

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	13 December 2023
DATE OF PANEL DECISION	11 December 2023
DATE OF PANEL BRIEFING	4 December 2023
PANEL MEMBERS	Justin Doyle (Chair), Helen Lochhead, David Kitto
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as of her partners acts for Greenfield Developments Lara Symkowiak and Ashleigh Cagney declared a conflict of interest because they voted on the amendment to the DCP that was required to facilitate the development

Papers circulated electronically on 27 November 2023.

MATTER DETERMINED

PPSSWC-331 – Camden – DA/2023/263/1 - 79 Central Avenue, Oran Park - Construction of a five-storey hotel building above ground floor retail tenancies and basement car parking as well as vehicle entry ramp and streetscape landscaping along Podium Way and other associated works.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Plant on the roof

The panel asked why Council had not sought to minimise the area of the roof used for plant, given the exceedance of the height development standard in the LEP and the fact that the proposed screening of the plant would give the impression that another storey had been added to the building. Council referred to the arguments in its assessment about why this is acceptable, which included the dispersed nature of the plant required for the hotel; the fact that the screening would be setback from the edge of the building, would be limited in height, and would not be visible from the street; and that the exceedance of the development standard would be consistent with the exceedances approved for plant on the roof of surrounding buildings.

The panel accepted these arguments in this instance, but stressed this should not be seen as precedent for exceedances in future development applications and that Council should continue to push for compliance with the development standard.

Sustainability

The panel noted the development application included a proposal to install solar panels on the roof and electric vehicle chargers in the basement car park and said additional conditions should be incorporated into the recommended conditions to require the applicant to implement these sustainability measures. The Council agreed to draft these conditions for the panel.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 (SEPP) that has demonstrated that:

- a) compliance with cl. 4.3 Height of buildings is unreasonable or unnecessary in the circumstances; and

- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the SEPP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 Height of buildings of the SEPP and the objectives for development in the B2 Local Centre zone; and
- c) 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*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to the building height development standard and to approve the application for the reasons outlined in Council's assessment report

In particular, the panel concluded that:

- The development is permissible with development consent and consistent with the provisions of the relevant environmental planning instruments, including the requirements in Appendix 2 of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* and the relevant controls in the *Oran Park Development Control Plan 2007*;
- The exceedance of the building height development standard is justified and consistent with the objectives of the B2 Local Centre zone and development standard;
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- The site has previously been remediated and is suitable for the development;
- The proposal will provide good quality hotel accommodation and associated facilities in the Oran Park town centre and reinforce its transition to an attractive major centre in Western Sydney consistent with the strategic planning objectives for the area; and
- The development is in the public interest.




CONDITIONS

The development application was approved subject to the conditions in Council's assessment report with the following amendments:

- Insert the following condition after condition 5(30):
 - (31) **Photovoltaic Panels** – A photovoltaic solar system must be installed on the roof of the hotel generally in accordance with the extent and location shown on the approved plans.
- Insert the following condition after condition 5(31):
 - (32) **Electric Vehicle Charging** – Electric vehicle charging stations must be provided for at least seven car parking spaces within the basement level in accordance with the approved plans.
- Insert the following condition after condition 6(24):
 - (25) **Photovoltaic Panels and Electric Vehicle Charging** – The photovoltaic rooftop solar system and electrical vehicle charging stations reference in conditions 5(31) and 5(32) respectively must be maintained for the life of the development.

CONSIDERATION OF COMMUNITY VIEWS

The panel notes there no written submissions received during the public exhibition of the development application and therefore no community views to consider.

PANEL MEMBERS	
Justin Doyle (Chair) 	Helen Lochhead 
David Kitto 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-331 – Camden – DA/2023/263/1
2	PROPOSED DEVELOPMENT	Construction of a five storey hotel building above ground floor retail tenancies and basement car parking as well as vehicle entry ramp and streetscape landscaping along Podium Way and other associated works.
3	STREET ADDRESS	79 Central Avenue, Oran Park
4	APPLICANT/OWNER	Applicant: Greenfields Development Company No.2 Pty Ltd Owner: Perich Property Trust
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 (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Industry and Employment) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019. Oran Park Development Control Plan 2007 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 1 December 2023 List any clause 4.6 variation requests here Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing Briefing: 5 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Sue Francis, Michael Mantei <u>Council assessment staff</u>: Jordan Soldo, Ryan Pritchard, Jamie Erken <u>Applicant representatives</u>: Michael Rodger, Mick Owens, Michael Viskovich, Todd Crameri, Doug Southwell, Rebecca Hawkett Final briefing to discuss council's recommendation: 4 December 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Helen Lochhead, David Kitto, Lara Symkowiak, Ashleigh Cagney

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Jordan Soldo, Ryan Pritchard, Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report