

<b>DATE OF DETERMINATION</b>	6 October 2023
<b>DATE OF PANEL DECISION</b>	4 October 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray, Jane Fielding
<b>APOLOGIES</b>	Richard Thorp
<b>DECLARATIONS OF INTEREST</b>	David Ryan declared a conflict as his company provided the town planning services for this application.

Papers circulated electronically on 15 September 2023.

#### **MATTER DETERMINED**

PPSSCC-415 – City of Parramatta – DA/127/2015/C at 1 Caroline Street, Westmead – Section 4.55(2) Modification to DA/127/2015 for staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a childcare centre, ancillary services with associated basement car parking, drainage and landscaping works. (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 listed at item 8 in Schedule 1.

#### **APPLICATION FOR MODIFICATION OF CONSENT**

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, as replicated (in summary) below:

- a. The modified development is permissible in the R4 High Density Residential zone pursuant to the Parramatta Local Environmental Plan 2011 and satisfies the requirements of all applicable planning standards controls.*
- b. The departures to the maximum height and FSR are reasonable, does not result in additional adverse impacts and maintains compliance with the objectives of the FSR and height standards.*
- c. The modified development will protect the natural environment.*
- d. The modified development will not adversely impact on the visual character of the area. e. For the reasons given above, approval of the modified application is in the public interest.*

#### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report.




#### **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:

- Construction works
- Substantially the same development

- Character
- Bulk and scale
- Streetscape
- Acoustic impacts
- overlooking.

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
Jane Fielding 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-415 – City of Parramatta – DA/127/2015/C
2	PROPOSED DEVELOPMENT	<p>Section 4.55(2) Modification to DA/127/2015 for staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a childcare centre, ancillary services with associated basement car parking, drainage and landscaping works.</p> <p>The modification seeks to amend the unit mix and layout of the Independent Living Units within Buildings C, D and E including associated amendments to the facades, additional basement level, landscaping and building height. The modification also proposes a pool to be located centrally within the site. The application also seeks to amend the staging of the development, with approved Stages 2 and 3 consolidated into a single stage.</p>
3	STREET ADDRESS	1 Caroline Street, Westmead - Lot 10 DP 1264860
4	APPLICANT/OWNER	Uniting (NSW.ACT) / The Uniting Church in Australia Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (BASIX) 2004</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ SEPP (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) (2021)</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide (ADG)</li> <li>○ State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004 (Repealed) Sydney Regional Environmental Plan XXX (Deemed SEPP)</li> <li>○ Parramatta Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Parramatta Development Control Plan 2023</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> </ul>

		<ul style="list-style-type: none"> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 12 September 2023</li> <li>Written submissions during public exhibition: 2</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Preliminary Briefing: 23 March 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray</li> <li><u>Council assessment staff</u>: Denise Fernandez, Myfanwy McNally, Claire Stephens</li> <li><u>Applicant representatives</u>: Graeme Fielden, David Ryan, Belinda Barrie, Alexander Batten, Zoe Spurway, Ambrus Biro</li> <li><u>Other</u>: Kate McKinnon (DPE)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report