

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 August 2022
<b>DATE OF PANEL DECISION</b>	17 August 2022
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Roberta Ryan, Brian Kirk, Richard Thorp
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Clr Sameer Pandey advised that he was in Council's Chamber when the Epping Commercial Floorspace planning proposal was considered by Council on 8 <sup>th</sup> Feb 2021. As a conservative approach to potentially perceived conflicts of interest is taken by the Panel, it was agreed that Clr Pandey would not participate in this matter.

Papers circulated electronically on 28 June 2022.

#### MATTER DETERMINED

**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 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.

#### Development application

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 Panel determined to refuse the application for the reasons outlined in the Council assessment report, the following of which the Panel considers to be of primary importance:

- The request to further contravene the height standard is not supported as the proposal seeks to delete important elements that justified the height variation allowed under the original concept consent.
- The proposed enlarged basement would accommodate increased numbers of car parking which would not achieve the zone and control objectives of maximising use of public transport, cycling and walking.
- The proposal has not demonstrated an acceptable impact on the local traffic network.
- Deleting design excellence requirements related to architect, Design Excellence Advisory Panel (DEAP) compliance and environmentally sustainable design (ESD) standards are not supported.

The Panel observed that there is a disconnect between Council and the applicant regarding the reasons for refusal, which are numerous. Moreover, the parties are too far apart in their views in relation to these matters for effective mediation of a resolution by the Panel at the determination stage.

The Panel notes that the application is currently the subject of a Class 1 appeal before the Land & Environment Court.

## CONDITIONS



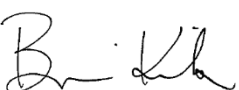

Not applicable.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three (3) written submissions received during the public exhibition. The Panel notes that issues of concern included:

- Impact on traffic
- Height breach / scale
- Overshadowing
- Insufficient separation to adjoining towers and associated wind / acoustic / privacy impacts
- Fire risk
- High density inappropriate in context of pandemic
- Insufficient ESD
- Excessive parking
- Impact on electricity grid.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Roberta Ryan 
Brian Kirk 	Richard Thorp 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-359 - City of Parramatta - DA/314/2017/A
2	PROPOSED DEVELOPMENT	Section 4.55(2) modification to approved mixed use tower concept, specifically changes to building envelope, landscaping and conditions of consent
3	STREET ADDRESS	37-41 Oxford Street, Epping
4	APPLICANT/OWNER	Meriton/Karimbla Properties No. 59 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment (EP&amp;A) Act 1979</li> <li>• EP&amp;A Regulations 2021</li> <li>• SEPP (Transport &amp; Infrastructure) 2021</li> <li>• SEPP (Planning Systems) 2021</li> <li>• SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) &amp; Apartment Design Guide (ADG)</li> <li>• Hornsby Local Environmental Plan (HLEP) 2013</li> <li>• Hornsby Development Control Plan (HDCP) 2013</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 28 June 2022</li> <li>• Written submissions during public exhibition: 3</li> <li>• Total number of unique objections: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick Off Briefing: 2 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair)</li> <li>○ <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally</li> <li>○ <u>Applicant representatives</u>: Walter Gordon</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 21 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Brian Kirk, Richard Thorp</li> <li>○ <u>Council assessment staff</u>: Myfanwy McNally, Mark Leotta</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Aaron Gadiel, Matthew Lennartz, Nick Bandounas, Ian Lim, Miriam Singh</li> </ul> <p><b>Key issues discussed:</b></p> <ul style="list-style-type: none"> <li>○ Difference in views between Council and the applicant regarding a number of matters, including parking, basement levels, height of buildings, setbacks and landscaping.</li> <li>○ Council recommendation for refusal.</li> <li>○ A query was raised about whether the Panel or Council is the appropriate determination authority, the Panel deferred its decision while clarification was sought.</li> </ul> </li> <li>• Briefing to discuss additional information submitted, parking and determining authority: 8 August <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Brian Kirk, Richard Thorp</li> <li>○ <u>Council assessment staff</u>: Myfanwy McNally, Mark Leotta</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Matthew Lennartz, Daniel Handler, Frank Ru.</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable