

<b>DATE OF DETERMINATION</b>	Wednesday, 7 March 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Lindsay Fletcher, Peter Brennan and Steven Issa
<b>APOLOGIES</b>	Paul Mitchell and Sameer Pandey
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Rydalmere Operations Centre on Wednesday, 7 March 2018, opened at 1:30 pm and closed at 5:15pm.

#### **MATTER DETERMINED**

2017SWC056 – City of Parramatta – DA/314/2017 AT 37-41 Oxford Street, Epping (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 4.16 of the *Environmental Planning and Assessment Act 1979*.

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

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:





1. The application proposes additional housing supply in an Activation Precinct identified by the State Government with excellent access to existing and proposed improved public transport.
2. The development is generally compliant with State and local planning controls.
3. The Panel supports the Clause 4.6 variation request for additional height and accepts that the proposal as now designed results in a better planning outcome as a consequence of the variation – noting that there is complying density with the Hornsby Local Environment Plan 2013's (LEP) Floor Space Ratio standard.
4. The Panel does not accept that use of a Clause 4.6 Variation Request in the circumstances means an abandonment of the height standard in Epping Precinct, but results in better urban design than the height compliant development originally proposed.
5. 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.

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

6. The Panel notes that the Council's Design Panel supports the removal of the through site link as well as the height variation, and the Panel accepts the removal of the link and notes that it may be able to occur on other sites in the future but would be unworkable from this site which does not have a link to Cambridge St, and because of the changes in level and direction.
7. As the application is compliant with the density standard proposed for the UAP the traffic impact is consistent with that planned for the locality.
8. The Panel finds the street activation with additional setback and tree planting, together with the two levels of commercial and retail space, is consistent with the UAP requirements.
9. The conditions proposed by the Council are appropriate for this staged development and matters of concern raised in the submissions can be addressed by conditions in the later stages. In particular, the Panel notes that the applicant has accepted the additional requirements specified in Condition 19 relating to the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
10. Therefore, for these reasons, the Panel finds the application to be suitable for the site and approval is in the public interest.

## CONDITIONS

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

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Lindsay Fletcher
 Peter Brennan	 Steven Issa

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC056 – City of Parramatta – DA/314/2017
2	PROPOSED DEVELOPMENT	Concept development application for mixed use twoer building. Stage 1 forms part of the subject application and seeks approval for a 30 storey mixed use tower building envelope with 4 storey basement. Stage 2, demolition and detailed building design, would be subject to a future application.
3	STREET ADDRESS	37-41 Oxford St, Epping NSW 2121 (Lot 2 DP 1205413)
4	APPLICANT OWNER	Goodman Property Services (Aust) Pty Ltd c/o Urbis The Trust Company Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development &amp; Apartment Design Guide</li> <li>○ Hornsby Local Environmental Plan 2013</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Hornsby Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 23 February 2018</li> <li>• Written submissions during public exhibition: 21</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Object – Timothy Abrams on behalf of Damien Tudehope (MP for Epping), Graham Medhurst on behalf of Epping Civic Trust and Mike Moffat on behalf of Save Epping's Forest Park Group</li> <li>○ On behalf of the applicant – Angelo Candalepas, Tom Vandenberg, Andrew Johnson and Jacqueline Parker</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting on Wednesday, 5 July 2017</li> <li>• Site inspection on 7 March 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 7 March 2018, 1:00pm . Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Lindsay Fletcher, Peter Brennan, Sameer Pandey and Steven Issa</li> <li>○ <u>Council assessment staff</u>: Alex McDougall, Deepa Randhawa, Matthew Di Maggio, Shaylin Moodliar, Myfanwy McNally, Steve Chong, Paul Clark and Mark Leotta</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report