

DATE OF DETERMINATION	8 May 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Mark Grayson, Cr Sameer Pandey and Cr M Zaiter
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Rydalmere Operations Centre, City of Parramatta Council on 8 May 2019, opened at 2.00pm and closed at 2.44pm.

MATTER DETERMINED

Panel Ref – 2019CCI011 – LGA – City of Parramatta – DA/485/2016/A at 44-48 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 briefings and listed at item 8 in Schedule 1.

The Panel determined to refuse the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposal is contrary to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in that the proposal does not satisfy Clause 1.2 'Aims of Plan' and Clause 2.3 'Zone objectives and Land Use Table' of Hornsby Local Environmental Plan 2013, and Sections 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, in that the proposal is not in the public interest as it does not satisfy the approved Hornsby Development Control Plan 2013 parking controls (approved by City of Parramatta Council on 29 April 2019), and Sections 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979. Specifically, the proposed additional parking spaces would not adequately incentivise use of public transport, cycling and walking and would fail to minimise impact on local traffic infrastructure.
- Existing traffic levels on major roads servicing Epping town centre are oversaturated. Forecasts of future traffic levels show that service levels will almost certainly deteriorate further. As such, approving a mixed-use development which substantially relies on road transport would be inappropriate conversely, levels of service by rail are excellent because of the availability of the metro, as such, conditions encouraging greater use of rail transport are necessary and appropriate.
- The Panel delegate to Council officers the authority to undertake without prejudice negotiations with the applicant in the Land & Environment Court relating to the current appeal against the subject conditions.




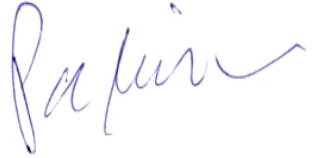

CONSIDERATION OF COMMUNITY VIEWS

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:

- Demolition of a heritage item
- Excessive bulk and scale

- Excessive parking proposed
- Insufficient parking approved
- Ensuring compliance; and
- Desirability of solar panels on roof

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. The Panel notes that many concerns were not relevant to this modification application and appropriate conditions have been imposed addressing parking.

PANEL MEMBERS	
	
Mary-Lynne Taylor (Acting Chair)	Sameer Pandey
	
Mark Grayson	Paul Mitchell
	
Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2019CCI011 – LGA – City of Parramatta – DA/485/2016/A
2	PROPOSED DEVELOPMENT	Section 4.55(2) modification to approved mixed use development, specifically modification of Conditions 1 and 15 of schedule 2 to allow for provision of an increased number of car parking spaces on site.
3	STREET ADDRESS	44-48 Oxford Street, Epping (Lots A & B DP 390454, Lots 1 & 2 DP 206646)
4	APPLICANT/OWNER	Applicant - Pirasta Pty Ltd Owner - Pirasta Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) modification to an application with a capital investment value of more than \$20million (criteria at time of lodgment)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Greater Sydney Regional Plan 2018 ○ 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 (including draft amendments) • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000 • 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 report – 7 May 2019 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Joanne Paige and Mike Moffat on behalf of Epping Civic Trust ○ Council assessment officer – Alex McDougall and Myfanwy McNally ○ On behalf of the applicant – Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 6 March 2019 • Final briefing to discuss council's recommendation, 8 May 2019, 1.00pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Mark Grayson, Paul Mitchell, Martin Zaiter and Sameer Pandey ○ <u>Council assessment staff</u>: Alex McDougall and Myfanwy McNally
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A