

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Thursday 14 July 2016 at 11.00 am**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald and Paul Mitchell

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW162 – City of Parramatta Council, DA/526/2015, Amended proposal for demolition of existing structures, construction of a 22 storey mixed use building comprising 54 residential units, 57.75m² of retail space and basement car parking for 67 cars, stratum and strata subdivision, Lot 2 in DP 519703, No. 35 Oxford Street, Epping.

Date of determination: 14 July 2016

Panel Decision: Approval.

The Panel unanimously approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Reasons for Panel Decision:

1. The proposed development will add to the supply and choice of housing within the Northwest Metropolitan Subregion and the City of Parramatta in a location with ready access to the metropolitan transport services available from Epping Rail Station and the services and amenities provided by Epping Centre. The proposal will also add to the provision of local retail/commercial services.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 32 – Urban Consolidation and SEPP 55 – Remediation of Land.
3. The Panel has concluded that the subject site can be developed in isolation, in that context the proposed development adequately satisfies SEPP 65 Design Quality of Residential Flat Buildings and its associated Residential Flat Design Code and adequately satisfies the objectives and provisions of Hornsby LEP 2013 and Hornsby DCP 2013.
4. The proposed development is considered to be of appropriate scale and form adequately consistent with the planned character of the locality in which it is placed.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises, the development potential of adjoining lands, the amenity of the adjoining school or the operation of the local road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions: The development application was approved subject to the conditions recommended in the Council assessment report with the following amendments –

DELETE “Part A – Deferred Commencement” (i.e. Condition A1) as this condition has now been satisfied.

DELETE the heading “Part B – General Conditions” as there are no longer any Deferred Commencement conditions.

AMEND Condition 1 as follows to add details of the proposed easement for access benefitting 33 Oxford Street:

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1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
A-2.01 Rev M Basement Plans 1	MKD Architects	June 2016
A-2.02 Rev M Basement Plans 2	MKD Architects	June 2016
A-2.03 Rev M Ground Floor Plan	MKD Architects	June 2016
A-2.04 Rev M Level 1 Floor Plan	MKD Architects	June 2016
A-2.05 Rev M Level 2 Floor Plan	MKD Architects	June 2016
A-2.06 Rev M Level 3 Floor Plan	MKD Architects	June 2016
A-2.07 Rev M Level 4-7 Floor Plans	MKD Architects	June 2016
A-2.08 Rev M Level 8 Floor Plan	MKD Architects	June 2016
A-2.09 Rev M Level 9-12 Floor Plans	MKD Architects	June 2016
A-2.10 Rev M Level 13 Floor Plan	MKD Architects	June 2016
A-2.11 Rev M Level 14-18 Floor Plans	MKD Architects	June 2016
A-2.12 Rev M Level 19-21 Floor Plans	MKD Architects	June 2016
A-2.13 Rev M Adaption Plans 1	MKD Architects	June 2016
A-2.14 Rev M Adaption Plans 2	MKD Architects	June 2016
A-3.01 Rev M Oxford Street Elevation	MKD Architects	June 2016
A-3.02 Rev M North Elevation	MKD Architects	June 2016
A-3.03 Rev M West Elevation	MKD Architects	June 2016
A-3.04 Rev M South Elevation	MKD Architects	June 2016
A-3.05 Rev M Streetscape Elevation	MKD Architects	June 2016
A-4.01 Rev M Sections	MKD Architects	June 2016
A-6.01 Rev M Façade Section 1 – Podium	MKD Architects	June 2016

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A-6.02 Rev M Façade Section 2 – Concrete Balustrades	MKD Architects	June 2016
A-6.03 Rev M Façade Section 3 – Bat Window	MKD Architects	June 2016
SS15-3020 000 Rev D Cover Sheet	Site Image	14/06/2016
SS15-3020 101 Rev D Landscape Plan Level 1	Site Image	14/06/2016
SS15-3020 102 Rev D Landscape Plan Level 3	Site Image	14/06/2016
SS15-3020 103 Rev D Landscape Plan Level 8	Site Image	14/06/2016
SS15-3020 501 Rev D Landscape Details	Site Image	14/06/2016
SS15-3020 502 Rev D Indicative Plant Schedule & Specification Notes	Site Image	14/06/2016
150113 D00 Rev B Stormwater Drawing Cover Sheet	Australian Consulting Engineers	07/03/2016
150113 D01 Rev C Stormwater Basement Level 3	Australian Consulting Engineers	01/12/2015
150113 D02 Rev C Stormwater Basement Level 2	Australian Consulting Engineers	01/12/2015
150113 D03 Rev C Stormwater Basement Level 1	Australian Consulting Engineers	01/12/2015
150113 D04 Rev B Basement Stormwater Drainage Details	Australian Consulting Engineers	21/09/2015
150113 D05 Rev E Ground Level Stormwater Drainage Plan	Australian Consulting Engineers	04/03/2016
150113 D06 Rev D Level One Stormwater Drainage Plan	Australian Consulting Engineers	07/03/2016
150113 D07 Rev E OSD Section and Site Stormwater Drainage Details	Australian Consulting Engineers	07/03/2016
150113 D08 Rev B Erosion and Sediment Control Plan	Australian Consulting Engineers	07/03/2016
150113 D10 Rev B OSD to Existing Pit	Australian Consulting Engineers	07/03/2016

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Longitudinal Section		
Draft Strata Plan Ref. 19535 Sheet 3 of 9	Warren L. Bee	08/07/2016

Document No.	Prepared by	Dated
Design Verification Statement	MKD Architects	13/11/2015
BASIX Certificate No. 628546M_07	Efficient Living	15/06/2016
BASIX Stamped Plans – Certificate No. 14733464	Tracey Cools	15/06/2016
Arboricultural Impact Assessment	Urban Forestry Australia	April 2015
DA Noise Impact Assessment Rev 2	Acoustic Logic	15/04/2015
Wind Assessment Ref. 8457	Cermak Peterka Petersen	23/09/2015
Landscape Report	Site Image	25/09/2015
Construction Impact Report Ref. 150113.CIR1	Australian Consulting Engineers	28/09/2015
Access Assessment Report	Building Code Assistance	23/09/2015
Compliance Assessment Report	Building Code Assistance	23/09/2015
Geotechnical Study Ref. 3098-P1	Asset Geotechnical	11/05/2015
Catchment Analysis Report	Australian Consulting Engineers	07/03/2016
Draft Section 88B Instrument outlining the “Right of access for vehicles, waste and recycling variable width limited in height” benefitting Lot 23 Sec 1 DP 758390	N/A	Lodged with Council on 11 July 2016

In the event of any inconsistency, the abovementioned architectural plans will prevail over other plans or documentation.

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AMEND Condition 3(g) as follows to rectify a typographical error:

- g) The highlight windows in the southern elevation at Levels 8-21 are to be tinted black and are to be acoustically treated as required by Condition 13.

AMEND Condition 20(c) as follows to reflect Council's detailed requirements for bollards and street trees:

- c) Replacement footpath design plans are to be approved by Council in accordance with Sec 138 of the Roads Act and are to be in accordance with the Oxford Street: "Village Street" street typology in Council's *Epping Town Centre Public Domain Guidelines* and *technical specifications* as follows:

- i) a 6.0 metre wide fully paved verge with granite pavement works including
- Paver: Granite Flagstone Pavers;
 - Colour: Adelaide Black, as supplied by Sam the Paving Man or equivalent;
 - Size 600 x 450 x 50mm;
 - Setout: Lay commencing from Perpendicular to the kerb;
 - Installation: laid with mortar bedding on reinforced slab, 10-12mm separation joints against kerb and site building / boundaries with expansion joint and sealant bead to match stone colour, jointing between pavers to be 3mm, raked to a depth of 4mm;
 - Bollards: Stainless steel removable (including ground fixtures) either sited to separate the 3.5m pedestrian thoroughfare from the 2.5m parking zone (i.e. 6 metres from the property boundary) or to separate footpath dining from road carriageway (i.e. 3.5 metres from the property boundary). The bollards are to be - Type: Slimline 150NB removable (SSP150RB); supplied by: LEDA; Material: 316 Grade Stainless Steel; Finish: Linished;
- NB: For these to be able to be relocated for the alternative use for parking or outdoor dining, sleeve fixtures would be required to be installed in the alternative locations, with top covers.*
- Bollards able to be relocated to accommodate outdoor dining or vehicle parking;
- ii) Removal of the existing concrete kerb and install of a concrete spoon drain to define the edge of the bitumen road pavement;
- iii) Construction of transition kerb and spoon drain to the north and south of the development site. This shall include:
- a concrete spoon drain connection to the existing kerb extension on the southern end of the frontage of 33 Oxford Street; and
 - a transition treatment of kerb realignment to link to the existing kerb line to the north.
- iv) Construction of vehicle access area, parking bays and pedestrian pavement areas with Granite flagstone pavers laid over a reinforced concrete slab, extending from the back of the

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concrete spoon drain to the property boundary;

- v) One tree planted in the parking bay lane bay / outdoor dining zone, species *Tristania laurina* 'Luscious' (Water Gum 'Luscious') minimum 400 Litre pot size with a tree grate set flush to adjoining grades and sandstone wheel stops (soil to finish 150mm below road pavement level). The Tree grates are to be - Type: 2500 x 2500mm Laser-cut Slotted Steel Grate with support frame; Supplied by: Furphy Foundry; Material and Finish: Mild Steel 2 coat painted with slip-resistant charcoal-coloured coating. The Wheel Stops are to be 1800 x 200 x 200mm sandstone with bevelled edge, fixed securely into concrete retaining edge to grate; and
- vi) Tree pit to include subsoil drainage connected to the existing stormwater drainage system, topsoil volume minimum 7m³ utilising Stratacell as supplied by *CityGreen* or approved equivalent structural support pavement above the tree pit area.

AMEND Condition 56(d) as follows to amend the reference to the former Deferred Commencement conditions:

- d) The creation of the right of access benefitting Lot 23 Sec 1 DP 758390 being No. 33 Oxford Street, Epping in accordance with the plans approved under Condition 1.

Panel members:



Mary-Lynne Taylor(Chair)



Bruce McDonald



Paul Mitchell

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SCHEDULE 1	
1	JRPP Reference – 2015SYW162, LGA – City of Parramatta Council, DA/526/2015
2	Proposed development: Amended proposal for demolition of existing structures, construction of a 22 storey mixed use building comprising 54 residential units, 57.75m ² of retail space and basement car parking for 67 cars, stratum and strata subdivision.
3	Street address: Lot 2 in DP 519703, No. 35 Oxford Street, Epping.
4	Applicant/Owner: Applicant: MKD Architects Pty Ltd. Owner: Mrs B Quinn, Ms R McLean and Mr R Lincoln
5	Type of Regional development: CIV over \$20 million.
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Hornsby Local Environmental Plan 2013 ○ State Environmental Planning Policy No. 32 – Urban Consolidation ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development ○ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development (Amendment No. 3) ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 • Planning agreements: Hornsby Shire Council Section 94 Contributions Plan 2012 - 2021 • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	<p>Material considered by the panel:</p> <p>2 December 2015 JRPP Meeting – Original Council Assessment Report with reasons for deferred commencement approval, locality plan, basement levels 1-2, levels 1-6, roof plan, elevations, sections, photomontages, landscape plans, shadow diagrams, solar access analysis.</p> <p>Written submissions prior to panel meeting:</p> <ul style="list-style-type: none"> • Legal advice from the applicant. <p>At the meeting on 2 December 2015 - The Panel unanimously determined to defer the development application as described in Schedule 1 pursuant to section 80 of the <i>Environmental Planning and Assessment Act 1979</i> and considers that a better urban design outcome would be achieved if the site was developed in conjunction with the adjacent property 33 Oxford Street, Epping. The application is deferred until the meeting to be scheduled in March 2016 to enable negotiation between the applicant Luxcon and the Catholic Church Parish in relation to pursuing a potential joint development with 33 Oxford Street as suggested by the Catholic Parish of Epping of Carlingford in their letter dated 9 November 2015.</p> <p>26 May 2016 JRPP Meeting – Supplementary Report, Basement Levels 1-3, Ground Floor Plan, Levels 1-21, Elevations, Sections, Photomontages.</p>

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	<p>At the meeting on 26 May 2016 the Panel unanimously determined to defer the development application for amendments to be undertaken to the plans and in particular to the southern façade based on the suggestions articulated on pages 9 and 10 of the Council Assessment Report noting the agreement of the adjoining southern owner to a zero boundary setback for the first four floors and then amendment to the higher southern façade based on the principles of:</p> <ol style="list-style-type: none"> 1. The façade treatment respecting the heritage item, 2. Avoidance of unreasonable overlooking of the school, and the building which attractively integrates into the planned future character of the Epping Urban Activation Area. <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Emma McDonald on behalf of Peter Dowd, Parish Priest of Epping and Carlingford Parish • Christine Covington will be speaking on behalf of Goodman • Larissa Brendan and Peter Reed on behalf of the applicant
8	<p>Meetings and site inspections by the panel: 14 July 2016 – Final Briefing Meeting 2 December 2015 – Final Briefing Meeting. 26 May 2016 – Final Briefing Meeting.</p>
9	<p>Council recommendation: Approval</p>
10	<p>Conditions: Subject to conditions at Schedule 1</p>