

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	25 March 2022
DATE OF PANEL DECISION	25 March 2022
DATE OF PANEL MEETING	18 March 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Jane Fielding, Richard Thorp
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 March 2022.

MATTER DETERMINED

PPSSCC-292 – City of Parramatta – DA/944/2021 - 59-77 Beecroft Road, Epping - Demolition of existing buildings and construction of a part 20 storey and part 22 storey shop top housing development comprising 126 residential units and 5,128m² of commercial space over 5 levels of basement parking with Strata Title subdivision into 126 lots (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 listed at item 8 in Schedule 1.

Development application

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

The decision was 4:1. In favour were Abigail Goldberg, David Ryan, Jane Fielding and Richard Thorp. Against the decision was Roberta Ryan.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report, as follows.

The majority of the Panel considers that the development application does not demonstrate that it meets the design quality principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and is not consistent with the desired future character of the Epping Town Centre.

It is considered that the proposal does not adequately resolve site planning issues related to contamination, stormwater drainage, earthworks and built form.

The development has not been granted General Terms of Approval required for integrated development and has not been granted concurrence from the rail authority as required by the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The proposal does not adequately respond to the site constraints and does not satisfy the statutory requirements for development consent to be granted.

The applicant's request for deferral of the application to allow it to resolve the above matters was considered. However, the majority of the Panel considered that given the extent of design changes and

information necessary to resolve the issues, the time this may take and the uncertainty as to whether the amended application would ultimately satisfactorily resolve all issues, it was preferable to determine the application at this time.

Roberta Ryan disagreed with the majority decision for the following reason:






- While agreeing with the arguments outlined here by the majority of the Panel in that the application needs further work as outlined above, she did not share the views of the Panel regarding refusal. It is her view that a deferral would provide an opportunity for the applicant to continue to work with council to satisfactorily resolve the outstanding issues.

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:

- Vehicle access arrangements on Rawson Street
- Limited car parking spaces
- Visual privacy
- Overshadowing of neighbouring residences

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Roberta Ryan
 David Ryan	 Jane Fielding
 Richard Thorp	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-292 – City of Parramatta – DA/944/2021
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of a part 20 storey and part 22 storey shop top housing development comprising 126 residential units and 5,128m2 of commercial space over 5 levels of basement parking with Strata Title subdivision into 126 lots. The application is Nominated Integrated Development pursuant to the Water Management Act 2000.
3	STREET ADDRESS	59-77 Beecroft Road, Epping
4	APPLICANT/OWNER	Applicant: Daniel Hovagimian Owner: Winten Lyon Pty Ltd, Altantis Holdings Pty Ltd, GSL Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental Planning and Assessment (EP&A) Act 1979 • EP&A Regulation 2000 • SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004 • SEPP (Transport and Infrastructure) 2021 • SEPP (Planning Systems) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) & Apartment Design Guide (ADG) • Parramatta Local Environmental Plan (PLEP) 2011 • Parramatta Development Control Plan (PDCP) 2011
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 1 March 2022 • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 01 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Sameer Pandey ○ <u>Council assessment staff</u>: Myfanwy McNally, Frances Mehrtens ○ <u>DPE</u>: George Dojas, Suzie Jattan, Cameron Brooks • Briefing: 03 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Richard Thorp, Jane Fielding ○ <u>Council assessment staff</u>: Myfanwy McNally, Frances Mehrtens ○ <u>DPE</u>: George Dojas, Suzie Jattan • Applicant Briefing: 18 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Jane Fielding, Richard Thorp ○ <u>Applicant representatives</u>: Myall Stevens, Daniel Hovagimian, Mike Miliken, Kendal Mackay, Yvette Olsen <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Myfanwy McNally, Frances Mehrtens ○ <u>DPE</u>: George Dojas • Final briefing to discuss Council's recommendation: 18 March 2022

		<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Jane Fielding, Richard Thorp○ <u>Council assessment staff</u>: Myfanwy McNally, Frances Mehrtens○ <u>DPE</u>: George Dojas
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A