

SYDNEY WESTERN CITY PLANNING PANEL

Panel No:	PPSSWC-81.
DA Number:	DA/2020/318/1.
Local Government Area:	Camden.
Development:	Construction of a 12 storey residential flat building with 92 units above the approved Oran Park Podium Shopping Centre (Stage 2) expansion
Street Address(es):	Lot 3 DP 270899 351 Oran Park Drive, Oran Park
Applicant / Owner:	Perich Property Trust – C/o Urbanco
Date of DA Lodgement:	26 May 2020
Number of Submissions:	Nil
Recommendation:	That delegation be granted to Council staff to approve the development application subject to the recommended conditions following the gazettal of the planning proposal to increase the maximum height of buildings development standard applying to the site.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Development with capital investment value >\$30 million.
List of All Relevant s4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Development Control Plan 2019. • Oran Park Development Control Plan.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 assessment table. • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development assessment table. • Oran Park Development Control Plan assessment table.

	<ul style="list-style-type: none"> Camden Development Control Plan assessment table. Recommended conditions. Proposed plans. External referral response. Ministerial Approval for Delegation. Site Photographs.
Report Prepared By:	Clare Aslanis, Executive Planner DA Assessment – West.
Report Date:	September 2020.

Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes.
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Legislative Clauses Requiring Consent Authority Satisfaction

Have relevant clauses 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?	Yes.
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Clause 4.6 Contraventions to Development Standards

If a written request for a contravention to a development standard (Clause 4.6 of the Growth SEPP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (s7.24)?	Yes.
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes.
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) delegation of powers for Council officers to determine a development application (DA) for the construction of a 12 storey residential tower above the recently approved Oran Park Podium shopping centre expansion.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$42,079,338. This exceeds the CIV threshold of \$30 million prescribed in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel delegate its powers in accordance with the Ministerial Approval under Section 2.16(6) of the Environmental Planning and Assessment Act 1979 to allow the General Manager; the Director Planning and Environment; or the Manager Statutory Planning to determine DA/2020/318/1 for the construction of a 12 storey residential tower above the approved Oran Park Podium Shopping Centre (Stage 2) expansion pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the gazettal of the planning proposal to increase the maximum height of buildings development standard applying to the site.

MINISTERIAL APPROVAL FOR DELEGATION

On 30 June 2020 the Minister for Planning and Public Spaces signed a Ministerial Approval under Section 2.16(6) of the *Environmental Planning and Assessment Act 1979*. This document grants approval from the Minister for the Panel to delegate any of its functions under the *Environmental Planning and Assessment Act 1979* or any other Act to the general manager or other staff of Council.

Pursuant to the abovementioned Ministerial Approval Council requests that the Panel delegate its determining powers to certain senior staff of Council in order to allow the timely determination of the subject DA.

It is Council's intention to determine the application by way of approval immediately upon gazettal of the planning proposal to increase the maximum height of buildings development standard under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The subject planning proposal has been endorsed by Council and is currently with the Department of Planning, Industry and Environment (DPIE) for gazettal / plan making.

There were no submissions objecting to the proposal and the proposal is generally compliant with relevant controls as discussed in this report and its attachments.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a 12 storey residential tower above the approved Oran Park Podium Shopping Centre (Stage 2) expansion at 351 Oran Park Drive, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, 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 (State and Regional Development) 2011.	The Panel is the consent authority for this DA as the development has a CIV of \$42,079,338 which exceeds the CIV threshold of \$30 million.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The proposal has been assessed against the provisions of the Growth Centres SEPP Appendix 1 – Oran Park

	and Turner Road Precinct Plan. An assessment table is attached to this report.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	The proposal has been assessed against the provisions of SEPP 65. An assessment table is attached to this report. One minor variation is addressed in the body of this report.
State Environmental Planning Policy No 55 - Remediation of Land.	Council staff assessed a preliminary site investigation (phase 1) contamination assessment submitted in support of the DA for the Podium shopping centre (stage 2) expansion. The proposed residential tower will be located above the approved shopping centre expansion. Council staff are satisfied on the basis of the previous report that the site is suitable for the development.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).	The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

The application was notified to surrounding properties and advertised in the local newspaper for a 14 day period between 4 June and 17 June 2020. No submissions were received objecting to the proposal.

It is noted that this 12 storey residential tower was originally proposed as part of the development application for the expansion to the Oran Park Podium shopping centre (DA/2018/1223/1). As the 12 storey residential tower substantially breached the existing maximum height of buildings development standard, a planning proposal (PP) was lodged concurrently with that DA that sought to increase the maximum height of buildings development standard for that portion of the site on which the 12 storey residential tower was proposed.

While the PP had received in principle support from Council, as well as a Gateway Determination, the applicant chose to remove the 12 storey residential tower from the previous application to allow the DA to be determined in a timely manner. On 4 May 2020 the Sydney Western City Planning Panel (SWCPP) approved DA/2018/1223/1 for the staged extension of the Oran Park Podium Shopping Centre.

On 26 May 2020 the applicant lodged the subject DA that effectively seeks to reinstate the previously proposed 12 storey residential tower.

This PP has now been endorsed by Council and returned to the DPIE for gazettal.

Based on the assessment, it is recommended that the Panel delegate it's powers (in accordance with the Ministerial Approval under Section 2.16(6) of the Environmental Planning and Assessment Act 1979) to allow the General Manager; the Director Planning and Environment; or the Manager Statutory Planning to approve the DA subject to the gazettal of the planning proposal to increase the maximum height of buildings development standard applying to the site.

AERIAL PHOTO



Figure 1: Aerial photograph

THE SITE

The Oran Park Podium site is located at No. 351 Oran Park Drive, Oran Park. The site is a single allotment with the legal description of Lot 3, DP 270899. The site has an area of approximately 5.53 hectares and is located within the Oran Park Town Centre.

To the north east the site directly adjoins the town park (Perich Park) with the Civic Precinct (including Council's Administration Building and the Oran Park Library) located to the east. To the west, on the opposite side of Oran Park Drive, there is a recently completed commercial building which is six (6) storeys in height.

The site is well situated with established transport links along Oran Park Drive and Peter Brock Drive and the envisaged rail corridor to the north west of the site.

The site contains the existing shopping centre (i.e. Stage 1 of the Oran Park Podium) over part of the site with the majority of the site currently undeveloped. This area is envisaged to be a retail precinct within the town centre under the Indicative Layout Plan for Oran Park.

The portion of the site the subject of this DA is generally grassed and free of structures with the exception of a footpath connecting the Civic Precinct to the existing Podium Shopping Centre. On 4 May 2020 the Panel approved a development application (DA/2018/1223/1) to expand the Oran Park Podium Shopping Centre (Stage 2).

The surrounding area is characterised by a mix of low and medium density residential to the south, Camden Council and the Oran Park Library to the east and further commercial development clustered to the west.

A large portion of the Oran Park Town Centre is yet to be developed and currently remains vacant. In particular, areas to north and south east of the site are vacant but will ultimately contain commercial and mixed use development.

A rail corridor is also envisaged for Oran Park with the future rail station to be located on Oran Park Drive and within walking distance of the site.



Figure 2: Site Context Plan

ZONING PLAN

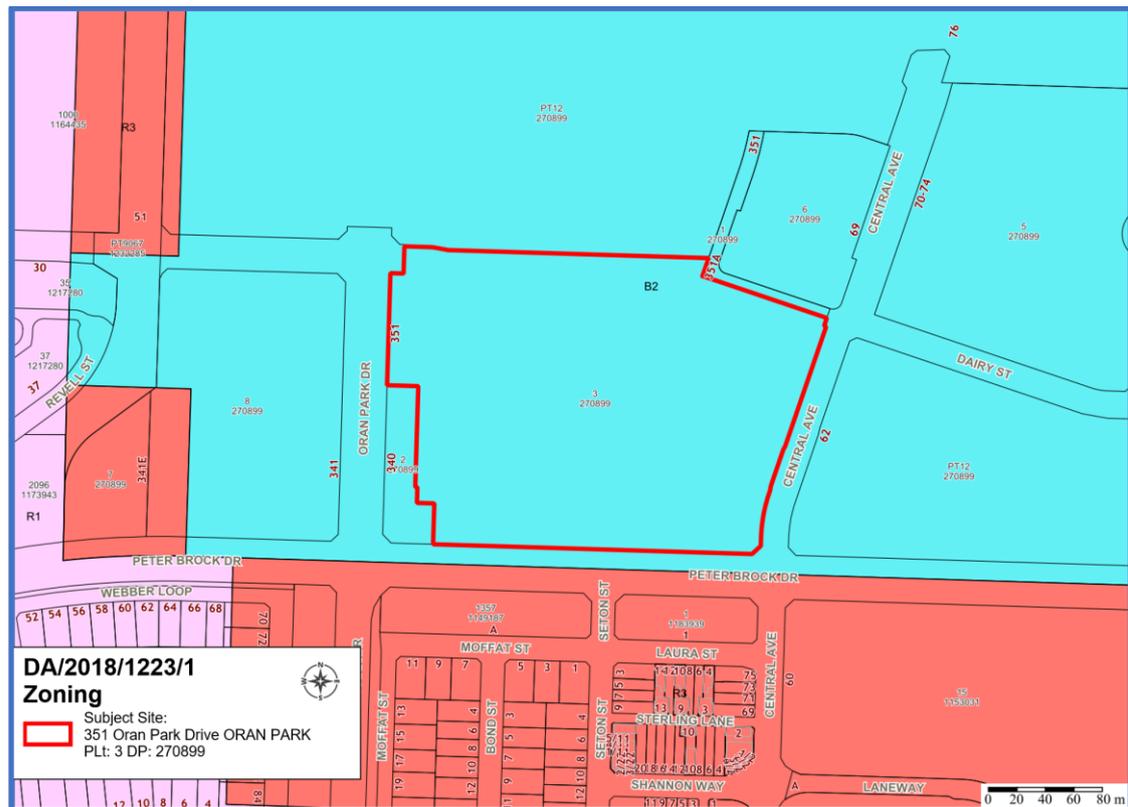


Figure 3: Site Zoning Plan

STATE ENVIRONMENTAL PLANNING POLICY (MAJOR INFRASTRUCTURE CORRIDORS) 2020

State Environmental Planning Policy (Major Infrastructure Corridors) 2020 commenced on 3 July 2020. This plan identifies land that is intended to be used in the future as an infrastructure corridor and reserves identified land for future transport or major infrastructure needs.

Land within close proximity to the site has been identified and mapped as SP2 Infrastructure to accommodate the South West Rail Link, which is envisaged to stop in Oran Park. The future rail link will contribute positively to the Oran Park Town Centre and provide a major public transport link within reasonable walking distance for the future residents of the proposed building.

There are no provisions in the Major Infrastructure Corridors SEPP that are applicable to the subject DA.

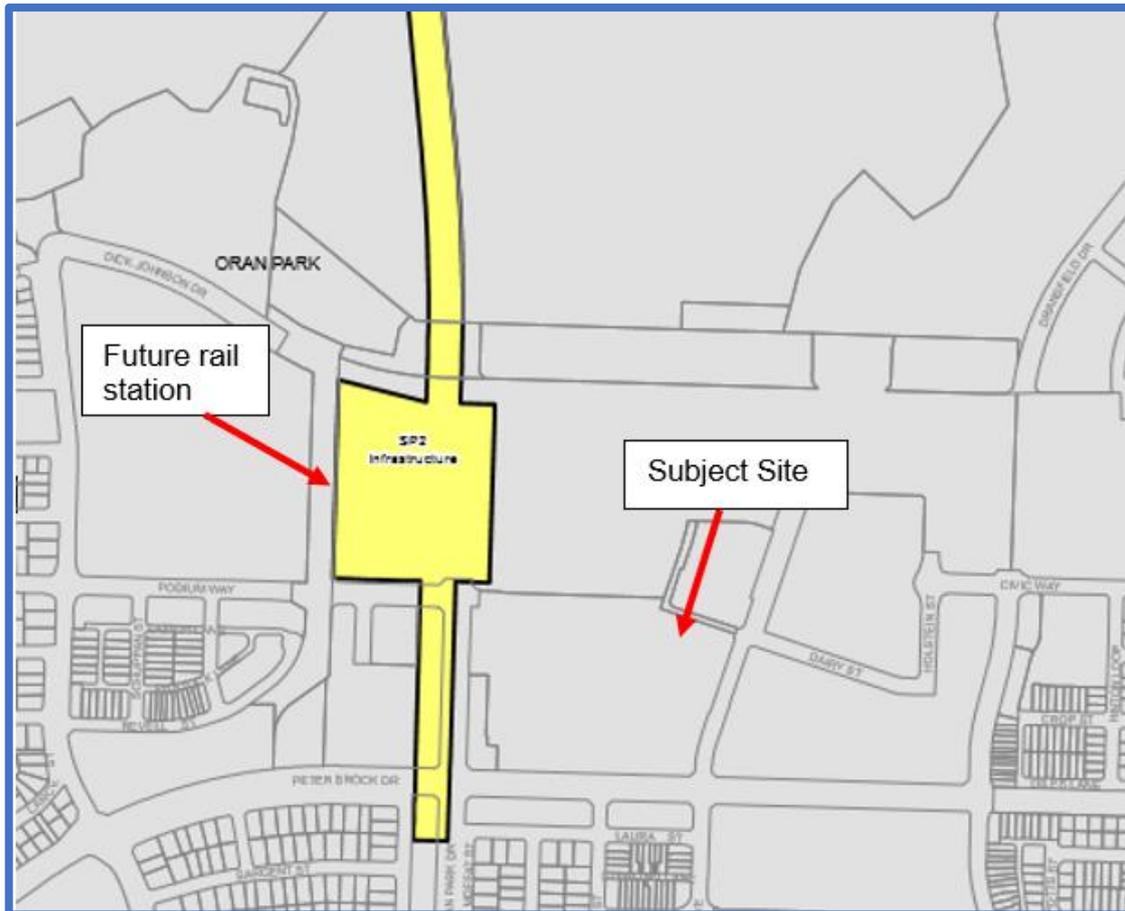


Figure 4: South West Rail link zoning map of nearby site.

THE PROPOSAL

The subject development application (DA/2020/318/1) seeks approval for a 12 storey residential tower to be erected above the approved expansion of Oran Park Podium Shopping Centre (approved as part of Determination No. 2018/1223/1).

Specifically the proposed development involves:

- Construction of a twelve storey residential building containing 92 apartments comprising:
 - 20 x one bedroom units;
 - 46 x two bedroom units; and
 - 26 x three bedroom units.
- Utilisation of surplus parking spaces approved under DA/2018/1223/1 in Basement 2.
- Installation of lifts servicing Building 2.
- Conversion of the 'temporary Sales Office' on the ground level approved under DA/2018/1223/1 to an entry lobby for the proposed residential building.
- Conversion of an area in the Basement 2 for use as a Building 2 lobby.

- Utilisation of approved waste rooms and collection area.

PANEL BRIEFING

Council staff briefed the Panel on the DA on 6 July 2020 and the Panel made the following notes:

- *The Panel notes that this application has been prepared to reflect proposed amendments to height controls for the site under a current Planning Proposal which has already been formally exhibited.*
- *Aside from non-compliant height under the current LEP (which is the subject of the planning proposal); the application seems largely compliant with applicable controls including the DCP and SEPP 65. The Panel notes that Council's Design Review Panel were supportive of the proposed building design subject to the planning proposal outcome.*
- *There have been no public submissions in relation to this application, and following the resolution of the Planning Proposal, the matter may be suitable for electronic determination.*

The proposal remains non-compliant with the maximum height of buildings development standard applicable to the site as the Planning Proposal to increase this height limit is yet to be formally gazetted. Notwithstanding, the Planning Proposal has been endorsed by Council (at its meeting on 28 July 2020) and the updated mapping has been sent to the DPIE for gazettal. Whilst there is no date indicating when this Planning Proposal will be gazetted it is understood to be imminent.

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 (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy No 55 - Remediation of Land.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies development that is State significant or regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$42,079,338. This exceeds the CIV threshold of \$30 million pursuant to Schedule 7 of the SRD SEPP.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Site Zoning and Permissibility

The site is zoned B2 Local Centre pursuant to Clause 2.2 of the Growth Centres SEPP – Appendix 1. The development is permitted with consent in the B2 Local Centre zone pursuant to the land use table in the Growth Centres SEPP – Appendix 1.

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's is provided as an attachment to this report.

Height of Building Development Standard

The proposed development has a maximum height of 46.4m and thereby contravenes the maximum height of buildings development standard (24m) that currently applies to the site.

As previously mentioned, the applicant submitted a Planning Proposal that seek to increase the maximum height of buildings development standard from 24m to 47m to facilitate the proposed building. That Planning Proposal has been endorsed by Council and is currently with the DPIE awaiting gazettal.

Given that the purpose of this report is to seek delegation of approval powers pending the gazettal of the planning proposal to increase to the height of buildings development standard, the proposal will not breach the maximum height of buildings development standard at the time of determination and therefore a written request under Clause 4.6 of the SEPP is not required / applicable.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

The application has been assessed against the provisions of SEPP 65 and the Apartment Design Guide. The proposal is generally compliant (with conditions recommended where necessary) with the exception of Clause 4A-1.

An assessment table is provided as an attachment to this report.

ADG Control Variation – 4A-1 Solar and Daylight Access - Design Criteria

The control requires a minimum of 70% of units to receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter to living areas and private open spaces.

The proposal results in a 63 units capable of compliance with the solar access provisions. This equates to 68.5%, which is below the minimum allowed by the control.

It is noted that the variation is relatively minor in nature and the proposal complies when the proposed 12 storey tower is considered in addition to the already approved

residential development approved under the previous development application (DA/2018/1223/1) to expand the Oran Park Podium Shopping Centre. The residential component of the development approved as part of Determination No. 2018/1223/1 incorporated a total of 50 units, where 40 units achieved the minimum solar access requirements. When considered together the overall development consists of 142 residential units with 103 achieving minimum solar access requirements. This equates to 72.5% and presents a compliant outcome.

The variation is considered to be relatively minor and the dwelling proposed as part of the subject development application are considered to achieve reasonable levels of residential amenity.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 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.

The applicant submitted a preliminary site investigation (phase 1) in support of the approved DA for the Oran Park Podium extension. That assessment found the site to be suitable for the development (including residential dwellings) from a contamination perspective.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system 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)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

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

Oran Park Development Control Plan

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

The variation identified in the assessment table is addressed below:

DCP Control Variation No 1 – 7.3 Building Envelopes / Bulk and Scale

The proposed development has an overall height of 12 storeys above podium level and as such varies from the five (5) floor maximum height identified in the DCP's Figure 69A.



As described above, the applicant has submitted a planning proposal that seeks to increase the maximum height of buildings development standard from 24m to 47m. The planning proposal has been endorsed by Council and is currently with the DPIE for plan making.

As the proposed residential flat building will comply with the maximum height of buildings development standard of 47m (at the time of determination) the variation to the existing DCP control is considered reasonable.

Camden Development Control Plan 2019 (Camden DCP)

The proposal was notified and advertised in the local newspaper in accordance with the provisions of the Camden DCP. No submissions were received.

(a)(iia) 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 on 22 June 2020.

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 site is located within Stage G, as identified in the VPA. A number of facilities are required to be delivered prior to progression of the overall Oran Park precinct development. The application has been referred to Council's Contributions Team, who have indicated that all relevant deliverables in Stage G have been completed, the relevant monetary contributions based on net developable area have been levied for this site on previous applications and raise no objection to the application subject to the recommended conditions of consent.

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

The *Environmental Planning and Assessment Regulation 2000* 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.

Traffic Impacts

Oran Park is a master planned site and the local road network has been designed and constructed to cater for the delivery of the proposed land use.

A traffic report was prepared for the proposal which concludes that the traffic impacts resulting from the proposed development coupled with the expansion of the Podium Shopping Centre that has recently been approved are acceptable and within the limits of the existing street network.

The application for the Stage 2 Podium extension (DA/2018/1223/1) was referred to the RMS as Traffic Generating Development based on the size of the car parking area and at the time included the 12 storey residential component that is the subject of this DA. The RMS raised no objection to the proposal with no specific conditions recommended. The subject proposal was not required to be referred to the RMS.

Parking impacts

The proposal relies on the car parking provided under DA/2018/1223/1. That application provided for 1,399 car parking spaces for the entire development. The car parking provided exceeds the minimum required under the Camden Development Control Plan. All residential units will be provided with at least one car parking space, which is reinforced through a recommended condition of consent.

The subject site is also in close proximity to public bus services and the envisaged Oran Park Rail Station. The provision of car parking for this development is considered satisfactory.

Visual impacts

The proposal has incorporated a number of architectural features to appropriately break up the large building masses through articulation, landscaping and building materials. The variation in building heights across the site contributes to the breaking up of masses and improved visual interest.

The building design and scale are an appropriate urban design outcome for the Oran Park Town Centre with surrounding buildings providing a transition to lower and medium density residential developments. The proposal will serve as a landmark feature and create an interesting skyline.

The proposed residential tower was referred to council's Design Review Panel who were supportive of the proposed scheme.

(c) the suitability of the site for the development

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

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

The application was notified to surrounding properties and advertised in the local newspaper for a 14 day period between 4 June and 17 June 2020. No submissions were received objecting to the proposal.

(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 2000*, environmental planning instruments, development control plans and policies. Based on the above 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
NSW Police – Camden Local Area Command	No objections raised, subject to recommended conditions of consent.

Conditions that require compliance with the above recommendations are included in the recommended conditions of consent.

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.

Based on the assessment, it is recommended that the Panel delegate it's powers (in accordance with the Ministerial Approval under Section 2.16(6) of the *Environmental Planning and Assessment Act 1979*) to allow the General Manager; the Director Planning and Environment; or the Manager Statutory Planning to approve the DA subject to the gazettal of the planning proposal to increase the maximum height of buildings development standard applying to the site.

RECOMMENDED

That the Panel:

- i. **Delegate its powers of determination (in accordance with the Ministerial Approval under Section 2.16(6) of the Environmental Planning and Assessment Act 1979) to allow the General Manager; the Director Planning and Environment; or the Manager Statutory Planning to approve DA/2020/318/1 for the construction of a 12 storey residential flat building at 351 Oran Park Drive, Oran Park upon the gazettal of the planning proposal to increase the maximum height of buildings development standard applying to the site and subject to the conditions attached to this report.**