

**RECORD OF DEFERRAL  
SYDNEY EAST JOINT REGIONAL PLANNING PANEL  
MEETING HELD AT CITY OF RYDE COUNCIL  
ON THURSDAY 20 AUGUST 2015 AT 5:30 PM**

Panel members:

John Roseth - Chair  
David Furlong – Panel Member  
Tim Moore – Panel Member  
Craig Chung – Panel Member  
Sarkis Yedelian – Panel Member

Council staff in attendance:

Brad Roeleven (independent consultant)  
Sandra Bailey  
Sam Cappelli

Apologies: None

Declarations of interest: None

Matter deferred:

**2014SYE130 Ryde LDA2014/419: Fernleigh Residential Care Facility, including demolition of the existing nursing home buildings and construction of a new part 2, part 3 and part 4 storey aged care facility over a partial basement containing 30 parking spaces and ancillary uses to provide a total of 134 bedrooms containing 142 beds. The proposal includes ancillary drainage and landscaping works at 8-14 Sherbrooke Road & 78-82 Mons Avenue, WEST RYDE**

**Public submissions made at this meeting:**

Against the proposed development: Jayne Walsh, Rob Renew on behalf of Meadowbank West Ryde Progress Association, John Toohey, Mark Scifleet, Valerie Masterton and Gideon Reiss

On behalf of the applicant: Sean Bilton, Mike George and John Flower

**Panel Decision:**

- 1) The majority of the Panel (John Roseth, David Furlong and Tim Moore, with Craig Chung and Sarkis Yedelian voting for refusal) resolves to defer the determination of the application in order:
  - a) to obtain legal advice on its power to find that clause 26(1) of SEPPSL is satisfied, and
  - b) to allow the applicant the opportunity to submit amended drawings.
- 2) The majority of the Panel notes that clause 26(1) requires it to be satisfied, by written evidence submitted by the applicant, that the residents of the residential care facility in the application will have access to shops, bank service providers and other retail and commercial services that residents may reasonably require, community and recreation facilities and a general

medical practitioner. The question on which the Panel seeks legal advice is whether it may be so satisfied on the basis that these services will all be available on the site as the residents are unable to access them outside by reason of their diminished physical or mental state. If the answer to this question is yes, the Panel would need to be satisfied that the residents of this particular facility are all classified as high care patients and to receive written evidence on the type of services to be provided.

- 3) The majority of the Panel requests the applicant to submit, by 18 September 2015, amended drawings which respond to the following concerns expressed in the assessment report:
  - a) The deletion of level 3 of the wing to Mons Avenue;
  - b) The three void spaces to Sherbrooke Road to have dimension of 6m wide by 5m deep with no structures, such as terraces, in them;
  - c) Significantly increase the area of deep landscaping in the void spaces and generally to Sherbrooke Avenue by reducing hard surfaces.
- 4) The above changes MUST not involve any increase in other parts of the proposed building.
- 5) The majority of the Panel requests the assessment officer to provide, by 16 October 2015, a supplementary report on whether the applicant has complied with the above requirements and to provide without prejudice conditions.
- 6) If the legal advice sought by the Panel confirms that it may be satisfied in relation to clause 26(1), and following the receipt of the supplementary report, the Panel will determine the application, for the sake of transparency, at a further public meeting.
- 7) The majority of the Panel has considered the submissions of objectors, which were all of a high standard. The Panel believes that the required changes in the design of the proposal respond to many of the concerns expressed during the public meeting. As concerns the issue of traffic, the Panel notes that the council's engineer has agreed that the traffic impact of the proposal is acceptable.
- 8) Finally, in coming to this decision, the Panel has placed major weight on the social benefit of providing a residential care facility.
- 9) Craig Chung and Sarkis Yedelian voted to refuse the application on the grounds mentioned in the assessment report.

Endorsed by



John Roseth  
Chair, Sydney East Joint Regional Planning Panel  
Date: 20 August 2015