

DATE OF DETERMINATION	Friday, 16 October 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli and Lara Symkowiak
APOLOGIES	Theresa Fedeli
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 2 September 2020.

MATTER DETERMINED

2019WCI027 – Camden – DA2019/269/1 at OT: 3 DP: 280077 (formerly referred to as 76 Central Avenue, Oran Park prior to subdivision of land) – and development of land for a new 6 storey commercial building, (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 development will breach the height of buildings development standard that applies to the site under clause 4.3 of the Camden Local Environmental Plan 2010 (**Camden LEP**). The contravention relates principally to the atrium roof, lift access shaft to the rooftop and plant equipment spaces which together yield a maximum building height of 28.85m which equates to approximately a 4.85m (20%) departure from the 24m maximum permitted building height.

After considering a written request from the applicant seeking to justify the contravention of the height development standard, made under cl 4.6 (3) of the Camden LEP, the Panel is satisfied that the request adequately addresses the matters required to be addressed under cl 4.6(3) of the LEP and demonstrates that:

- a) compliance with the height development standard under cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

In resolving to grant that written request, the Panel has satisfied itself that:

- a) the development is consistent with the objectives of cl. 4.3, and specifically the Panel accepts the advice of the Council assessment staff that:
 - (i) The proposed building will be compatible with the height, bulk and scale of the existing and desired future character of the locality, noting that the proposal is of a similar scale to the recently approved neighbouring mirror building. The concentration of building height on a prominent street corner has been assessed to be appropriate in its context when considered against the objectives and controls for building heights listed in the DCP.
 - (ii) The development will not disrupt views, or result in any unacceptable visual impacts or loss of privacy. Solar diagrams provided establish that there will be no unacceptable loss of solar access to existing development including the adjoining apartment development and the adjoining public spaces.

- (iii) The development will not impact on any heritage conservation areas or heritage items.
- b) On that basis, the proposal is consistent with the relevant provisions of the LEP and the objectives for development in the B2 Local Centre zone.
- c) Accordingly, the variation to the numerical height development standard is in the public interest.

The concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* in substance for the reasons set out in the Council assessment report.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

- 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 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 proposed additional commercial space for the expanding Camden Town Centre is well located adjacent to the Oran Park Podium to the east and the Council chambers, as well as being well positioned to utilise transport options offered by the adjacent draft rail corridor and bus stops to support the objectives of State Environmental Planning Policy (Major Infrastructure Corridors) 2020. The development has been assessed positively against the requirements of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Development Control Plan (DCP) 2011 and the Oran Park DCP 2007. It satisfies the requirements and intent of the Oran Park Indicative Layout Plan, and SEPP (Infrastructure) 2007.
- The phase 2 detailed contamination assessment adequately responds to the requirements of State Environmental Planning Policy No 55 -Remediation of Land.
- 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 TNSW did not object following referral under State Environmental Planning Policy (Infrastructure) 2007.
- The proposal satisfies the applicable instruments including Sydney Region Growth Centre 2006, the Oran Park Indicative Layout Plan.
- The development adequately satisfies the zone objectives and the height control (for reasons including 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, subject to the conditions imposed, will have no unacceptable impacts on the built or natural environments.





- The development is consistent with the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011 (providing 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) albeit that Council advises that this development does not trigger any relevant thresholds.
- 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 in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	 Lara Symkowiak

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI027 – Camden – DA2019/269/1
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	88 Podium Way, Oran Park LOT: 3 DP: 280077 (formerly referred to as 76 Central Avenue, Oran Park prior to subdivision of land).
4	APPLICANT/OWNER	Applicant: Greenfields Development Company No.2 Pty Ltd Owner: Perich Property Pty Ltd
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 (Infrastructure) 2007. ○ State Environmental Planning Policy No 55 - Remediation of Land. ○ State Environmental Planning Policy (Major Infrastructure Corridors) 2020 ○ Sydney Regional Environmental • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Oran Park Development Control Plan 2007 ○ Camden Development Control Plan 2011 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Amended Clause 4.6 received: Tuesday, 11 September 2020 • Council assessment report: Monday, 31 August 2020 • Applicants Clause 4.6 written request seeking to justify the contravention of a development standard. • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 27 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Lara Symkowiak ○ <u>Council assessment staff</u>: Hannah Draper, Clarrie Aslanis and Jamie Erken • Site inspection: Monday, 27 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Lara Symkowiak

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Hannah Draper, Clarrie Aslanis and Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report