

DATE OF DETERMINATION	16 January 2017
PANEL MEMBERS	Ed Blakely (Chair), Mary-Lynne Taylor and Chris Quilkey
APOLOGIES	Paul Mitchell and Leo Kelly
DECLARATIONS OF INTEREST	None

Electronic meeting held between 10 January 2017 and 16 January 2017.

MATTER DETERMINED

2016SYW023 – Blacktown – JRPP-15-02700 AT 37-43 Kildare Road, Blacktown (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 listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision for approval was unanimous, however Chris Quilkey dissented in respect of one condition of approval.

REASONS FOR THE DECISION OF THE MAJORITY OF THE PANEL

The reasons for the decision of the Panel were:

1. The proposed development is permissible under R4 zoning and satisfies the objectives of that zoning.
2. The proposed development substantially complies with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Blacktown Local Environmental Plan 2015 and Blacktown Development Control Plan 2015. The variations to building height and landscaping are acceptable. The proposed development also complies with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and substantially with the Apartment Design Guide 2015 (ADG), is consistent with the objectives of SEPP 65 and achieves its 9 design quality principles. The building setback variations to the ADG are acceptable.
3. The illuminated sign on the roof is too prominent on the roof, illumination would be an undesirable precedent in a residential area and identification signage of this nature should be the subject of a separate application.
4. The Panel has considered the applicant's request to vary the development standard contained in Blacktown Local Environment Plan 2015 Cl 4.3 relating to the height of buildings and is satisfied that the request has adequately addressed the matters to be demonstrated by Clause 4.6 (3). The Panel considers that compliance with this standard would be unreasonable and unnecessary in the circumstances of this case as the variation results in a better designed building, is very minor (1.5% variation, applying to 90.4sqm of the roof area) and has no impact on neighbouring properties or the character of the area. The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.
5. Notification requirements have been complied with and no objections requiring consideration have been received.
6. The proposed development satisfies all statutory and planning instrument requirements, and in particular S. 79C of the *Environmental Planning and Assessment Act 1979*. The likely impacts of the development have been satisfactorily addressed and suitable conditions have been imposed where required to address any likely impacts.




7. The proposed development is in the public interest as it will provide necessary housing and living care for seniors in a residential care facility appropriate to its location, particularly given its proximity to the neighbouring Blacktown Senior Citizens Centre.

REASONS FOR THE DECISION OF THE MINORITY OF THE PANEL

Chris Quilkey would also approve the application for the same reasons as the majority of the Panel, except for Reason 3. Cr Quilkey would have also approved the illuminated roof sign as he did not believe that it breached or failed to satisfy any of the signage criteria in Schedule 1 of SEPP 64. Cr Quilkey did not accept the argument that it would set a precedent for advertising in a residential area given that it identifies the building to which it applies (which is permissible in the residential area) and is not advertising for an unrelated commercial entity. It faces the railway corridor only and there will never be any residential development between it and the railway corridor; and there is no residential development on the other side of the railway corridor. Cr Quilkey also did not accept that it is not in keeping with the residential character of the area given that it is not visible from any residence and does not have impact on any residence.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Ed Blakely (Chair)	 Mary-Lynne Taylor
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW023 – Blacktown – JRPP-15-02700
2	PROPOSED DEVELOPMENT	Subdivision and construction of a residential care facility.
3	STREET ADDRESS	37-43 Kildare Road, Blacktown
4	APPLICANT OWNER	BBC Consulting Planners M R Creighton, K F Creighton and A D Yendle
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

		<ul style="list-style-type: none"> • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide 2015 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 64 – Advertising and Signage • Clause 4.6 variation request • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015 • 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 22 December 2016 • Written submissions during public exhibition: none received
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Electronic meetings between 23 December 2016 and 17 January 2017.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report