| **Section** | **Assessment** | **Compliance** |
| --- | --- | --- |
| **Appendix 2, 2.3 Zone objectives and land use table**  The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.  The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.  The zone objectives for this site are:   * To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area. * To encourage employment opportunities in accessible locations. * To maximise public transport patronage and encourage walking and cycling. * To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses. * To ensure that residential development does not preclude the provision of active uses at street level. * To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone. * To provide for residential development that contributes to the vitality of the local centre. | The development is characterised as hotel accommodation, retail premises and food and drink premises which are all permitted with consent in the B2 Local Centre zone.  The proposal is consistent with the objectives of the B2 Local Centre zone as it will enhance the range of facilities and services provided within the Town Centre, for people who live in, work in and visit the area.  The proposal will also deliver increased employment opportunities within the Town Centre, providing tourism related job opportunities, which are highly accessible for pedestrians, cyclists and via vehicular transport.  Furthermore, the proposal incorporates streetscape activation with a retail edge and opportunities for outdoor dining providing active uses at ground level along Podium Way. | Yes |
| **Appendix 2, 4.3 Height of buildings**  Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.  The maximum building height for this site is 24 metres. | The development is predominately compliant with the 24m height of buildings development standard with the exception of the lift overrun, services and a minor portion of the roof. The maximum height is 26.2 metres which represents a variation of 2.2 metres (9.2%). | No (4.6 written request submitted) |
| **Appendix 2, 4.6 Exceptions to development standards**  Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.  The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:   1. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and 2. that there are sufficient environmental planning grounds to justify contravening the development standard.   Development consent musty not granted unless:   1. the consent authority is satisfied that: 2. the applicant’s written request has adequately addressed the matters required to be demonstrated, and 3. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and 4. the concurrence of the Secretary has been obtained.   This clause prohibits the approval of certain development standard contraventions. | A written 4.6 request has been submitted with the application. Consideration of the written request is made in the assessment report. | Yes |
| **Appendix 2, 6.1 Public utility infrastructure**  Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. | The site and surrounding land uses are well serviced with Public Utility Infrastructure which can accommodate the proposed development. A standard condition is recommended to ensure that essential public utility infrastructure will be provided when required. | Yes |
| **Appendix 2, 6.6 Development in special areas**  Development consent must not be granted for development in a special area on the Special Areas Map unless a development control plan has been prepared for the land and addresses a number of matters listed in this clause; including a transport movement hierarchy and stormwater and water quality management controls.  The above does not apply to certain minor development types listed by this clause. | The subject site is located within the Oran Park Town Centre. The Oran Park Development Control Plan 2007 applies to the site and Part B1 of that development control plan specifies detailed development controls for the Oran Park Town Centre. | Yes |