

DATE OF DETERMINATION	18 November 2022
DATE OF PANEL DECISION	18 November 2022
DATE OF PANEL MEETING	17 November 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Jane Fielding, Richard Thorp
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 11 November 2022.

MATTER DETERMINED

PPSSCC-288 - DA/873/2021, City of Parramatta - 235 - 237 Marsden Road, Carlingford

Demolition, tree removal and construction of a 160 bed Residential Care Facility pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP), that has demonstrated that:

- compliance with cl. cl. 26 (Location and Access to Facilities) of the Seniors SEPP is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the PLEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 26 (Location and Access to Facilities) of the Senior SEPP and the objectives for development in the R2 Low Density Residential zone; and
- 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 3:2 in favour, against the decision were Roberta Ryan and Jane Fielding.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to cl. 26 (Location and Access to Facilities); and approve the application for the reasons outlined in the Council Assessment Report and Addendum Report.

Roberta Ryan and Jane Fielding disagreed with the majority decision for the following reasons:

- The site is not suitable for the proposed development.
- The proposed development will result in adverse social impact attributed to not all external open spaces around the development site meeting accessibility standards. Therefore, it will not allow for equitable access, such as enabling independent movement by those residents for whom independent activity is possible.
- The application contained inadequate assessment of the social impacts of the proposal.

CONDITIONS





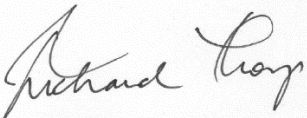
The Development Application was approved subject to the Revised Draft Conditions circulated on 17 November 2022.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Acoustic, overshadowing and privacy impacts
- Tree removal
- Traffic and sight lines
- Non-compliance with rear setback
- Stormwater drainage across cemetery owned accessway with no existing easement

The majority of the Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Roberta Ryan	 Jane Fielding
 Richard Thorp	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-288 - DA/873/2021, City of Parramatta
2	PROPOSED DEVELOPMENT	Demolition, tree removal and construction of a 160 bed Residential Care Facility pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	235 - 237 Marsden Road, Carlingford
4	APPLICANT/OWNER	Principal Healthcare Finance Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act and Regulations ○ Roads Act 1993. ○ State Environmental Planning Policy (Resilience and Hazards) 2021. ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021. ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. ○ State Environmental Planning Policy (Transport and Infrastructure). ○ State Environmental Planning Policy (Planning Systems) 2021. ○ 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 • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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	<ul style="list-style-type: none"> • Council Assessment Report: 26 August 2022 • Clause 4.6 variation request to Location and Access to Facilities Standard • Council supplementary report received: 9 November 2022 • Written submissions during public exhibition: 5 • Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 3 February 2022, 9.30am-10.00am <ul style="list-style-type: none"> ○ <u>Panel members:</u> Abigail Goldberg, David Ryan, Roberta Ryan, Richard Thorp, Jane Fielding ○ <u>Council assessment staff:</u> Myfanwy McNally, Sohini Sen • Final briefing to discuss council's recommendation: 17 November 2022 10:00 am-11:00 am <ul style="list-style-type: none"> ○ <u>Panel members:</u> Abigail Goldberg, David Ryan, Roberta Ryan, Richard Thorp, Jane Fielding

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Claire Stephens, Sohini Sen, Greg Gavel, Martin Warda○ <u>Applicant representatives</u>: Andrew Cowan, Andrew Francis, Fred Chen, John Cole-Clark <p>Matters discussed – Updated conditions, access to open spaces</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report