

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	7 September 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter
APOLOGIES	Nil
DECLARATIONS OF INTEREST	David Ryan, Gabrielle Morrish and Jane Fielding advised of conflicts of interest due to work within their companies on related sites or in relation to the Applicant.

Public meeting held by public teleconference on 2 September 2020, opened at 11.00am and closed at 12:00pm.

MATTER DETERMINED

PPSSCC-44 – City of Parramatta – DA/646/2019, 43-53 Oxford Street, Epping (Lots 1-3 & 5 DP18447, Lots A & B DP357452), 16 storey mixed-use seniors living tower comprising 14 assisted living apartments, 20 care apartments, 60-bed residential aged care facility, 96 independent seniors living units and ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works; demolition of existing buildings and tree removal. This seniors living development is proposed pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of matters discussed at meetings and briefings as well as a written request from the Applicant, made under cl 4.6 (3) of Hornsby Local Environmental Plan 2013 (LEP), that has demonstrated that:

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

the Panel is satisfied that:

- a) the Applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) 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 R4 High Density Residential zone; and
- c) 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 Panel generally agreed with the recommendations and balance of considerations in Council's report, noting:

- The application has been subject to thorough planning assessment over an extended time period and has undergone several amendments in response to issues raised. The assessment process has included several reviews by Council's Design Excellence Advisory Panel (DEAP), each of which the Applicant has responded to.
- The proposed development is appropriately located within a locality earmarked for high-rise residential redevelopment, however some variations (as detailed above) in relation to SEPP 65, SEPP (Seniors) and Hornsby LEP 2013 are sought.
- The request to vary the height standard is considered to be well founded for reasons including, but not limited to, the constraints imposed by the site and the desirability of providing varying forms of seniors housing in the area. It is noted that the additional height enables the inclusion of areas dedicated to open space, community and recreational facilities which will benefit residents.
- The proposal satisfactorily minimises adverse impacts on the amenity of neighbouring properties, including solar access.
- The proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and as such the proposal is in the public interest.

The Panel observes that the Applicant, as a provider of aged care and aged care housing, is required to achieve certification in relation to Federal standards which are in addition to the requirements of the NSW Environmental Planning and Assessment Act 1979.

The Panel notes the findings of the Royal Commission into Aged Care, and has requested a briefing from the Department of Planning Industry and Environment regarding this as well as policy implications regarding planning matters.

CONDITIONS

The development application was approved subject to conditions in Appendix 1 of the Council assessment report, noting that conditions have been included that address requirements for an evacuation management plan as well as for dilapidation reports related to neighbouring properties.

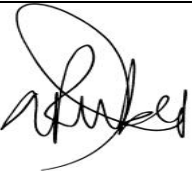
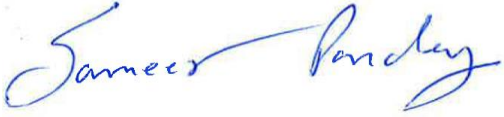
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Typology of "vertical village" aged care;
- Quality of care;
- Quality of communal open space;
- Location of communal open space;
- Fire evacuation & assembly;
- Overshadowing;
- Solar impact on neighbours;
- Dilapidation reports for neighbouring properties
- Privacy impacts;
- Overdevelopment of the locality;
- Bulk;
- Height;
- Building setbacks;
- Building separation;

- Traffic;
- On-street parking;
- Lack of local infrastructure;
- Construction impacts;
- Loss of street trees;
- View loss;
- Acoustic privacy;
- Wind.

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 in addressing these issues, appropriate conditions have been imposed in the council assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 Noni Ruker	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-44 – City of Parramatta – DA/646/2019
2	PROPOSED DEVELOPMENT	16 storey mixed use seniors living tower comprising 14 assisted living apartments, 20 care apartments, 60-bed residential aged care facility, 96 independent seniors living units and ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works; demolition of existing buildings and tree removal. This seniors living development is proposed pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
3	STREET ADDRESS	43-53 Oxford Street, Epping (Lots 1-3 & 5 DP18447, Lots A & B DP357452)
4	APPLICANT/OWNER	Applicant – G M Fielden Owner – Uniting Church in Australia - Epping
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ 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 No. 64 – Advertising and Signage ○ 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 and Apartment Design Guide ○ Hornsby Local Environmental Plan 2013 ● Draft environmental planning instruments: Nil ● Development control plans: ○ Hornsby Development Control Plan 2013 ● 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	● Council assessment report: 21 August 2020 ● Written submissions during the public exhibition: 44 ● Verbal submissions at the public meeting: ○ In support – Nil ○ In objection – Helen Tso, Xiaolin (Selena) Zhou, Raymond Tsao, Margaret McCarthy, and Janet McGarry president (on behalf of The Epping Civic Trust) ○ Council assessment officer – Alex McDougall and Myfanwy McNally ○ On behalf of the Applicant – Jennie Buchanan and Graeme Fielden (Adrian Ciano and Anya Woodward in attendance).
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	● Briefing: 13 February 2020 ○ <u>Panel members</u>: Abigail Goldberg (Chair), Ken McBryde, Gabrielle Morrish and Martin Zaiter ○ <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally and Mark Leotta ● 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, 2 September 2020, 10.00am (teleconference) Attendees: ○ <u>Panel members</u>: Abigail Goldberg (Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Alex McDougall and Myfanwy McNally
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with the council assessment report