

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 1 March 2017
PANEL MEMBERS	Ed Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell, David Ryan and Richard Thorp
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Rydalmere Operations Centre on Wednesday, 1 March 2017, opened at 2:30 pm and closed at 2:45 pm.

MATTER DETERMINED

2016SYW187 – Parramatta – DA/368/2016/A AT 35 Oxford Street, Epping NSW 2121 (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

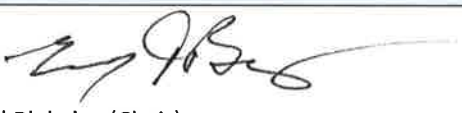




The Panel determines the application to modify the application by granting approval for the following reasons:

1. The application is substantially the same as that originally approved.
2. The proposed changes are generally minor, are well designed, will not materially alter the appearance of the building, and there will be no adverse effects on the built environment.
3. The modified development will be compatible with the area's emerging context and the planned future character of the Epping Town Centre.
4. There are planning benefits from the proposal being a more appropriate mix of housing supply, improved amenity in the residential units and improved local retail facilities.
5. The issues raised in submissions have been carefully considered. The Panel believes that they are either not consequential or unlikely to cause unacceptable impacts.
6. The modification will be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Delete Condition 3 (l), no change to original consent for 33(a) as this was not part of the s96 application

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	 David Ryan
 Richard Thorp	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW187 – Parramatta – DA/368/2016/A
2	PROPOSED DEVELOPMENT	Section 96(2) Modification to development consent No. DA/365/2016 to increase the floor-to-floor levels from 3 metres to 3.1 metres across all floor levels, modify the unit mix, increase of 2 residential units resulting in a total of 56 units, changes to the basement levels, increase the size of the retail tenancy from 57.75sqm to 95sqm and increase the number of on-site car parking from 67 to 69
3	STREET ADDRESS	35 Oxford Street, Epping NSW 2121
4	APPLICANT/OWNER	Luxcon Developments No.5 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) modification to a development application that has a capital investment value of more than \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 4A – Development for which regional panels may be authorized to exercise consent authority functions of councils • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Hornsby Local Environmental Plan 2013 • Hornsby Development Control Plan 2013 • 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: 8 February 2017 • Written submissions during public exhibition: four (4) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Larissa Brennan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site visit and briefing meeting on 1 March 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report