

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 December 2023
<b>DATE OF PANEL DECISION</b>	11 December 2023
<b>DATE OF PANEL MEETING</b>	4 December 2023
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Helen Lochhead, David Kitto
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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 1 December 2023.

#### MATTER DETERMINED

PPSSWC-332 – Camden – DA/2023/265/1 -79 Central Avenue, Oran Park - Construction of two seven storey residential flat buildings, erected above two levels of basement carparking. The development will result in a total of 177 residential units, 277 vehicle spaces, 15 motorcycle spaces, 643 bicycle parking, basement storage, provision of waste storage room, landscaping, and associated site 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.

#### Deep soil planting

The panel sought clarifications on the extent of deep soil planting in the development proposal and was satisfied that the central courtyard will have sufficient deep soil planting.

#### 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:

- compliance with cl. 4.3 Height of buildings is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the SEPP; and
- 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
- 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 development complies with the requirements in the Apartment Design Guide;
- 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 is unlikely to be contaminated and is suitable for the development;
- The proposal will provide additional housing in 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.


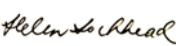

## CONDITIONS

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(15):  
  
(16)    **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(16):  
  
(17)    **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(9):  
  
(10)    **Photovoltaic Panels and Electric Vehicle Charging** – The photovoltaic rooftop solar system and electrical vehicle charging stations reference in conditions 5(16) and 5(17) respectively must be maintained for the life of the development.

## 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) 	Helen Lochhead 
David Kitto 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-332 – Camden – DA/2023/265/1
2	PROPOSED DEVELOPMENT	Construction of two seven storey residential flat buildings, erected above two levels of basement carparking. The development will result in a total of 177 residential units, 277 vehicle spaces, 15 motorcycle spaces, 643 bicycle parking, basement storage, provision of waste storage room, landscaping and associated site 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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021.</li> <li>State Environmental Planning Policy (Precincts - Western Parkland City) 2021.</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Developments 2002.</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Oran Park Development Control Plan.</li> <li>Camden Development Control Plan 2019.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 1 December 2023</li> <li>Clause 4.6 variation to building height</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 5 June 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Sue Francis, Michael Mantei</li> <li><u>Council assessment staff</u>: Jordan Soldo, Ryan Pritchard, Jamie Erken</li> <li><u>Applicant representatives</u>: Michael Rodger, Mick Owens, Michael Viskovich, Todd Crameri, Doug Southwell, Rebecca Hawkett</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 4 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Helen Lochhead, David Kitto, Lara Symkowiak, Ashleigh Cagney</li> <li>○ <u>Council assessment staff</u>: Jordan Soldo, Ryan Pritchard, Jamie Erken</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report