

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 4 August 2022, 2:00pm to 2:35pm
LOCATION	Videoconference

BRIEFING MATTER(S)

PPSSCC – 324 - City of Parramatta - DA/1/2022- 37-41 Oxford Street, Epping - 30 storey mixed use building comprising 2 storey commercial podium (retail unit, 60 children centre-based childcare facility and commercial office space) and a shop-top housing tower above comprising 211 apartments, 6 basement levels providing 317 car parking spaces, landscaping and public domain works. The proposal constitutes stage 2 detailed design of concept plan approval DA/314/2017.

PPSSCC-359 - City of Parramatta - DA/314/2017/A - 37-41 Oxford Street, Epping - Section 4.55(2) modification to approved mixed use tower concept, specifically changes to building envelope, landscaping and conditions of consent.

PANEL MEMBERS

IN ATTENDANCE	Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan, Richard Thorp
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Myfanwy McNally, Mark Leotta
APPLICANT	Walter Gordon, Matthew Lennartz, Daniel Handler, Frank Ru
PLANNING PANEL SECRETARIAT	Stuart Withington, Sharon Edwards, Alexander Richards

KEY ISSUES DISCUSSED

- The Chair provided an update on legal matters as follows:
 - In relation to PPSSCC-359, modification application to approved concept plan, the Department's legal team have found the question as to whether the Panel or Council are the determination body to be more complex than anticipated and have requested a further two weeks to consider the matter.
 - The applicant's legal team have today submitted an opinion on the legal status of the concept development consent. The Department's legal team have requested two weeks to consider the opinion, noting that Council's legal team also require reasonable time to consider the opinion.
- The Chair noted that substantial additional information and revised plans related to the DA have been lodged on the planning portal in the past weeks. Neither Council nor the Panel have yet been able to review this extensive material. The Panel notes that, procedurally, at this time they have not been formally requested to accept these amendments, nor have they been formally accepted by the Panel.

- The applicant advised that for them the primary sticking point remains the number of parking spaces that are required for the development. The applicant is of the view that 299 parking spaces are approved under the concept plan. Council however do not agree on this point and that the DCP rates should apply, which equate to 222.
- It was noted that 299 parking spaces would require an additional basement level for car parking. Four basements only are approved under the concept plan.
- The applicant noted that other headline issues for them are the proposed modification to heights of buildings, acceptance of a childcare centre, and proposed revision of ESD requirements.
- The applicant noted that they would be willing to put the Court appeal process on hold in order to resolve the issues through a conventional DA process.
- Neither the Panel nor Council considered that a response regarding the quantum of parking, modification to the height of buildings, childcare centre and ESD requirements was possible under the prevailing circumstance of legal uncertainty.

Resolved that both matters will be deferred for a further two weeks.