

## RECORD OF DELEGATION

SYDNEY CENTRAL CITY PLANNING PANEL

|                                 |  |
|---------------------------------|--|
| <b>DATE OF PANEL DECISION</b>   | 5 July 2024  |
| <b>PANEL MEMBERS</b>            | Abigail Goldberg (Chair), David Ryan, Steve Murray   |
| <b>APOLOGIES</b>                | Georgina Valjak  |
| <b>DECLARATIONS OF INTEREST</b> | Sameer Pandey declared a conflict of interest due to previously voting on the Epping Commercial Floorspace planning proposal which was considered by Council on 8 <sup>th</sup> Feb 2021 |

### DELEGATION REQUEST – DETERMINATION OF 4.56 MODIFICATION APPLICATION PPSSCC-565

#### Modification Application/Development Application

PPSSCC-565 – City of Parramatta – DA/1/2022/A – 37-41 Oxford Street, Epping - Section 4.56 modification to Court approved 30-storey mixed use building; specifically change of use of Level 1 commercial tenancies to residential units; reconfiguration of centre-based childcare facility; addition of ground floor retail tenancy; and revised residential unit mix, residential layouts, basement layout, landscaping, loading dock and façade design.

#### BACKGROUND

The Minister for Planning and Public Spaces provided approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for any Sydney district or regional planning panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

With respect to PPSSCC-565 (DA/1/2022/A), Parramatta City Council have made a request of the Sydney Central City Planning Panel that delegation to determine MOD-23-00650 be granted. The panel have been advised by Council:

*The modification application seeks to modify a Court approved 30-storey mixed use building, specifically by reconfiguring the centre-based childcare facility, addition of a ground floor retail tenancy, and revised residential unit mix, residential layouts, basement layout, landscaping, loading dock and façade design. This development application has been referred to the Panel as this proposal is a s4.56 modification to a regionally significant development consent.*

*While the application originally included converting the approved first floor commercial floor space to residential units, which was objectionable to Council, the application has now been amended to delete this element. The other modifications are not considered to be significant or contentious. In this regard it is considered appropriate to request that the Panel grant the City of Parramatta Council its delegation to determine this application.*

#### Site Location and Description

*The subject site is located on the western side of Oxford Street in the Epping town centre and is legally described as Lot 2 DP1205413. The site is 4,969m<sup>2</sup> in size and of an irregular shape, with a frontage of 57.0m to Oxford Street. The site is currently a construction site, with all prior improvements demolished.*

#### Background

A 30 storey mixed use building comprising 2 storey commercial podium (retail unit, centre-based child care facility and commercial office space) and a shop-top housing tower above was refused by the Panel on 2/09/2022. An appeal against that decision was upheld by the Land and Environment Court on 6/09/2023.

### **Proposal**

Consent is sought to modify the approved mixed-use development as follows:



1. Modifications to the basement levels due to the relocation of services to meet regulatory requirements. Basement modification include:
  - Reconfigured plant rooms.
  - Car spaces rearranged. Approved quantum of car spaces remains unchanged.
  - Bicycle space rearranged.
  - Relocation of the childcare/commercial lift.
2. Modifications to the ground floor, including the following: Reduction in size of the Childcare Centre from 60 children to 50 children.
  - Provision of an additional retail unit.
  - Relocation of the childcare/commercial lift and fire egress passage.
  - New external egress path incorporated.
  - Loading dock reconfiguration.
3. Modifications to the first floor, including the following:
  - Reconfiguration of approved commercial tenancies and common areas.
4. Reconfiguration of residential units throughout the building, resulting in:
  - a. An increase in the overall quantum of units from 204 to 209,
  - b. Reduction of 4br units to create additional 1br, 2br and 3br units.
  - c. The resulting unit mix for the development is proposed to be:
    - 41 x 1br units,
    - 121 x 2br units,
    - 41 x 3br units, and
    - 6 x 4br units.
5. External modifications including changes to window configuration.

### **PANEL RESOLUTION**

This is a resolution of the Panel made on 5 July 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to the General Manager of Parramatta City Council the power to make a determination as consent authority under section 4.56 of the EP&A Act on:

PPSSCC-565 – City of Parramatta – DA/1/2022/A – 37-41 Oxford Street, Epping - Section 4.56 modification to Court approved 30-storey mixed use building; specifically change of use of Level 1 commercial tenancies to residential units; reconfiguration of centre-based childcare facility; addition of ground floor retail tenancy; and revised residential unit mix, residential layouts, basement layout, landscaping, loading dock and façade design.

| PANEL MEMBERS  |   |
|--|---|
| Abigail Goldberg (Chair)  | David Ryan  |
|  |   |

Steve Murray

A handwritten signature in black ink, appearing to read 'Steve Murray', located in the top right corner of the page.