



**DETERMINATION AND STATEMENT OF REASONS**  
**SYDNEY CENTRAL CITY PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	Thursday, 26 April 2018
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Lindsay Fletcher, Julie Savet Ward, Chris Quilkey and Kathie Collins
<b>APOLOGIES</b>	Mary-Lynne Taylor
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Blacktown City Council on Thursday, 26 April 2018, opened at 11:15 am and closed at 12:20 pm.

**MATTER DETERMINED**

2016SYW166 – Blacktown City Council – JRPP-16-03319 AT 134 - 140 Reservoir 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to uphold the Clause 4.6 Variation Request to the maximum building height standard of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determines this application for alterations and additions to the existing seniors living facility for the following reasons:

1. The site of the proposed development is suitable for additional seniors living facilities. The new development will enable fuller use of existing facilities on the site, including the church, hall and administration services. The site is well located with respect to public transport as it is within 400m of a bus stop that has regular services to Blacktown and other centres. Also, the site mostly adjoins open space and bushland providing high local amenity.
2. The proposal is well designed and complies with most applicable standards and guidelines with the exception of maximum building height. The breach is addressed in Reason 8.
3. The Panel carefully examined potential shadowing impacts on the adjoining residential property and found that the impacts had been reduced in the amended design and are now satisfactory.
4. The proposal will provide additional specially designed accommodation and services for seniors. As such it will be socially beneficial.
5. The proposal is located on a main (or sub-arterial) road and has all other required infrastructure. The proposal will not cause significant traffic generation and it will not adversely affect the operation or safety of local road network.
6. The proposal will necessitate removal of a large number (93) of existing trees and shrubs. However, this loss will be more than compensated for by replacement planting of 129 trees and shrubs.
7. The three trees in the adjoining reserve to be removed have been subject to a seven-part test and it concluded that their removal will not have a significant ecological impact.

8. **Clause 4.6 Variation Request to vary the maximum height standard in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:**

The Panel notes that the development site is largely separated from residential development being adjoined by only one residence to the south and a number of medium density dwellings and a childcare centre to the north; that the existing buildings are up to three storeys and that large boundary setbacks will be provided; and that a significant part of the site is affected by a 30 metre wide electricity transmission easement which excludes other development. The height exceedance will not have any unacceptable adverse effect on neighbours and is compatible with the varied built form in the locality. Accordingly, the Panel considers that the development incorporating the height variation will be consistent with the assumed objectives of the standard and that compliance is unnecessary.

Further, the Panel believes the height variation will have planning benefits and be in the public interest because it will enable a better design outcome that makes effective use of the developable portion of the site without reducing amenity.

Overall, the panel finds that the variation request is satisfactory and approves it.

The Panel considered various requested amendments to the draft conditions and they were either amended as requested or otherwise satisfactorily resolved.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report, as amended by the memorandum from Blacktown City Council dated 24 April 2018 and further amended as follows:

- Conditions 6.1.3.2 (viii), 6.1.3.2 (xi) – A, 14.17.1.3 are amended to reflect an area of 3,100m<sup>2</sup>.
- Condition 6.1.3.2 (xi) – T is amended to reference “in accordance with version 3 of the UPRCT”.
- Condition 6.7.3 is amended to reflect a minimum of 100 millimetre openings.
- Condition 3.7.6 to be added as follows: “The landscaping plan is to ensure that the majority of trees in the new planting are of native species endemic to the area, provided such planting does not create any inconsistency with the planning for bush fire protection.”

<b>PANEL MEMBERS</b>	
 Paul Mitchell OAM (Chair)	 Lindsay Fletcher
 Julie Savet Ward	 Chris Quilkey
 Kathie Collins OAM	

**SCHEDULE 1**

1	<b>PANEL REF – LGA – DA NO.</b>	2016SYW166 – Blacktown City Council – JRPP-16-03319
2	<b>PROPOSED DEVELOPMENT</b>	Seniors housing development and place of public worship
3	<b>STREET ADDRESS</b>	134 - 140 Reservoir Road, Blacktown
4	<b>APPLICANT OWNER</b>	Rudolfsson Alliker Associates Architects St Hedwig Village; Abert Buettner Association (Blacktown) Incorporated
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development with a Capital Investment Value of more than \$20million, and lodged before 1 March 2018
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development 2011)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 19 – Bushland in Urban Areas</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River</li> <li>○ Central City District Plan 2018</li> <li>○ Blacktown Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Blacktown Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 4 April 2018</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Letter from Blacktown City Council regarding changes to the conditions of consent: 24 April 2018</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Kathy Eberl, Erik Rudolfsson, Matthew Taylor and Lawrence Winnacott</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection on 26 April 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 26 April 2018, 10:45 am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Lindsay Fletcher, Julie Savet Ward, Chris Quilkey and Kathie Collins</li> <li>○ <u>Council assessment staff</u>: Holly Palmer, Judy Portelli, Tony Merrilees and Rick Davis</li> </ul> </li> </ul>

<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report, amended by letter from Blacktown City Council dated 24 April 2018