principles of building height in the adopted DCP, concentrates building height on a prominent street corner.*

*The building form and setbacks have also been designed to specifically reflect this transition. The western portion of the building, closest to the residential edge has a setback of 6.3m, with the eastern portion of the building providing a reduced setback of 2.7m.*

*This modulation in building setbacks ensures that there is a coordinated and transitional approach to building form and setbacks leading in to the Town Centre along Holden Drive.*

*(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*

*Comment:* *Clause 7.3 Building Envelopes / Bulk & Scale of the Oran Park Town Centre Part B4 DCP addresses building height modulation and building envelopes within the Town Centre precinct.*

*Development Control (2) of Clause 7.3 provides guidance on the appropriate locations for high quality building form and height stating that Prominent street corners should be reinforced in a visual context through concentrating building height and built form.*

*The proposed building is situated on a prominent street corner along Holden Drive, in close proximity to the Oran Park Drive Main Street intersection.*

*Given that the land to the east is to be retained for a future rail line, the built form on this site should reflect its importance in anchoring built form on the western edge of Oran Park Drive.*

*The building design specifically responds to the site-specific design considerations and concentrates building height on a prominent street corner and is appropriate in its context when considered against the objectives and controls for building heights listed in the DCP.*

*(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*

*Comment:* *The proposal does not seek approval for any residential components and as such, this objective is not applicable.*

*(d) to provide appropriate height controls for commercial and industrial development.*

*Comment: The main building form of the commercial building generally achieves compliance with the specified maximum building height.*

*The requested variation relates to internal atrium roof and the need to provide access to the roof top terrace area.*

*The discussion above has also demonstrated that this subject site is an appropriate location for the built form, as it will frame a prominent Town Centre street corner.*

*As such, the proposal is consistent with the objective to deliver site appropriate height controls."*

The applicant also outlines the following key environmental planning grounds particular to the proposed development and site context:

- *The proposal is consistent with the objectives of the zone and the objectives of the height control.*
- *The proposal does not result in any overshadowing impacts of either planned residential sites or streetscape areas.*
- *The proposed atrium significantly enhances environmental performance and amenity of the building for future employees and workers.*
- *The subject site is a significant corner within the Town Centre context, with the bulk and scale of the building responding to surrounding existing and planned development.*

The environmental planning grounds put forward by the applicant are supported, compliance with the building height standard would be unreasonable, and unnecessary in this instance.

The proposal results in a preferable outcome on the site as compared to a strictly compliant scheme. The height variation does not result in the presence of any additional gross floor area (GFA), but instead creates a superior indoor environment for occupants through the provision of a naturally lit atrium. Additionally, building occupants are provided with external landscaped areas in the form of a rooftop terrace area.

The incorporation of the internal atrium and rooftop terrace area is a preferred environmental planning outcome than simply providing for a compliant height. These aspects of the development which are responsible for the variation to the height of buildings standard significantly enhance the environmental performance and amenity of the building for future employees and workers.

Consequently, it is recommended that the Panel support this proposed variation to the Growth Centres SEPP.

#### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

##### *Roads and Maritime Services (RMS)*

The DA was referred to the RMS for comment pursuant to Clause 104 of the ISEPP as, pursuant to Schedule 3 of the ISEPP; the proposed development is classed as traffic generating development.

The RMS advised that:

*“Roads and Maritime has reviewed the submitted application and advises that Council should be satisfied that the traffic generation from the proposed development will not have a detrimental impact on the local road network.”*

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with the conclusions.

#### *Transport NSW and the Draft South West Rail Link Extension*

Transport for NSW has sought public feedback on the recommended passenger rail corridors for the North South Rail Line and South West Rail Link Extension by 1 June 2018.

The proposed development is adjacent to the proposed rail corridor, see extract from the online mapping tool showing the Oran Park station in yellow and the rail corridor in green.

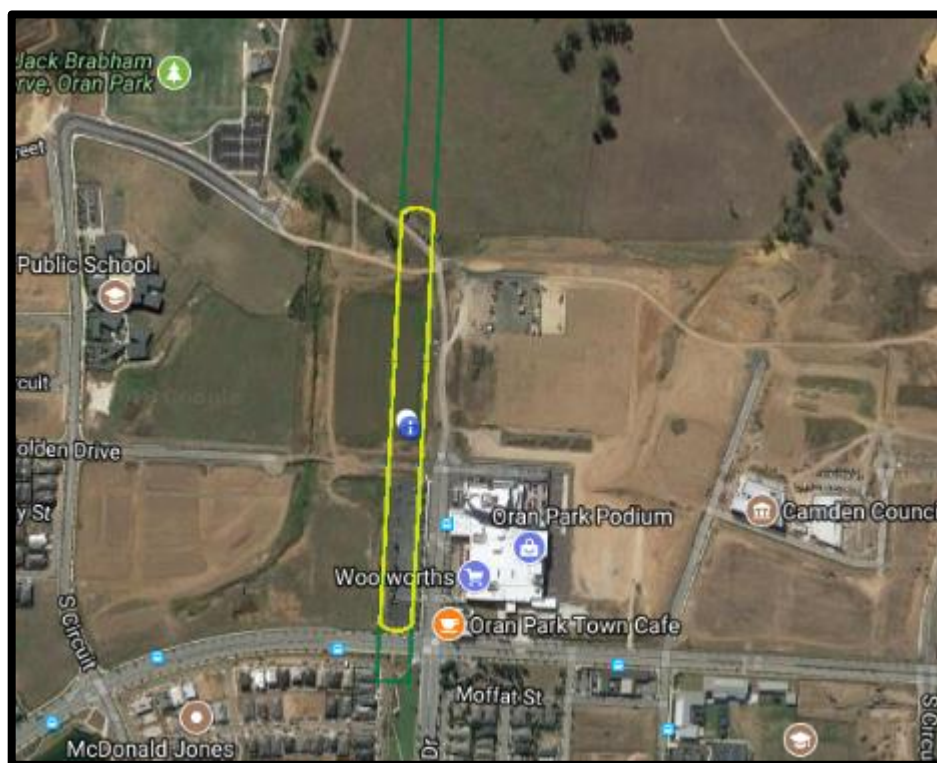


Figure 13: Extract from Transport NSW's exhibition material.

It is noted that Clauses 85 and 86 of the ISEPP do not apply to the DA, as the rail corridors only exist in draft form for public comment. However, the DA was referred to Transport NSW for comment. Transport NSW advised that:

*“No comments are provided at this stage however it would be appreciated if Council imposes a condition of consent that requires the proponent to continue to liaise with Transport for NSW prior to and during construction.”*

Accordingly, a condition will be imposed on the consent requiring continued liaison prior to and during construction.

#### State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The applicant has submitted a Contamination Assessment Review which detailed the previous assessment reports and documents relevant for the site including phase 2 detailed contamination assessment. This review found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed the documentation and support its findings.

A standard contingency condition (unexpected finds) is recommended that requires any contamination ] found during construction to be managed in accordance with Council's Management of Contaminated Lands Policy.

#### Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

The proposed development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures and water pollution control devices have been proposed as part of the development.

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

#### Draft State Environmental Planning Policy (Environment)

The purpose of the draft SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

The Draft Environment SEPP is not yet considered imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance. Regardless, the proposed development complies with the requirements of the Deemed SEPP 20 criterion.

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

The development controls plans that apply to the proposed development are:

- Camden Development Control Plan 2011.
- Oran Park Development Control Plan 2007.



### Camden Development Control Plan 2011 (Camden DCP)

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

### Oran Park Development Control Plan 2007 (Oran Park DCP)

An assessment table in which the proposed development is considered against the Oran Park DCP is provided as an attachment to this report. Discussion regarding the variations sought to the building envelope and minimum Green Star rating controls is outlined below.

#### *Proposed Variation No 1 – Building Envelope*

The proposed development seeks a variation to the 4 storey building envelope control contained in Control 1 in Section 7.3 of Part B1 Oran Park Town Centre of the Oran Park DCP:

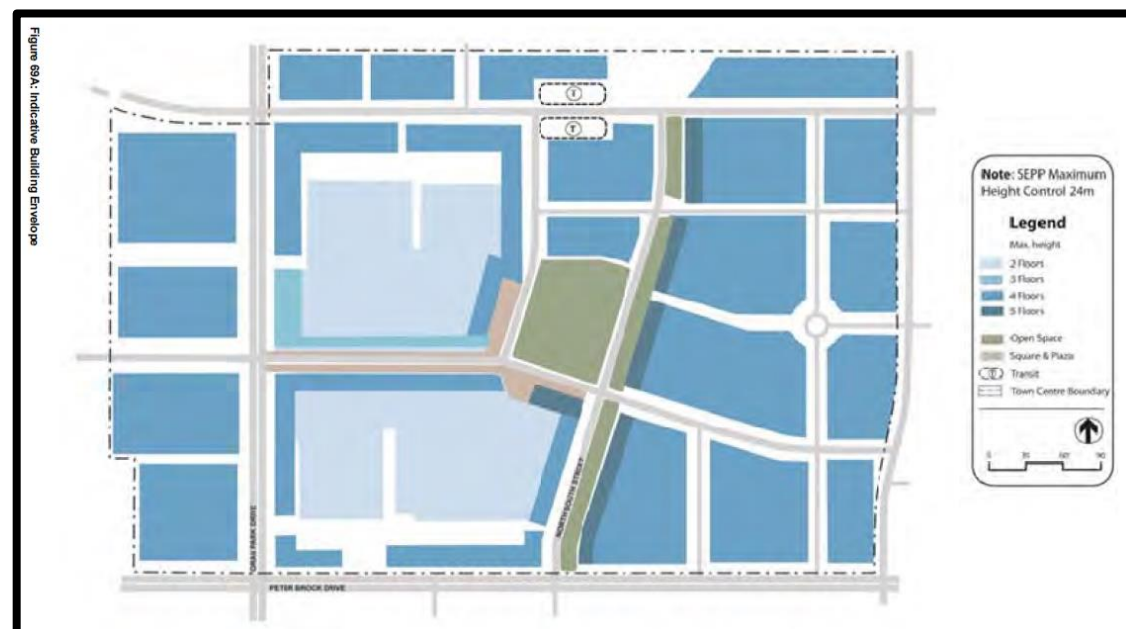


Figure 14: Indicative Building Envelope Plan from Oran Park DCP.

#### *Applicant's Variation Justification – Building Envelope*

"The proposal includes a minor variation to the permissible SEPP building Heights to accommodate the internal atrium roof structure and roof top plant and machinery. This has been addressed in detail in Section 5.2 of the SEE and the detailed Clause 4.6 Variation request submitted with the application."

#### *Variation Assessment – Building Envelope*

The objectives for the building envelope control are:

- To ensure that the bulk and scale of future development responds to the desired vision, scale and character of the Oran Park Town Centre and surrounding development.
- To encourage a variety of building heights within the Town Centre which respond to the site specific design considerations.

- *To embody buildings with flexibility in their use over time.*

In accordance with clause 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979 there must be flexibility in the application of DCP provisions to allow reasonable alternative solutions that achieve the relevant objectives.

It is considered that the proposed development remains consistent with the objectives of the control given that:

- The proposed development represents a response to the changing vision of the Oran Park Town Centre following the recent announcement of the South-West Rail Link Extension Corridor and the proposed location of the Oran Park train station to the north of the subject site.
- The proposed building scale would result in the introduction of additional variety in building heights within the town centre. The existing building heights within the town centre are:
  - Stage 1 of the retail component – 4 storeys at the street frontage.
  - Oran Park Sales building – 2 storeys with a 4 storey clock tower.
  - Camden Council Administration Building – 3 storeys
  - Oran Park Library – 2 storeys.

As such the introduction of a 6 storey building in such a key intersection is considered to introduce new variety in building heights at an appropriate location in the town centre.

- The proposed development is considered to respond to the site-specific design considerations, most prominently is the development's concentration of scale and employment generating land uses in close proximity to the recently announced Oran Park train station indicative location.
- The proposed development's larger scale has led to increased tenancy floor plates that provides for greater flexibility in their use over time. The increased floor area as a result of the increased scale allows for the co-location of commercial/office floor space.

#### *Proposed Variation No. 2 – Green Star Rating*

The applicant has not submitted certification that the building's design has reached a minimum 4 Green Star rating from the Green Council of Australia. The applicant has also indicated they are unwilling to accept the requirement to obtain this certification for the Green Council of Australia as part of the conditions of consent.

#### *Applicant's Variation Justification – Green Star Rating*

"Environmental Sustainability and internal office comfort have formed key elements in the design of the proposed building.

Architectural features, such as the full height internal atrium, delivers natural lighting and ventilation to all levels of the building. These features significantly enhance long term employee amenity and environmental sustainability for the proposal. The inclusion of the large scale internal atrium will allow the building to achieve a Class A office space rating, bringing architectural, environmental design and delivery to Oran Park Town Centre.

To assess sustainability outcomes, the proponent has adopted the site-specific sustainability criteria which were prepared for 'Attachment B' in consultation with the Department of Planning, Landcom, Camden Council and the Oran Park Town project team. The sustainability controls are considered more appropriate to the Western Sydney context of the subject site than adopting a standardized target of the 4 Star Green Star rating.

A detailed Environmental Sustainability Report has been prepared by Thermal Environment which demonstrates that the proposed building either meets, or exceeds all of the sustainability measures and criteria listed in the Sustainability DCP which forms Attachment B. The report also addresses compliance with Section J of the BCA, which sets out a range of measures that requires buildings to be constructed to reduce greenhouse gas emissions.

The report meets the objectives and intent of the sustainability measures of the Part B DCP, being to ensure the new commercial building achieves an appropriate level of environmentally sustainable design.

Requiring strict compliance with the private Green Star system is not considered warranted in this circumstance.

We further note that all buildings delivered within the Oran Park Town Centre to date have successfully adopted and implemented the Part B DCP Sustainability Measures.

It is considered appropriate to maintain a consistent approach to sustainability assessment throughout the Town Centre."

#### *Variation Assessment – Green Star Rating*

The objectives of this control are:

- To ensure all new Retail, Commercial and Mixed Use buildings achieve a minimum level of environmental sustainable design and meet statutory benchmarks in sustainable development.

It is considered that the proposed development's architectural design and the measures outlined in the Environmental Sustainability Report adequately achieve an acceptable level of environment sustainable design which is far superior to the minimum statutory benchmarks of Section J of the BCA. These measures include, but are not limited to:

- Installation of 6 star WELS rating taps and urinals,
- Implementation of rainwater harvesting from the 110 000L below ground rain water tank,
- All timber used for the development to be sourced from Forest Stewardship Council (FSC) certification scheme or reused source,
- The appointed head contractor to divert 90% of the construction and demolition waste as per the DCP requirements.
- Active modes of transport will be encouraged on site, by providing access facilities such as:
  - Bike racks,

- Visitor bike racks,
- End of trip facilities (showers, changing amenities with appropriate drying space and lockers), and
- Parking space for fuel efficient vehicles or small cars.

Consequently, it is recommended that the Panel support these two proposed variations to the Camden DCP.

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

The site falls within land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011.

The Oran Park VPA provides for infrastructure and associated facilities within the Oran Park Town project, in lieu of payments under the Oran Park & Turner Road Precinct Section 94 Contributions Plan.

The site is located within Stage F, as identified in the VPA (Refer Figure 3 Below). The delivery of facilities and infrastructure is required based on lots for residential purposes, commercial development does not trigger any requirement thresholds.

The Proposal is consistent with the land use and development outcomes, infrastructure/facilities provision and staging outcomes prescribed under the Oran Park VPA. The proposed development will not trigger any deliverables nor impinge on the capacity of any of these requirements to be delivered.

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

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

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

As demonstrated by the above assessment, the proposed development is unlikely to have a significant negative impact on either the natural or built environments, or the social and economic conditions in the locality.

**Traffic Impacts**

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and support their conclusions.

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

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 17 to the 30 November 2017. No submissions were received.

**(e) the public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

**Draft Western City District Plan (the District Plan)**

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However, it is considered to be in the public interest to consider the proposed development's consistency with the District Plan given that it is publicly exhibited government planning policy.

The District Plan provides productivity actions which seek to support employment and protect industrial lands for appropriate land uses.

It is considered that the proposed development is generally consistent with the District Plan in that it will provide a wide range of employment generating commercial businesses. The majority of the proposed development's floor plate will be for these land uses which is considered appropriate for the site given its B2 Local Centre zoning.

**EXTERNAL REFERRALS**

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

External Referral	Response
Roads and Maritime Services.	No objections, subject to Council's traffic assessment.
Transport NSW	No objections, subject to continued liaison with the developer.
Camden Local Area Command	No objection and conditions recommended.

A standard condition that requires compliance with the external referral responses is recommended.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.



The DA is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That the Panel:**

- i. Support the written request lodged pursuant to Clause 4.6 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary the maximum height of buildings development standard, and**
- ii. Approve DA/2017/1526/1 for a commercial development at Part Lot 4, Oran Park Drive, Oran Park subject to the conditions attached to this report.**