

DATE OF DETERMINATION	19 December 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Peter Brennan and Cr Sameer Pandey
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	Nil

Public meeting held at City of Parramatta Council on 19 December 2018, opened at 9.56am and closed at 11.02am.

MATTER DETERMINED

Panel Ref – 2017SWC007– LGA – City of Parramatta – DA1281/2016 at Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP22506, 12 Station Road & 4-10 Wentworth Avenue, Toongabbie (as described in Schedule 1)


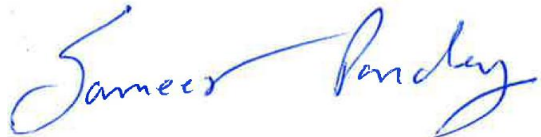

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter to allow Council to assess the new materials received prior to panel meeting 19 December 2018 –

- Amended Clause 4.6 variation dated December 2018
- Addendum to Appendices 13 and 14 of the Statement of Environmental Effects submitted with the development application in December 2016 comprises appropriate documentation that demonstrates how residents will be made safe in a flood event and how the proposal will be appropriately designed to mitigate any risk to life as per the Site Compatibility Certificate (Schedule 2) dated 23 November 2018.
- Response to applicant's response to Council's draft without prejudice conditions of development consent
- Legality of condition relating to indemnity

When this information has been assessed, the Panel may hold another public determination meeting.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Sameer Pandey
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SWC007– LGA – City of Parramatta – DA1281/2016
2	PROPOSED DEVELOPMENT	Demolition works, amalgamation of lots and re-subdivision for construction of a 124 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works (Nominated Integrated Development under the Water Management Act 2000).
3	STREET ADDRESS	Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP22506, 12 Station Road & 4-10 Wentworth Avenue, Toongabbie
4	APPLICANT/OWNER	Applicant – Opal Aged Care Owner – Toongabbie Sports & Bowling Club Limited
5	TYPE OF REGIONAL DEVELOPMENT	Clause 2 of Schedule 7 of the Environmental Planning Policy (State and Regional Development) 2011, the development has a capital investment value of more than \$30million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ Water Management Act 2000 ○ Floodplain Risk Management Policy (Version 2, approved 27 October 2014) ○ Parramatta Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000 • Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Council assessment report: 05 December 2018 • Amended Clause 4.6 variation dated December 2018 • Addendum to Appendices 13 and 14 of the Statement of Environmental Effects submitted with the development application in December 2016 comprises appropriate documentation that demonstrates how residents will be made safe in a flood event and how the proposal will be appropriately designed to mitigate any risk to life as per the Site Compatibility Certificate (Schedule 2) dated 23 November 2018. • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Kenneth Lingard ○ Object – Nil ○ Council assessment officer - Shaylin Moodliar, Wendy Wang and Paul Clark ○ On behalf of the applicant – Dan Brindle, Mark Lederer, Steven Molino, Terry Harvey, Andrew Francis, Lara Calder, Aaron Lakeman and Greg Zieschang ○ Mr Drew Bewsher addressed the Panel as an independent expert.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 1 March 2017 • Site Inspection and Public meeting – 6 December 2017 • Public meeting – 7 March 2018 • Public meeting – 1 August 2018 • Public meeting – 5 September 2018 • Public meeting – 19 December 2018 • Final briefing to discuss council's recommendation, 19 December 2018, 9.00 am to 9.30 am. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Peter Brennan and Sameer Pandey ○ <u>Council assessment staff</u>: Shaylin Moodliar, , Wendy Wang and Paul Clark

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Submitted as draft without prejudice conditions