

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	24 September 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 September 2020.

MATTER DETERMINED

2018CCIO19 - Blacktown City Council - SPP-18-01552 - 80-92 Solander Road and 1 Thomas Street, Seven Hills, Demolition of existing dwellings, tree removal and construction of a new residential aged care facility (RACF) as an extension to an existing RACF (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, and the material listed at items 7 and 8 in Schedule 1.

Development application

The Panel determined to **refuse** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was by a **majority** of 4:1, as follows:

For: Abigail Goldberg, Ken McBryde, Kathie Collins and Chris Quilkey

Against: David Ryan

REASONS FOR THE DECISION

The Panel determined to refuse the application for the following reasons –

1. The proposal does not satisfactorily address Sections 2(1)(b) and 2(2)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('the SEPP'), in that the development does not provide the necessary amenity for the residents, and therefore will not achieve a good design outcome given that the key SEPP controls are not being complied with [Section 4.15(1)(a)(i) EP&A Act 1979].
2. The proposal does not address Section 14 of the SEPP which requires residential aged care facilities to cater for those independent, mobile and active, as there is inadequate provision of landscaped area on the subject site.
3. The proposal does not comply with Section 48(b) of the SEPP regarding floor space ratio. The proposed FSR of 1.34:1 is a breach to the SEPP control and so constitutes an overdevelopment of the site.
4. The proposal does not comply with Section 48(c) of the SEPP regarding landscaped area of 25 m² per bed. The proposed shortfall of landscaped area only provides 14.9 m² per new bed and so represents a significant breach of the SEPP control, providing inadequate landscaped amenity for the future residents.

5. The proposal does not adequately address Objective 3 of the R2 Low Density Residential zone under Blacktown Local Environmental Plan 2015, as it is an overdevelopment of the site. The development is therefore considered to adversely affect the amenity of the neighbourhood.
6. The development has not satisfactorily addressed its siting, design, bulk and scale and visual impacts. The proposal presents a major shortfall in landscaping provision and is an overdevelopment of the site. The proposal in its current form does not result in a good design with appropriate amenities for the future residents. The proposed development will also result in unfavourable social and environmental impacts.
7. The proposal in its current form is not suitable for the site. It constitutes an overdevelopment as the required landscaping provision under the SEPP cannot be satisfactorily addressed.
8. One of the key concerns raised by the community in the public exhibition was that the proposal is an overdevelopment of the site. The proposal is therefore not in the public interest.
9. Any approval of the development as proposed would set an undesirable precedent.

In the minority, State Panel Member David Ryan considered that subject to formally incorporating the demolition of the existing facility on the site into the application and subject to conditions requiring that demolition occurs within a short specified period after transfer of residents from the existing to the new facility, the development is suitable for approval.

CONSIDERATION OF COMMUNITY VIEWS

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

- Inadequate parking on the site, which is likely to overflow to the street. On-street parking is already utilised heavily by the current surrounding residents;
 - Traffic safety concerns ie. the road bend prevents clear sightlines for oncoming traffic. Safety concerns for other cars, pedestrians and children;
 - Location of car parking entry should be reconsidered, not on Crews Road;
 - Car parking entry is opposite a child's bedroom – headlights will be disturbing;
 - Back door for staff entering and exiting the site should be provided to prevent them leaving from the main front entrance;
 - There is no formal loading dock resulting in loading and unloading being carried out on the streets and loading vehicles stopping on the street, disturbing other residents;
 - Rubbish from the facility is thrown out on the street and is inappropriate. Waste bins shall be adequately provided;
 - The current facility has operational issues and is not properly managed;
 - Clean up trucks operate on the facility at midnight disturbing the residents;
- The proposal is an overdevelopment, which in its current capacity, already creates issues such as those listed above, for residents.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan

	
Ken McBryde	Kathie Collins
	
Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCIO19 - Blacktown City Council - SPP-18-
2	PROPOSED DEVELOPMENT	Demolition of existing dwellings, tree removal and construction of a new residential aged care facility (RACF) as an extension to an existing RACF
3	STREET ADDRESS	80-92 Solander Road and 1 Thomas Street, Seven Hills
4	APPLICANT/OWNER	FDC Construction Pty Ltd (NSW)/Seven Hills Nursing Home Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No 55 – Remediation of Land - 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: Nil - Development control plans: - 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	• Council Assessment Report: September 2020 • Applicant's clause 4.6 justification • Applicant's response to Council's assessment and reasons for refusal dated 23 September 2020 • Written submissions during the public exhibition: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	• Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Cllr Quilkey conducted a site inspection on 21 September 2020 • Briefing – 24 April 2019 • Briefing with Council to discuss their recommendation, 24 September 2020, 10.30am. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey • <u>Council assessment staff</u>: Judith Portelli, Bertha Gunawan • <u>Points discussed were</u> – ○ Statutory mechanism to ensure adequacy of landscaped area ○ Design, overshadowing and amenity issues ○ Overdevelopment, • Briefing with Applicant to discuss Council's recommendation, 24 September 2020, 12.00pm. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey • <u>Applicant Representatives</u>: Robert Oxford, Tim Bainbridge • <u>Council assessment staff</u>: Judith Portelli (Manager DA assessment, Bertha Gunawan (assessing planner) • <u>Applicant's representatives raised the following points in summary</u> – ○ Intentions behind and purpose of the proposal ○ Frustration with assessment process and recommendation ○ Suggested mechanism to ensure demolition of existing facility and delivery of adequate landscaped area. • Meeting to discuss Council's recommendations and Applicants commentary, 24 September 2020, 1.30pm. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey Meeting closed at 1.55pm with all panel members confirming readiness to consider and receive the report for electronic determination. • Papers circulated electronically 10 September 2020.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A