

DATE OF DETERMINATION	30 July 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald and Peter Sidgreaves
APOLOGIES	Lara Symkowiak
DECLARATIONS OF INTEREST	None

Electronic meeting held between 13 July 2018 to 30 July 2018.

MATTER DETERMINED

2017SSW061 – Camden – DA2017/1526/1, Address – Part Lot 4 DP 270899 Oran Park Drive, Oran Park (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considers the proposed development is a suitable use of the site and its approval is in the public interest having regard to the following matters:

- The development will provide capacity for additional commercial services within Oran Park Centre which in turn will add to employment with the Sydney West City District and the Camden local government area and is consistent with the objectives of the Western Sydney District Plan.
- The staff report concludes that the development “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 staff concurs with the advice of the supporting traffic report that the proposal “will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections”, and the RMS have responded positively in that regard following referral under State Environmental Planning Policy (Infrastructure) 2007.
- The interface of the completed project with the surrounding public domain has improved from the original DA scheme and is now acceptable in that regard.
- The proposal satisfies the relevant SEPPs including Sydney Region Growth Centre 2006, the Oran Park Indicative Layout Plan, SEPP55 Remediation of Land, SEPP (Infrastructure) 2007, and Draft State Environmental Planning Policy (Environment)

- The proposal exceeds the 24 metre height limit imposed by clause 4.3 of the LEP by around 4.15 metres. The applicant has established a convincing case to vary the development standard relating to height on the basis that compliance with the standard is unreasonable and unnecessary in the circumstances of this case, because the panel is satisfied that the proposed variation impacts on nearby premises will be acceptable. Despite those non-compliances, the development remains consistent with the objectives of the standard and will facilitate the inclusion of an internal atrium and rooftop terrace in the building design. The proposal is located on a prominent corner of Holden Drive, and the concentration of height on that corner is an acceptable design solution and allows for the desirable internal atrium feature. The Panel accepts the conclusion of the staff that the proposal adequately satisfies Clause 7.3 'Building Envelopes / Bulk & Scale of the Oran Park Town Centre' in Part B4 DCP with regards to building height modulation and building envelopes within the Town Centre precinct, and the variation of the numerical control applying under that Clause is acceptable.
- The proposed development is sufficiently consistent with the provisions of Camden DCP 2011 and Oran Park DCP 2007. In this regard the Panel considers that variations to the building envelope control and Green Grid Rating provisions of the DCP which are discussed in the staff report are acceptable.
- The proposed development is of a form and scale consistent with that of existing and proposed buildings within the Oran Park Town Centre.
- The proposed development subject to the conditions imposed will have no unacceptable impacts on the built or natural environments.
- A condition is to be imposed requiring payment of a Special Infrastructure Levy.
- There will be no detrimental impacts to raise concerns with regard to the provisions of Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).

CONDITIONS

The development application was approved subject to the conditions recommended in the council assessment report with amendments to following Conditions -

1. *Condition 1(4) is to be amended by adding (in bold):*

"Approved Use - This development consent approves the use of the approved building as an office premises.

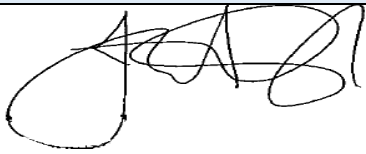



No retail use is approved within this development. A separate development application for any proposed retail uses shall be provided to, and approved by, the Consent Authority prior to the use commencing (unless the use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other planning instrument in force."

2. *Condition 6(10) is amended to read:*

"(10) Active Street Frontages – *The ground floor tenancies shall be limited to uses which result in an active street frontage. An active street frontage is defined as one or a combination of the following at street level:*

commercial lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage.

- ✍ active office uses, such as reception, if visible from the street.
- ✍ public building if accompanied by an entry."

PANEL MEMBERS	
	
Justin Doyle	Nicole Gurran
	
Bruce McDonald	Peter Sidgreaves

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW061 – Camden – DA2017/1526/1
2	PROPOSED DEVELOPMENT	Use and development of land for a new 6 storey commercial building, basement car parking and associated site works and landscaping.
3	STREET ADDRESS	Part Lot 4 DP 270899 Oran Park Drive, Oran Park
4	APPLICANT/OWNER	Applicant – Greenfields Development Company No. 2 Pty Ltd Owner – Perich Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value > \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 1. Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No. 55 – Remediation of Land • Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River 2. Draft environmental planning instruments: Nil 3. Development control plans: <ul style="list-style-type: none"> ○ Camden Development Control Plan 2011 ○ Oran Park Development Control Plan 2007 4. Planning agreements: Nil 5. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 6. Coastal zone management plan: Nil

		<p>7. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>8. The suitability of the site for the development</p> <p>9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>10. The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: June 2018 • Written submissions during public exhibition: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Site inspection and Briefing meeting – 22 January 2018</p> <p>Electronic meeting – 13 July 2018 to 30 July 2018</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with the report