

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-500
Application Number:	2024/569/1
Local Government Area:	Camden
Development:	Construction of an 8 to 10 storey seniors housing development comprising 196 independent living units (including 14 assisted living apartments), ground floor commercial uses, onsite facilities and common areas, landscaping and 2 levels of basement car parking.
Estimated Development Cost:	\$151,909,447
Site Address(es):	1 Civic Way, Oran Park
Applicant:	Tulich (Oran Park) Project Management Pty Ltd
Owner(s):	Perich Property Pty Ltd
Date of Lodgement:	7 November 2024
Number of Submissions:	One (objecting to the development)
Number of Unique Objections:	One
Classification:	Regionally significant development
Recommendation:	Approve with conditions
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development estimated development cost >\$30 million
List of All Relevant Section 4.15(1)(a) Matters:	<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 (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Camden Development Control Plan 2019 • Oran Park Development Control Plan 2007
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table • State Environmental Planning Policy (Housing) 2021 assessment table • Seniors Housing Design Guide assessment table • Apartment Design Guide assessment table • Camden Development Control Plan 2019 assessment table • Oran Park Development Control Plan 2007 assessment table • Applicant's request to contravene a development standard • Recommended conditions • Proposed plans • Submissions
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 • State Environmental Planning Policy (Housing) 2021 • Maximum building height
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Loss of currently vacant land which the submitter utilises as open space.
Report Prepared By:	Jordan Soldo, Executive Planner
Report Date:	June 2025

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for a seniors housing development at 1 Civic Way, Oran Park.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$151,909,447. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/569/1 for a seniors housing development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a seniors housing development at 1 Civic Way, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an EDC of \$151,909,447. The EDC threshold for Council to determine the DA is \$30 million
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)	The development is permitted with consent in the applicable B2 Local Centre zone, is consistent with the zones' objectives and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.

	A contravention of the height of buildings development standard is proposed.
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	<p>The development is consistent with the objectives of Housing SEPP and is acceptable in terms of the matters for consideration relevant to this development.</p> <p>A contravention of the development standard which permits additional heights for seniors housing is proposed.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	Contamination has been addressed under previous development applications encompassing the site and that the site is suitable for the development.
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The development is satisfactory in terms of Chapter 2 of the Sustainable Buildings SEPP in that the applicant has provided a BASIX certificate that satisfactorily demonstrated all of the sustainability requirements listed therein.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	The development is satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 November to 4 December 2024 and one submission was received objecting to the development.

The issue raised in the submission relates to the loss of currently vacant land which the submitter utilises as open space.

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The Western Parkland City SEPP prescribes a maximum height of buildings development standard of 24 metres for this site. Clause 87 of the Housing SEPP provides for an additional height allowance of 3.8m above the maximum permissible building height for seniors housing developments. As such, the permissible building height is 27.8m. The proposed maximum building height is 37.89m which represents a 10.09m height variation (36%). The contravention is assessed in detail in this report and is supported by Council staff.

The applicant proposes a variation to the car parking provisions of the Camden Development Control Plan 2019 (Camden DCP). The Camden DCP requires that 262 off-street car parking spaces be provided for the development however only 208 spaces are proposed (a 54 space deficit). The variation is assessed in detail in this report and is supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
27.8m maximum building height	37.89m maximum building height	10.09m (36%)
262 car parking spaces	208 car parking spaces	54 car parking spaces (20.6%)

AERIAL PHOTO



Figure 1: A site context plan showing the development site (yellow) relative to the subject lot (red).

THE SITE

The proposal is located on a lot commonly known as 1 Civic Way, Oran Park and is legally described as Lot 20 DP 270899 (refer to **Figure 1** above). The development site is proposed over the south-eastern portion of this lot.

The site is bounded by:

- Civic Way to the south, a local road, with a recently approved seven-storey residential flat building on the opposite side (DA/2023/265/1);
- South Circuit to the east, a collector road, with medium density residential development currently under construction on adjoining land;
- Holstein Street to the west, a local road, with the Oran Park Leisure Centre and Library located immediately opposite;

- Vacant land to the north, forming part of a future mixed-use development block. An extension of Friesian Street has been approved and once constructed, will form the northern perimeter road for the subject site.

The development site has an area of approximately 0.65 hectares with a 2.5 metre fall from the south-east to north-west.

The site is located in the Oran Park Precinct of the South West Growth Area. The site is also located within the Oran Park Town Centre and is subject to the controls of the Part A Precinct Wide DCP as well as the Part B Town Centre DCP. An extract from the Part B DCP is shown in **Figure 3** below.

The development site is zoned B2 Local Centre pursuant to Appendix 2 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP). An extract from the Land Zoning Map is shown in **Figure 2** below.

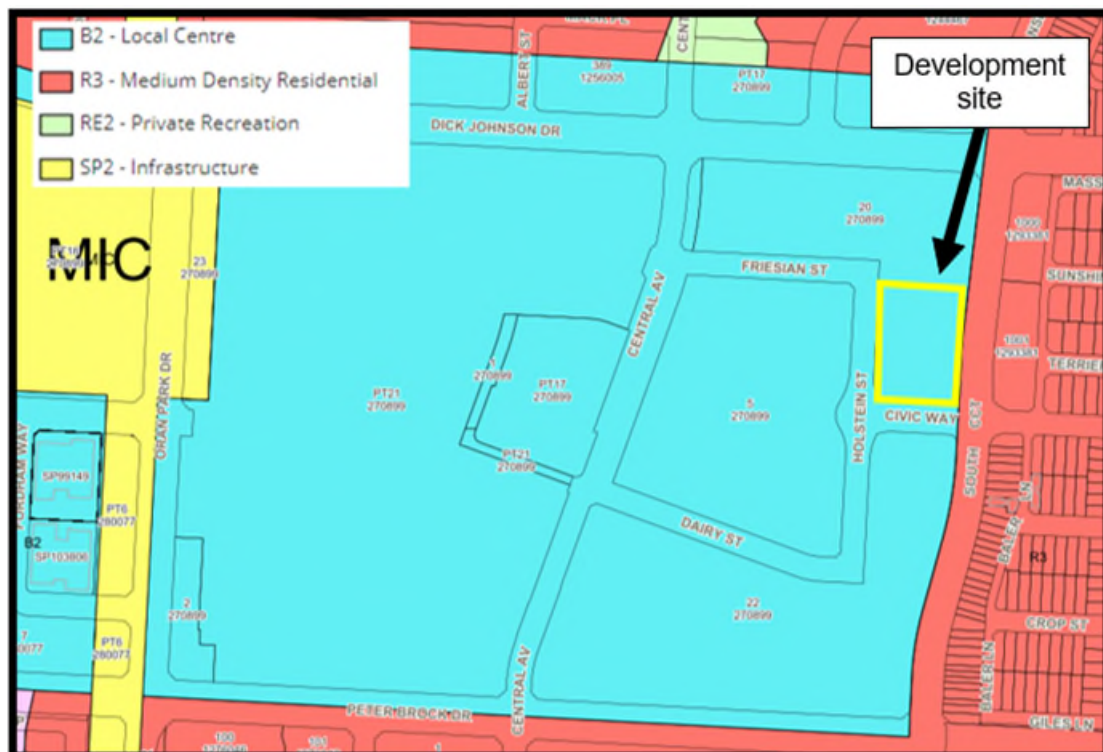


Figure 2: Extract from the Land Zoning Map in the Western Parkland City SEPP showing the development site (outlined in yellow) in relation to the town centre.

AREA MASTER PLAN

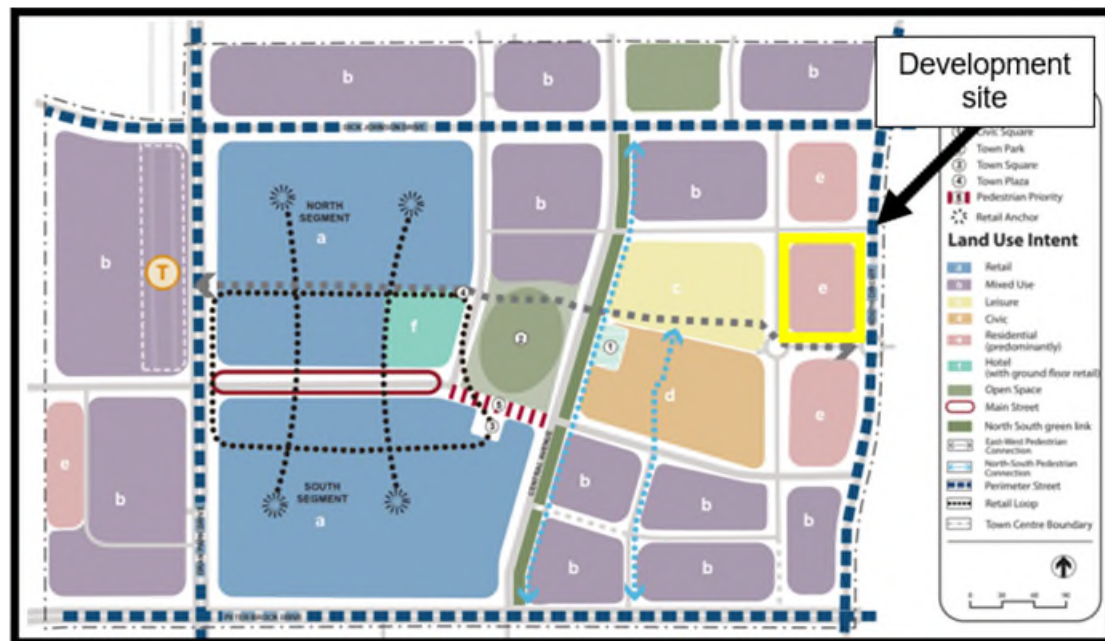


Figure 3: Extract from the Town Centre Structure Plan in the Part B DCP showing the development site (outlined in yellow) in relation to the town centre.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
24 October 2024	Approval of DA/2024/354/1 for subdivision and road construction. This will construct the northern perimeter road and create the lot that the seniors housing development is proposed on.

THE PROPOSAL

DA/2024/569/1 seeks approval for the construction and use of a seniors housing development.

Specifically, the development involves:

- Construction of an 8-10 storey seniors housing mixed use development comprising:
 - 196 independent living units (including 14 assisted living apartments),
 - ground floor commercial uses,

The DA seeks approval for the construction and use of the buildings as described above. The internal fit outs for the commercial uses and any associated signage will be subject to either separate DAs or complying development certificates;

- 2 levels of basement parking comprising:

- 208 car parking spaces, 1 car wash bay, 14 bicycle parking spaces.
- landscaping and associated on site facilities.
- operating hours of 7am – 10pm for the approved commercial tenancies.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 10 February 2025. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *The height exceedance proposed for this application which builds upon the bonus available under the Housing SEPP will require close examination due to the potential for precedent. The Panel will need to be satisfied that a departure from the mapped height limit can be justified having regard to the usual tests applied to clause 4.6 variations.*

Officer comment:

Council staff have reviewed the submitted Clause 4.6 written request and are satisfied that the proposed height exceedance has been sufficiently justified. The additional height supports a range of unique architectural design features which enhance amenity for future residents through increased floor to ceiling heights, increased apartment sizes and delivery of extensive ground floor active and recreation uses which result in the increased building height. Given the nature of the unique architectural design features ensures that the development as proposed would not create a precedent for other development sites.

2. *Noting that the central courtyards propose trees above the basement car park, and the design will need to be considered carefully to establish that proposed plantings will grow as planned. Given the proposed non-compliant scale of the building, canopy planting to enhance the public domain would be expected to soften the building and address heat island issues.*

Officer comment:

The proposed landscape design includes appropriate soil vault systems and deep soil zones to support healthy canopy tree growth. Council staff are satisfied that the design will contribute positively to the public domain and assist in mitigating urban heat island effects.

3. *The design steps taken to reduce overshadowing of the adjacent residential development was explained. Solar impacts on existing and anticipated development will require careful study given the additional height proposed.*

Officer comment:

An overshadowing assessment between 9am and 3pm on 21 June has been undertaken, demonstrating that the proposal minimises impacts on surrounding properties. The taller built form is appropriately located along Holstein Street, where overshadowing is limited to the roof of the Leisure Centre and avoids any skylights or solar panels. The building steps down towards South Circuit and is set back from Civic Way to enhance solar access to adjacent residential properties.

Some overshadowing is cast onto the approved residential flat building to the south; however, this overshadowing is consistent with what was envisaged during the assessment of that development. As such, no additional or unexpected impacts on solar access are anticipated.

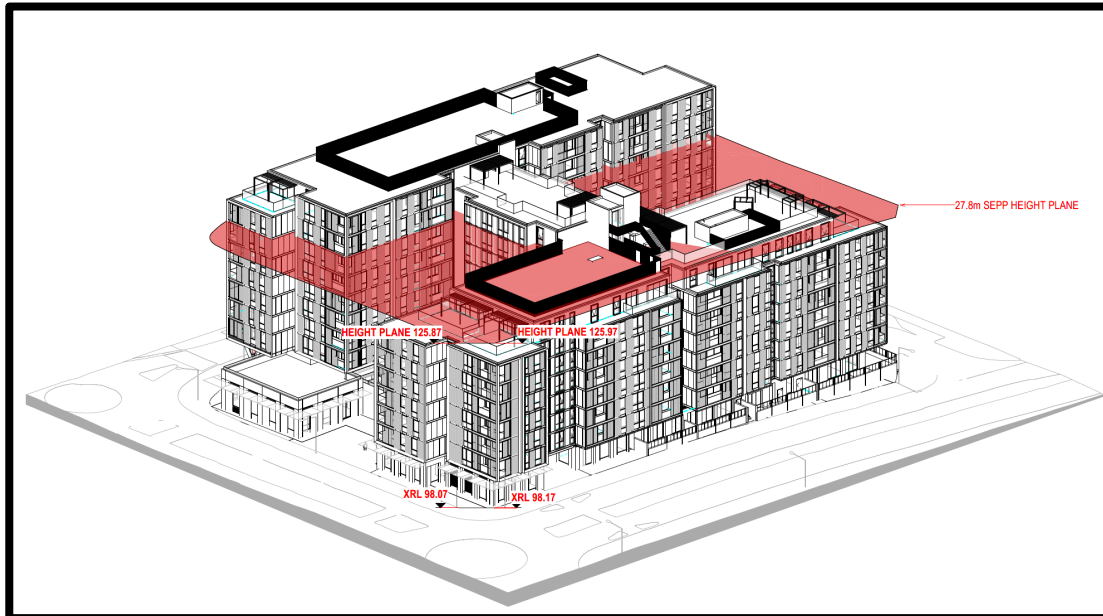


Figure 4: Height plane diagram looking northwest showing the extent of the built form above the maximum building height development standard.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings).
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the EDC of the development is \$151,909,447. The EDC threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned B2 Local Centre pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP.

Development Characterisation

The development is characterised as 'seniors housing' and 'commercial premises' by the Western Parkland City SEPP.

Permissibility

All of the development is permitted with consent in the B2 Local Centre zone pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

Planning Controls

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant seeks to contravene two development standards that relate to maximum building height. The Western Parkland City SEPP prescribes a maximum height of buildings development standard of 24 metres for this site. Clause 87 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) provides for an additional height allowance of 3.8m above the maximum permissible building height for seniors housing developments. As such, the permissible building height is 27.8m. The proposed maximum building height is 37.89m which represents a 10.09m height variation (36%). **Figure 4** shows the extent of the built form that exceeds the maximum height.

Contravention Assessment

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, the applicant has requested to contravene the two development standards. In summary, the applicant's request provides the following grounds for the contravention:

- The development meets the objectives of the height development standard despite the exceedance, and will not result in unacceptable environmental or amenity impacts;
- The built form is highly consistent with the emerging urban structure of the Oran Park Town Centre and achieves an appropriate transition in scale;

- The increased height is a direct result of design responses that enhance residential amenity and public benefit, including increased floor-to-ceiling heights, larger dwelling layouts and extensive ground floor activation;
- The rooftop exceedances include lift overruns, fire stairs and screened plant, all of which are recessed from building edges and not visible from the public domain; and
- Strict compliance would diminish the design quality and internal amenity of the development without delivering any corresponding improvement to urban design or environmental outcomes.

A copy of the applicant's request is provided as an attachment to this report.

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, Council staff are satisfied that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the Western Parkland City SEPP height of buildings development standard:
 - (a) *to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*

The proposal will not result in any unreasonable amenity impacts on adjoining development, with overshadowing analysis demonstrating that the building's height, articulation and setbacks result in less solar impact than an otherwise fully compliant scheme. The approved residential flat building across Civic Way continues to receive compliant solar access. A significant portion of the height exceedance relates primarily to rooftop plant, fire stairs and lift overruns which are recessed and visually contained. The massing is appropriately modulated and provides a clear transition down to the medium density zone to the east, preserving amenity and reinforcing the intended centre hierarchy.

- (b) *to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*

The development delivers a clear and deliberate transition in built form that reflects the structure and intent of the Oran Park Town Centre, stepping down from the future high-rise core to the eastern residential edge. The architectural design is strong, visually legible, and benefits from generous setbacks and high-quality materials that break up perceived height and scale. The variation supports an articulated and distinctive town centre skyline without compromising streetscape quality or pedestrian experience. In this context, the proposed height contributes positively to a high quality urban form and is entirely appropriate for this location.

- (c) *to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*

The development facilitates high density housing in a strategically designated Town Centre, with no direct interface to sensitive residential areas. The site is separated from medium density zones by public roads and will benefit from future high-density development to the south, west and north. The development's massing and orientation ensure that no adverse amenity impacts arise, and the increased scale is a planned and necessary outcome of the development of the town centre.

- (d) *to provide appropriate height controls for commercial and industrial development.*

Although primarily a residential project, the proposal integrates a significant commercial and community interface at ground level, comprising retail, café, medical, and health uses. These active uses support employment and community wellbeing and are consistent with the intent of the B2 zone. The height exceedance facilitates suitable floor-to-floor heights (up to 4.5m) at the podium level, which is necessary for flexible non-residential use and better public domain engagement.

- the development is consistent with the objectives for development within the zones in which the development is proposed to be carried out:

B2 Local Centre

1. *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.*

The development directly supports this objective by incorporating an active and publicly accessible ground floor comprising cafés, health services, and commercial spaces along Civic Way. These uses will benefit not only residents of the seniors housing development but also the wider Oran Park community and contribute to a lively, mixed-use precinct that meets the daily needs of a diverse population.

2. *To encourage employment opportunities in accessible locations.*

The proposal will generate ongoing employment in a highly accessible town centre location, both within the ground floor tenancies and through the operation and management of the seniors housing facility itself. The inclusion of health, wellbeing and food/retail uses on-site enhances local job diversity and supports activation throughout the day, consistent with employment objectives for town centres.

3. *To maximise public transport patronage and encourage walking and cycling.*

The site is located within 600m of the future Oran Park Metro Station and is immediately adjacent to established pedestrian and cycle networks. The development supports a compact, transit-oriented urban form and will increase patronage of public and active transport modes by providing high-density seniors housing in a location with direct walking access to services, shops and civic facilities.

4. *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.*

The residential component is complementary to and integrated with the town centre's primary functions. It is located on upper levels above activated ground floor commercial and community uses, ensuring that the centre retains its focus on service provision and economic activity. The residential use will increase the local population and support surrounding businesses without undermining the centre's role.

5. *To ensure that residential development does not preclude the provision of active uses at street level.*

The proposal meets this objective by providing high quality, street-facing non-residential uses along Civic Way, including cafés, retail uses and wellness facilities. These uses are integrated into the podium design and have been prioritised in site planning to ensure that the street interface remains vibrant, accessible and inviting to the general public.

6. *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.*

The proposed seniors housing development represents a higher density form of housing, distinct from typical residential flat buildings, and includes on-site services, large communal areas, and mixed-use ground floor tenancies. This typology aligns with the intention for higher intensity land use in the B2 zone and reflects the strategic importance of the Oran Park Town Centre as a subregional node.

7. *To provide for residential development that contributes to the vitality of the local centre.*

The proposal introduces a new residential demographic, older persons and retirees, into the town centre, adding diversity to the resident population and helping to activate the precinct throughout the day. The presence of a seniors village in close proximity to shops, civic services and public transport will increase casual surveillance, support local business activity and foster a vibrant, inclusive centre environment.

- the development is consistent with the underlying principles of the Housing SEPP. See the Housing SEPP subsection below for further discussion.
- A portion of the height exceedance, up to 2.4 metres, is attributable to rooftop servicing elements including lift overruns, fire stairs, and plant equipment. These components are centrally located, well setback from the building edge, and visually recessive. They are unlikely to be discernible from the public domain and do not contribute to the perceived bulk of the building at street level.
- The top floor of both buildings is stepped in from the lower levels, creating a tapering built form that reduces visual prominence and reinforces a human-scaled streetscape.

- The proposed development is consistent with the desired future character of the Oran Park Town Centre, which envisions a mid- to high-rise mixed-use urban core. Whether or not the draft planning proposal seeking taller building heights of up to 48m to the northwest and southwest of the site is ultimately supported, the proposal integrates seamlessly with existing approvals and reflects the strategic intent for a denser, transit-supportive and activated town centre environment.

Consequently it is recommended that the Panel support this proposed contravention to the Western Parkland City SEPP.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The Housing SEPP aims to encourage the delivery of housing that meets the needs of vulnerable groups, including seniors, and people with disabilities. It seeks to ensure that new housing provides a reasonable level of amenity for residents, is located to make efficient use of existing and planned infrastructure and services and minimises adverse environmental and climate impacts.

Assessment tables in which the development is considered against the Housing SEPP, Seniors Housing Design Guide and Apartment Design Guide are provided as attachments to this report.

Proposed Contravention

As detailed in the Western Parkland City SEPP subsection above, the applicant seeks to contravene two development standards that relate to maximum building height. The Western Parkland City SEPP prescribes a maximum height of buildings development standard of 24 metres for this site. Clause 87 of the Housing SEPP provides for an additional height allowance of 3.8m above the maximum permissible building height for seniors housing developments. As such, the permissible building height is 27.8m. The proposed maximum building height is 37.89m which represents a 10.09m height variation (36%)

Contravention Assessment

The bulk of the assessment of the height contravention is contained within the Western Parkland City SEPP subsection above, which addresses the proposal's consistency with the objectives of Clause 4.3 and the B2 Local Centre zone.

This subsection provides an additional assessment in the context of the Housing SEPP. While Clause 87 itself does not include specific objectives, the contravention has been assessed against the overarching principles of the policy set out in Clause 3 of the Housing SEPP, which guide the intent of seniors housing developments. The assessment below addresses the proposal's consistency with those principles:

- (a) *enabling the development of diverse housing types, including purpose-built rental housing,*

The proposal introduces a seniors-specific housing typology not currently available in the Town Centre, including independent and assisted living options. This contributes to housing diversity and supports a broader demographic mix in a high-density, mixed-use setting.

- (b) *encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*

The development is designed to meet the needs of older residents, with features such as lift access, spacious layouts, and on-site support services. The inclusion of ALAs enhances accessibility and supports residents with higher care needs.

- (c) *ensuring new housing development provides residents with a reasonable level of amenity,*

Apartments significantly exceed minimum amenity benchmarks, with larger internal areas, 2.7m ceiling heights, and access to communal gardens, rooftop terraces and wellness spaces. These elements contribute to high levels of internal and shared amenity.

- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*

The site is well-served by existing infrastructure and community facilities, including the Podium retail centre, library and leisure centre. The proposal supports walkable access to services and the future metro station.

- (e) *minimising adverse climate and environmental impacts of new housing development,*

While the building has a substantial height, overshadowing has been managed through careful massing, increased upper-level setbacks and orientation. Environmental performance is supported by passive design measures and rooftop landscaping, which reduce heat load and improve microclimate outcomes.

- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*

The development responds to its town centre context through stepped massing, architectural articulation, and active street frontages. It fits within the emerging built form of Oran Park and reinforces the intended urban character.

- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*

Not applicable. The proposal involves permanent housing for seniors and does not include short-term or serviced accommodation.

- (h) *mitigating the loss of existing affordable rental housing.*

Not applicable. The site is currently vacant and has not previously been used for residential purposes.

Council staff recommend that the Panel support this proposed contravention to the Housing SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Contamination has been considered under previous development applications encompassing the site and that the site is suitable for the development.

A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainable buildings, and record accurate data about the sustainability of buildings.

The development is considered satisfactory in terms of Chapter 2 of the Sustainable Buildings SEPP in that:

- the embodied emissions attributable to the development have been quantified, and
- the applicant has submitted a BASIX certificate that demonstrates the development is capable of achieving the standards for energy and water use and thermal performance specified in the Sustainable Buildings SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments that are applicable to the development.

(a)(iii) the provisions of any development control plan

The development control plans that apply to the development are:

- Camden Development Control Plan 2019.
- Oran Park Development Control Plan 2007.

Camden Development Control Plan 2019 (Camden DCP)

Planning Controls

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Proposed Variation

The applicant proposes a variation to Section 2.18.2 of the Camden DCP regarding off-street car parking provision.

The Camden DCP base car parking rates equate to 262 off-street car parking spaces for the development as follows:

- Seniors housing (ILU) = 0.5 parking spaces for each bedroom = 218.5 spaces.
- Seniors housing (ALA) = 1 parking space for each 10 beds = 1.4 spaces.
- Pilates & Gym/Fitness = 7.5 spaces per 100m² = 19.3 spaces.
- Allied Health/Wellness = 4 car parking spaces per 100m² GFA = 7.6 spaces.
- Retail/Café/Restaurant/Salon = 1 space per 30m² = 15.1 spaces.
- Total spaces: 262 car parking spaces.

The applicant proposes to provide 208 spaces (plus 1 car wash bay). This equates to a 54 space deficit on the base rates.

The applicant has submitted a detailed parking submission, prepared by a traffic engineer, in support of the DA.

Variation Assessment

Council staff have assessed the applicant's parking submission and undertaken an analysis of the car parking demands of the development. It is recommended that reduced car parking rates be supported for the following reasons:

- The proposal involves a high density seniors housing development, where residents are expected to access on-site services such as wellness facilities, allied health, gym, salon and café, resulting in a high proportion of internalised trips and reduced demand for external vehicle movements.
- The development is situated within a walkable town centre location, immediately adjacent to civic and recreational facilities, which reduces the need for private vehicle use among residents, staff and visitors.

- On-street parking is available along Friesian Street, Holstein Street and South Circuit, offering convenient short-term parking options to support the commercial components of the development.
- The commercial uses are low-impact, local-serving tenancies (e.g. café, wellness, salon) which are expected to generate modest parking demand.
- The allocation of 12 commercial spaces is considered acceptable in this context, given the internal capture of trips and surrounding public parking,
- The Transport for NSW Guide to Transport Impact Assessment (2024) recommends a parking rate of 2 spaces per 3 independent living units for residents and 1 space per 5 units for visitors. Applied to this development, this equates to a total requirement of 166 spaces, substantially lower than the 262 spaces required under the DCP.
- The inclusion of car share vehicles for use by residents and staff will further reduce private car ownership and associated parking demand.
- A Traffic Impact Assessment has been submitted demonstrating that the proposed parking provision will accommodate anticipated demand without adversely impacting surrounding road or pedestrian networks.

Consequently it is recommended that the Panel support this proposed variation to the Camden DCP.

Oran Park Development Control Plan 2007 (Oran Park DCP)

An assessment table in which the development is considered against the Oran Park DCP is provided as an attachment to this report.

(a)(iii) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site falls within land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011.

The Oran Park VPA provides for infrastructure and associated facilities within the Oran Park Town project, in lieu of payments under the Oran Park & Turner Road Precinct Contributions Plan.

The majority of the core infrastructure, services and facilities required for the town centre have been provided. A condition of consent is recommended to ensure the development is carried out in accordance with the VPA. This condition will ensure that any requirements of the VPA that are triggered by this development are satisfied at the appropriate stage.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) *the suitability of the site for the development*

As demonstrated by the assessment, the site is considered to be suitable for the development.

(d) *any submissions made in accordance with this Act or the regulations*

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 November to 4 December 2024 and one submission was received objecting to the development.

The issue raised in the submission relates to the loss of currently vacant land which the submitter utilises as open space.

The following discussion addresses the issue raised in the submission.

1. *The loss of currently vacant land which the submitter utilises as open space.*

Officer comment:

The land is privately owned and is identified in the Oran Park DCP as a site for mixed use development.

No matters of broader public interest were raised

(e) *the public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Sydney Water	No objection and conditions recommended

Conditions that require compliance with the external referral recommendations are recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Panel:

- i. support the applicant's request pursuant to Appendix 2, Section 4.6(3) of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 to contravene the height of buildings development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and the additional height provision development standard in Section 87 of State Environmental Planning Policy (Housing) 2021, and
- ii. approve DA/2024/569/1 for a seniors housing development at 1 Civic Way, Oran Park subject to the conditions attached to this report for the following reasons:
 1. The Panel has considered the written request to contravene State Environmental Planning Policy (Precincts - Western Parkland City) 2021 in relation to the height of buildings development standard and State Environmental Planning Policy (Housing) 2021 in relation to the additional height provision development standard.

The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and Section 87 of State Environmental Planning Policy (Housing) 2021 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021, the principle of the State Environmental Planning Policy (Housing) 2021 and the objectives for development within the B2 Local Centre zone.

2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3. The development is consistent with the objectives of the Oran Park Development Control Plan 2007 and Camden Development Control Plan 2019.

- 4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.**
- 5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 6. The Panel has considered the issues raised in the submission received from the public and, subject to the recommended conditions, is satisfied that the development can be supported.**
- 7. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**