

DATE OF DETERMINATION	20 June 2025
DATE OF PANEL DECISION	20 June 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	Abha Suri
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 June 2025.

MATTER DETERMINED

PPSSWC-500 – Camden – DA/2024/569/1 – 1 Civic Way, Oran Park - 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.

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.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Camden Local Environmental Plan 2010 (LEP), the Panel is satisfied that the applicant has demonstrated that:

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

The Panel notes that 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 supported in the context of this development as there are no significant overshadowing implications and 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 areas. Further, the built form of the development will be highly consistent with the emerging urban structure of the Oran Park Town Centre and achieves an appropriate transition in scale.

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 building height; and approve the application for the reasons outlined in the council assessment report which have been replicated below:

- *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.*
- *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.*
- *The development is consistent with the objectives of the Oran Park Development Control Plan 2007 and Camden Development Control Plan 2019. The development is considered to be of an appropriate scale and form for the site and the character of the locality.*
- *Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.*
- *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.*
- *For the above reasons, the development is a suitable use of the site and its approval is in the public interest.*

The Panel also notes that the landscaping matters raised in the Panel Briefing on 10 February 2025 have been further considered through the assessment process to ensure there will be sufficient deep soil zones to support appropriate landscaping.

The Panel is satisfied that contamination has been considered under previous development applications encompassing the site and that the site is suitable for the development. A standard condition is proposed that otherwise requires any contamination found during works to be managed with development consent obtained for remediation if required.

The site falls within land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011 and contributions associated with the development are to be made in accordance with the VPA requirements.

Finally, while there is a deficiency in the number of parking spaces required for the proposed development as against the Camden Development Control Plan 2019 (DCP) requirement of some 54 spaces, the Panel is satisfied that this deficit is justified in the circumstances of the proposed development for the reasons set out in some detail at pages 17-18 of the council assessment report.

CONDITIONS

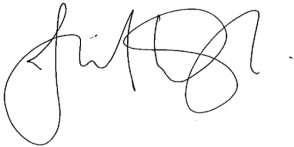


The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public. The Panel notes that issues of concern included:

- Loss of currently vacant land which the submitter utilises as open space.

The Panel considers that concerns raised by the community have been adequately addressed in the council assessment report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-500 – Camden – DA/2024/569/1
2	PROPOSED 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.
3	STREET ADDRESS	1 Civic Way, Oran Park
4	APPLICANT/OWNER	Applicant: Urbanco/Tulich (Oran Park) Project management 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 (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 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: The Oran Park VPA Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: 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 <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: 6 June 2025 Clause 4.6 variation request: Height of Building Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 10 February 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Rose Sicari <u>Council assessment staff</u>: Jordan Soldo, Jamie Erken <u>Applicant representatives</u>: Michael Rodger, Bianca Tulich, Amanda Walker, Mick Owens, Thomas Hansen, Andrew Walsh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report