



DATE OF DETERMINATION	12 April 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between Monday 9 April 2018 and Thursday, 12 April 2018.

MATTER DETERMINED

2017SWC050 – Blacktown – SPP-17-00005 AT 56 Elsom St, Kings Langley (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:

- a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 of Blacktown Local Environmental Plan 2015; and
- b) 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*.

for the reasons set out below.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decisions of the Panel were:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Blacktown LEP 2015 and considers that:
 - i. the applicant's submission adequately addresses the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation; and
 - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with the locality.

For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

2. Housing for seniors is permissible under R2 Low Density Residential zone and this application satisfies the zone objectives outlined under Blacktown LEP 2015.
3. The proposal generally complies with all applicable legislative and planning instrument requirements including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Blacktown Local Environmental Plan 2015 and

Blacktown Development Control Plan 2015 and to the extent that it does not, the variations are acceptable, in particular, building height.

4. The proposed development is consistent with the existing and desired future character of the area and is compatible with the surrounding properties.
5. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and stormwater management have been satisfactorily addressed, so that the proposed development will not result in unfavourable social, economic or environmental impacts.
6. The proposed development satisfies relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* as seniors housing provides a valuable community use and will contribute to the local amenity.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

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

PANEL MEMBERS	
	 Paul Mitchell OAM
	 Kathie Collins OAM
	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC050 – Blacktown – SPP-17-00005
2	PROPOSED DEVELOPMENT	Demolition and alterations and additions to an existing residential aged care facility
3	STREET ADDRESS	56 Elsom St, Kings Langley
4	APPLICANT/OWNER	Adventist Aged Care
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <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 (Building Sustainability Index: BASIX) 2004 ◦ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ◦ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River ◦ Blacktown Local Environmental Plan 2015 • Draft environmental planning instruments: Draft Central City District Plan 2017 • Development control plans: <ul style="list-style-type: none"> ◦ Blacktown Development Control Plan 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 23 January 2018 • Written submissions during public exhibition: 6 (including 1 confidential submission) • Letter regarding conditions of consent from Council dated 20 February 2018 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ Object – Jill Sykes, Colleen Robinson and Jorgen Nielsen ◦ On behalf of the applicant – Ellen Robertshaw, Brian Swanepoel, Jason Budd and Lee Daltery • Supplementary Council Assessment report: 4 April 2018
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 22 February 2018 • Final briefing meeting to discuss council's recommendation, 22 February 2018, 3:45 pm. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins ◦ <u>Council assessment staff</u>: Judith Portelli, Holly Palmer, Jared Spies, Matt Sales

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report