

<b>DATE OF DETERMINATION</b>	4 September 2019
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Mark Grayson, Lindsay Fletcher, Sameer Pandey and Richard Thorp
<b>APOLOGIES</b>	Mary-Lynne Taylor
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Rydalmere Operations Centre, City of Parramatta Council on 4 September 2019, opened at 2.00pm and closed at 4.50pm.

#### **MATTER DEFERRED**

2018SWC012 – City of Parramatta – DA61/2018 AT 48-54 Beecroft Road and 52-54 Rawson Street, EPPING NSW 2121 (Lot 2 DP 592094, Lot 1 DP 541808, Lot 1 DP 592094, Lot 2 DP541808, Lot 4 DP 541960, Lot A DP 325036 and Lot 3 DP 541960) (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 briefings 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.

#### **Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl 4.3 of PLEP 2011, the Panel is satisfied that the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) and (4) of the LEP and particularly that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard;
- (b) the development is in the public interest because it is consistent with the objectives of clause 4.3 height of building (development standard) of the LEP, the objectives of the zone and the relevant objectives of the Act; and
- (c) the concurrence of the Secretary is assumed (Planning Circular PS 18-003 Varying Development Standards).

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

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

1. The proposal will add to the stock and range of housing available in the locality and, as such, improve housing choice and affordability.
2. The proposal is consistent with relevant objectives of the B2 local centre zone and will provide well activated retail space at ground floor level.
3. The proposal is well designed and has the support of the Council's DEAP. It will improve the built form of Epping town centre.
4. The site of the proposal development is suited to the intended use and being close to the railway station will foster greater use of public transport. The inclusion of a Green Travel Plan will further encourage use of public transport.
5. The Panel has carefully considered all issues raised in public submissions and considers that most have been resolved by amendments to the proposed design and/or conditions to be imposed or are not of sufficient magnitude to warrant refusal.
6. For the reasons given above approval of the application is in the public interest.

### **CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report.

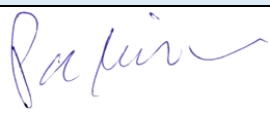
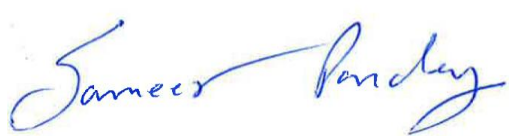
### **CONSIDERATION OF COMMUNITY VIEWS**


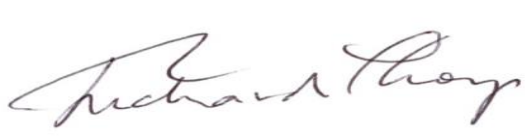

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Use and ownership of the laneway
- Traffic impacts
- Non-compliance to LEP/DCP
- Loss of commercial space
- Through site link
- Wheel chair access
- Wind conditions in Rawson Street
- Vehicular access

In relation to wheel chair access, the Panel noted that compliant with the DDA is an obligation on the owners of the site and that the Panel's approval of the development cannot be interpreted as an approval under DDA.

The Panel considers that concerns raised by the community have been adequately addressed by design amendments to the application and/or conditions to be imposed, and there are no unresolved issues requiring information and further assessment.

<b>PANEL MEMBERS</b>	
 <p>Paul Mitchell OAM (Acting Chair)</p>	 <p>Sameer Pandey</p>

	
Mark Grayson	Richard Thorp
	
Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC012 – City of Parramatta – DA61/2018
2	PROPOSED DEVELOPMENT	21 storey mixed use building comprising 2 – 3 storey podium containing 5 retail tenancies and 18 storeys of shop-top housing above containing 130 apartments (46 x 1 bed, 70 x 2 bed and 14 x 3 bed) over 4 storeys of basement car parking; public through-site link; and demolition of existing buildings.
3	STREET ADDRESS	48-54 Beecroft Road and 52-54 Rawson Street, EPPING NSW 2121 (Lot 2 DP 592094, Lot 1 DP 541808, Lot 1 DP 592094, Lot 2 DP541808, Lot 4 DP 541960, Lot A DP 325036 and Lot 3 DP 541960)
4	APPLICANT/OWNER	Applicant - Mr Sameh Ibrahim Owner - DGS Epping Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	The development has a capital investment value of more than \$20 million (at the time of lodgment)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004</li> <li>SEPP (Infrastructure) (ISEPP) 2007</li> <li>SEPP (State and Regional Development) 2011</li> <li>SEPP (Sydney Harbour Catchment) (SEPP Sydney Harbour) 2005</li> <li>SEPP No. 55 (Remediation) (SEPP 55)</li> <li>SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) &amp; Apartment Design Guide (ADG)</li> <li>Parramatta Local Environmental Plan (PLEP) 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Parramatta Development Control Plan 2011</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000</li> <li>Coastal zone management plan: Nil</li> </ul>

		<ul style="list-style-type: none"> <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>• Briefing – 12 February 2018</li> <li>• Public meeting – 3 April 2019</li> <li>• Briefing – 31 July 2019</li> <li>• Written submissions during public exhibition: 48</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection –</li> <li>○ Mike Moffatt on behalf of Epping Civic Trust</li> <li>○ Council assessment officer – Alex McDougall and Mark Leotta</li> <li>○ On behalf of the applicant –</li> <li>○ Daniel West (Town Planner)</li> <li>○ Sameh Ibrahim (Development Manager)</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing – 12 February 2018</li> <li>• Site Inspection – 3 April 2019</li> <li>• Public meeting – 3 April 2019</li> <li>• Final briefing to discuss council's recommendation, 3 April 2019, 12.30pm to 2.00pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Lindsay Fletcher, Mark Grayson, Richard Thorp and Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally and Hamish Murray</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with council assessment report