

DATE OF DETERMINATION	Monday, 4 May 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli
APOLOGIES	None
DECLARATIONS OF INTEREST	Lara Symkowiak & Theresa Fedeli: Council has recently considered a planning proposal and voluntary planning agreement for this site

Public meeting held at Teleconference Call on 4 May 2020, opened at 1:50pm and closed at 2:10pm.

MATTER DETERMINED

2018WCI009 – Camden Council – DA/2018/1223/1 at Lot 3 DP 270899 - 351 Oran Park Drive, Oran Park; and Lot 12 DP 270899 76 Central Avenue, Oran Park – Staged extension of Oran Park Shopping Centre (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

The Application proposed a contravention to the height of buildings development standard applying to the land under clause 4.3 of the Camden Growth Centres Precinct Plan under the Growth Centre SEPP which limits buildings to a maximum height of 24 metres above finished ground level.

The applicant proposes a maximum building height of 28 metres which equates to a departure of 4 metres (approx. 16%) exceedance relating to the proposed commercial and residential towers.

The panel is satisfied that the written request from the applicant, made under cl 4.6 (3) of the Precinct Plan has demonstrated that:

- a) compliance with the standard is unreasonable or unnecessary in the circumstances set out in the assessment report; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The panel has reached that satisfaction particularly because the height non-compliance arises primarily because of excavation of the site such that the buildings will still appear compliant when viewed from the street. The development adequately addresses 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. There will not be any unacceptable impacts on surrounding development or on views of the development.

The Panel is therefore satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the Precinct Plan; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the Precinct Plan and the objectives for development in the B2 Local Centre zone.

The concurrence of the Secretary is assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 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 development will provide an appropriate mix of employment generating and residential land uses for the site that will contribute to the overall development of the Oran Park Town Centre.
- The Council assessment report concludes that the proposal will not have an unacceptable impact upon the surrounding road network and the operation of surrounding intersections, noting that the development will have an oversupply of parking until later stages of the development are approved if the pending planning proposal is approved. RMS (now TfNSW) did not object following referral under SEPP (Infrastructure) 2007.
- The proposed interface of the completed project with the surrounding public domain and the extension of Main Street have been sufficiently considered.
- The proposal satisfies the requirements of the applicable instruments including Sydney Region Growth Centre 2006, the Oran Park Indicative Layout Plan, SEPP55 Remediation of Land and SEPP (Infrastructure) 2007.
- The development adequately satisfies the zone objectives and the height control (for reasons that include those set out in the discussion of the clause 4.6 request above).
- The proposed development is sufficiently consistent with the provisions of Camden DCP 2011 and Oran Park DCP 2007. In this regard, the staff report states that development satisfies the site-specific sustainability criteria, which were prepared for 'Attachment B' in the DCP in consultation with the Department of Planning, Landcom, Camden Council and the Oran Park Town project team, being the sustainability criteria which the staff advise are appropriate to the Western Sydney context of the subject site.
- 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 and the Applicant has entered into a Voluntary Planning Agreement with respect to the development of the land.
- No detrimental impacts are expected with regard to the provisions of Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).

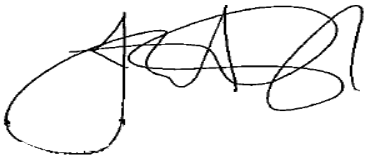


CONDITIONS

The development application was approved subject to the conditions recommended in the council assessment report excepting that conditions (24) to (29) in section 4.0 During Works are to be relocated to Section 2.0 so as to require the construction certificate plans to comply with those conditions.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from the applicant at the meeting.

Of the written submissions, three public submissions were favourable. The concerns identified in the unfavourable submissions were directed principally to the additional tower which has been deleted pending resolution of the pending planning proposal currently subject to the Gateway processes. The concerns identified in those letters are addressed in the assessment report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WCI009 – Camden Council – DA/2018/1223/1
2	PROPOSED DEVELOPMENT	Staged extension of Oran Park Podium Shopping Centre. Stage 1 includes the extension of Oran Park Podium Shopping Centre retail space, construction of one residential flat building (five storeys above the retail space), construction of one commercial building (four storeys above the retail space), extension of basement car park, and extension of Main Street. Stage 2 seek concept approval (building envelopes) for two residential flat buildings fronting Central Avenue.
3	STREET ADDRESS	Lot 3 DP 270899 351 Oran Park Drive, Oran Park; and Lot 12 DP 270899 76 Central Avenue, Oran Park
4	APPLICANT/OWNER	Perich Property Trust – C/o Urbanco
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> 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 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2011 Oran Park Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 4 May 2020 4.6 variation request in relation to height development standard Written submissions during public exhibition: 5 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Clare Aslanis, Jamie Erken and Matthew Bryne On behalf of the applicant – Mark Perich
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Monday, 10 December 2018 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Peter Sidgreaves <u>Council assessment staff</u>: Stephen Pratt and Clare Aslanis

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, Monday, 4 May 2020, 12:30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli Council assessment officer – Clare Aslanis, Jamie Erken and Matthew Bryne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report