

DATE OF DETERMINATION	10 October 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell and Cr Sameer Pandey
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Mantra Parramatta, Corner Parkes Street and Valentine Avenue, Parramatta on Wednesday 12 September 2018 opened at 5.00pm and closed at 9.12pm.

MATTER DETERMINED

Panel Reference – 2016SYW114, LGA – City of Parramatta, DA/485/2016, Address: 44-48 Oxford Street Epping, demolition of all existing structures including the heritage listed dwelling on site, tree removal, construction of a mixed-use development in the form of 2 towers (15 & 18 Storeys tall) over a podium and 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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Hornsby LEP 2013; and
 - (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979
- for the reasons set out below.

REASONS FOR THE DECISION

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Hornsby LEP 2013 and considers that:
 - i. the applicant's submissions adequately address the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation; and
 - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality and provide for a better planning outcome through the provision of additional communal open space for residents.

For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

2. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Parramatta local government area in a location with excellent access to services and amenities.
3. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of Hornsby LEP 2013 and Epping Town Centre – Urban Activation Precinct Plan.
5. The design of the proposed development responds appropriately to the recently introduced planning controls for the Epping Town Centre and the Panel notes that the design has been found acceptable to the City Architect and the design excellence personnel of the City council.
6. The Panel notes the concerns raised regarding the proposed removal of the heritage item located on the site but is satisfied that retention of that item is not practicable given the desired future character of this B2 Local Centre zone and in this regard accepts the advice and opinions of the Applicant's heritage advisors and the independent report of Stephen Davies, currently Chair of the NSW Heritage Council, that retention of the item on this site in its present and future context would be inappropriate for the item and it is not necessary to retain this item to understand the significance of the Epping area.
7. 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.
8. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
9. In consideration of conclusions 1-8 above the Panel considers the proposed development is a suitable use of the site.

The decision was approved with a majority of 2 members voting for approval, but with Councillor Pandey voting against.

DISSENTING VOTE

Cr Pandey having considered all submissions in reaching his decision on this matter still has major concerns around demolition of the heritage item. There are other concerns which he believes can be addressed but the demolition of heritage is irreversible. He said they have limited heritage left and he is of opinion that they must preserve what is left of their heritage. He also believes that there is no reason why they cannot blend heritage with modern construction. The proposed development is not considered a suitable development of the site and approval would not be in the public interest. For these reasons he is not in favour of this application

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

CONDITIONS

The development application was approved subject to the revised conditions submitted with the Addendum report dated 29 August 2018 noting two new conditions relating to Green Travel Plan.

New Conditions –

Condition 126 –


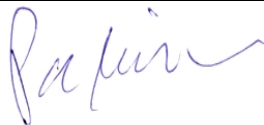

One year from the issue of the Occupation Certificate, and every year for 3 years thereafter, the applicant shall submit to Council's Manager Development & Traffic Services a review of the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

Reason: To ensure the effective management of the Green Travel Plan.

Condition 127 –

The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

Reason: To ensure implementation of the Green Travel Plan.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell
 Sameer Pandey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Reference – 2016SYW114, LGA – City of Parramatta, DA/485/2016
2	PROPOSED DEVELOPMENT	Demolition of all existing structures on site (including the heritage listed residence), tree removal and construction of a mixed-use development in the form of 2 towers (15 & 18 Storeys tall, respectively) over a podium and basement car parking.
3	STREET ADDRESS	44-48 Oxford Street Epping
4	APPLICANT/OWNER	Applicant - Pirsata Pty Ltd Owner - Pirsata Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value >\$20million.

6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • Hornsby Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Holroyd Development Control Plan 2013 • Planning agreements: Nil <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Regulation 2000</i>: Section 92 of the EP&A Regulation • 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 addendum report, draft conditions of consent and written submissions. • Written submissions during public exhibition: 50 <ul style="list-style-type: none"> • Support – Nil • Object: <ul style="list-style-type: none"> • Damien Tudehop – Member for Epping • Peter Goldfinch • Laurence Lee • Sean Johnson • Margaret McCartney on behalf of Save Epping’s Forest Park Community Group • Mike Moffatt on behalf of the Epping Civic Trust • On Behalf of the applicant: <ul style="list-style-type: none"> • Aaron Cornish, Marian Higgins, Brett Maynard and Craig

		<p>Sinclair</p> <ul style="list-style-type: none"> On Behalf of Council – Alex McDougall, Myfanwy McNally and Mark Leotta
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing Meeting – 19 October 2016 Final Briefing Meeting – 7 February 2018 from 4.15pm to 5.00 pm Public Meeting – 7 February 2018 Final Briefing Meeting – 4 July 2018 from 5.00pm to 6.00pm Public Meeting – 4 July 2018 Public Meeting – 12 September 2018 <p>Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor, Paul Mitchell, and Sameer Pandey <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally and Mark Leotta
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Submitted with report