

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	11 May 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Ken McBryde, David Ryan, Sameer Pandey and Martin Zaiter
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Gabrielle Morrish advised that her practice GMU has undertaken work on sites close to or adjacent to the subject site and as such will not participate in the Panel meeting. Jane Fielding advised that the architects in her company worked on this project and as such she will not participate in the Panel meeting.

Public meeting held by teleconference on 6 May 2020, opened at 12.00pm and closed at 1:55pm.

MATTER DETERMINED

2018SWC097 – City of Parramatta - DA/586/2018, 29-33 Oxford Street & 6-14 Cambridge Street, Epping, 29 storey mixed use tower (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Application to vary a development standard

Following consideration of a written request from the applicant regarding the variation to the building height standard, made under cl 4.6 (3) of the Hornsby Local Environmental Plan 2013 (LEP), which has demonstrated that:

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the B2 Local Centre zone; and
- the concurrence of the Secretary has been assumed.

Development application

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

- The proposal complies with the objectives of the zone and achieves retention of the heritage church and school uses on the site, noting that these uses provide for community and social needs but constrain the developable area.

- 2) The heritage impact has been assessed in detail and the design of the site overall is considered to respond sympathetically to the heritage features that are being retained, with appropriate interface between new and existing buildings.
- 3) Materials proposed for the tower development, in particular a range of different coloured bricks, are regarded as being of a high quality and utilised in such a way as to visually reduce the impact of the podium in particular, while responding to the heritage features on the site.
- 4) The Panel notes that the podium has a larger footprint than controls permit, however this is necessary to meet the layout requirements of residential care facility, which includes wards and nurse stations.
- 5) The development has been appropriately designed overall and will provide acceptable levels of amenity for future residents, students, worshippers and commercial occupants. Overshadowing of play areas has been minimised and the resultant solar access is considered acceptable
- 6) The design successfully minimises adverse impacts on the amenity of neighbouring properties while providing effective ventilation and solar access for incoming residents, as well as accessible outdoor spaces and landscaped areas, including deep soil areas.
- 7) Wind studies have been conducted and indicated that no additional wind mitigation measures were required in addition to those already included in the architectural design.
- 8) Evacuation requirements have been considered and addressed through the provision of dedicated firefighter lifts however a detailed Evacuation Management Plan is still to be provided.
- 9) The proposal is consistent with the intentions of the relevant planning controls and standards and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.
- 10) The proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for consent subject to a deferred commencement condition.
- 11) Car parking has been included to the extent required per legal advice. A green travel plan has been provided and is subject to review to ensure its effectiveness. Cycle storage has also been provided.
- 12) School drop-offs are proposed to take place off-street, in the commercial basement of the tower development, hence reducing traffic impact while remaining separated from residents. In addition, residents are not to be provided access to resident parking permits for on-street parking.
- 13) The proposed development is considered to be in the public interest.

CONDITIONS

The development application was approved subject to the deferred commencement condition in the council report with an amendment to Condition 156 requiring Council to review and approve the final Evacuation Management Plan.

Condition 156 is amended to read as follows –

Emergency Management Plan

The applicant is to develop an Emergency Management Plan for the residential uses. The Emergency Management Plan shall include, but not be limited to, the following:

- Personal Emergency Evacuation Plans – A customised evacuation strategy (Personal Emergency Evacuation Plan) is prepared for each resident requiring assistance with mobility.
- Emergency Contacts – A list of all emergency contacts.

- Emergency Procedures – Emergency/evacuation procedures, floor plans, location of emergency exits and emergency kit and safety equipment, and evacuation point.
- Evacuation Drill Schedule – Outline regular evacuation drills, including staff providing assistance to residents with mobility issues.
- Emergency Kit – Detailing contents and inspections.
- Emergency Team Roles & Responsibility – Appoint first aid officers and fire warden(s).

The Emergency Management Plan is to be submitted to and approved by Council's DTSU Manager prior to the issue of any Occupation Certificate for a residential use.






Reason: To minimise risk to human life.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern in written submissions included:

- Height breach;
- Traffic impact;
- Wind impact and wind tunnel effects;
- Overshadowing impact;
- Lack of deep soil/trees;
- Fire safety/evacuation for seniors;
- Height of podium;
- Size of floorplate;
- Lack of solar access for units;
- Lack of play space for children/overshadowed;
- Construction amenity impacts;
- Uncertainty regarding temporary school relocation;
- Aged care best practice in relation to patients with dementia
- Potential cross-contamination between children and the wider community and the elderly in a pandemic situation such as is currently being experienced.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 David Ryan	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC097 – City of Parramatta - DA/586/2018
2	PROPOSED DEVELOPMENT	29 storey mixed use tower comprising 132 bed residential care facility, 172 independent seniors living units, 3 church presbytery units and ancillary offices/shops (northwest corner of site); 2-3 storey church hall and administration building (northeast corner of site); 2-3 storey primary school building (southern side of site); 1 retail unit (southwest corner of site); 316 basement car parking spaces including school drop-off/pickup (western side of site); alterations and additions to existing heritage church building; use of part heritage church building for school-based child care; landscaping; tree removal; site amalgamation and stratum subdivision; public domain works; following demolition of existing school buildings, church presbytery and church administration buildings. The residential care facility and independent seniors living units are proposed pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	29-33 Oxford Street & 6-14 Cambridge Street, Epping (Lots 1-4 DP973521, Lot A DP375632, Lots 23-25 DP 758390)
4	APPLICANT/OWNER	Applicant – Stockland Development Owner – Trustees Catholic Church
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide ○ Hornsby Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation

		<p>2000</p> <ul style="list-style-type: none"> • Coastal zone management plan: [Nil] • 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: 24 April 2020 • Written submissions during public exhibition: 15 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – <ul style="list-style-type: none"> ○ Matt Mushalik ○ Raymond Fung ○ Margaret McCartney ○ Peter Buckley ○ Mike Moffat - Vice President, Epping Civic Trust ○ Council assessment officer – Alex McDougall, Myfanwy McNally and Anna McLaurin ○ On behalf of the applicant – Father Peter Dowd (Parish Priest), Alison McDonagh (Stockland), Brendan Randles (Architectus), Kendal Mackay (DFP Planning) and Greg Zieschang (Opal Aged Care - operators).
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 7 November 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Peter Brenna, Steven Issa, Paul Mitchell and Sameer Pandey ○ <u>Council assessment staff</u>: Alex McDougall • Briefing: 13 February 2020 <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg – Chair, David Ryan, Ken McBryde and Martin Zaiter • <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally, Mark Leotta and Andrew Golden • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. • Final briefing to discuss council's recommendation, 6 May 2020, 10.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Ken McBryde, David Ryan, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally and Anna McLaurin

9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Attached to the council assessment report