



MO/YC
13268
18 February 2015

Narelle Butler
Manager Statutory Planning Services
City of Canada Bay Council
1A Marlborough Street
DRUMMOYNE NSW 2047

Attention: Peter Giaprakis (Senior Statutory Planner)

Dear Peter

**DEVELOPMENT APPLICATION DA459/2014 - ADDITIONAL INFORMATION
17 MILLAR STREET, DRUMMOYNE**

We are writing to you on behalf of Scalabrini Villages in relation to the abovementioned Development Application. This letter addresses additional issues raised by Council and the Sydney East Joint Regional Planning Panel (JRPP) including:

- The need for a clause 4.6 variation request to vary the building height development standard under the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP);
- updates to the clause 4.6 variation request to vary the floor space ratio development standard under the Canada Bay LEP; and
- a response to matters raised by Council's environmental health unit via email on 2 February 2014.

Each of these matters is addressed below.

1.0 CLAUSE 4.6 VARIATION REQUEST – BUILDING HEIGHT

The Sydney East JRPP has requested that a clause 4.6 variation request be submitted to vary the building height development standard under the Canada Bay LEP. That is because the proposed development has a maximum building height of 13.93 metres, which is a variation of 5.43 metres to the LEP development standard (8.5 metres).

In our view, a clause 4.6 variation request is not required in this instance. That is because:

- Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), the height limit for the proposed development is 8 metres (clause 40(4)). This means that the height limits under the Seniors Housing SEPP and the Canada Bay LEP are inconsistent.
- Clause 5(3) of the Seniors Housing SEPP provides:

“(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.”

- Since the height limit under the Seniors Housing SEPP prevails, the height limit in the Canada Bay LEP does not apply to the proposed development. Therefore, there is no need to lodge a

clause 4.6 variation request to vary that height standard. An objection to the building height development standard has already been submitted to Council in accordance with State Environmental Planning Policy No.1 – Development Standards.

Notwithstanding this, we have prepared a clause 4.6 variation request. This is provided at **Attachment 1**.

2.0 CLAUSE 4.6 VARIATION REQUEST – FLOOR SPACE RATIO

Following post-lodgement discussions with Council, we have updated the clause 4.6 variation that was previously submitted to Council with the DA in relation to the floor space ratio development standard (**Attachment 2**). The updated document better reflects the drivers for the additional floor space sought in the proposed development, namely, the provision of best-practice design for aged care specialising in dementia care that is currently not provided for in the local area. Achieving best practice involves, in part, a floor space to resident ratio that is between 13 and 70% higher than provided in regular high-care facilities. The clause 4.6 variation request has been updated to highlight this and the overwhelming public interest in facilitating the delivery of new aged care facilities to meet the needs of a growing and ageing population.

3.0 PRELIMINARY CONTAMINATION ASSESSMENT

The following advice has been provided by Douglas Partners, who prepared the Preliminary Site Investigation submitted with the DA, in relation to comments raised by Council's environmental health unit via email on 2 February 2015:

SEPP 55-Remediation of Land allows assessments to be undertaken in a staged approach and in this regard it is common where further testing is required that this be undertaken as a condition DA consent, although such conditional consent is subject to the respective Council. These staged approaches are particularly of note in cases where access below the footprint of existing structures is limited until demolition of the building can occur/access below the building slab is viable.

Moreover, it is noted that the results from desktop searches indicated that the site had a low risk of contamination. In addition, the detected hydrocarbon level at BH1 was 110 mg/kg was at the health screening level of 110 mg/kg, so the 'exceedance' is minor, however, may be indicative of filling outside of the basement excavation area not yet investigated. Based on current site information it is anticipated that contamination (if any) would be limited to filling layers at the site which appears shallow (depths ranging between 0.35 m to 0.9 m below ground).

A water assessment would only be required if contamination is detected within soils and pathways to water receptors of the contaminant are identified.

It is the full intention of Scalabrini Villages that full contamination assessments will be conducted prior to the commencement of works, however, it is impracticable to undertake these investigations prior to the removal of the existing buildings on the Site. It is recommended that Council impose appropriate conditions of consent requiring a Phase II contamination assessment to be carried out prior to the commencement of basement excavation or other ground-intrusive works. Similarly, it is recommended that a Hazardous Materials Survey be prepared prior to the commencement of demolition.

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9409-4967 or ycarr@jbaurban.com.au.

Yours faithfully,



Yvette Carr
Principal Planner

Attachments:

1. Clause 4.6 variation request – building height under Canada Bay LEP
2. Updated clause 4.6 variation request – floor space ratio under Canada Bay LEP

Your ref
Our ref 232646
File ref

ARUP

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Project Design Manager
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6 March 2015

Dear Katie

Scalabrini Drummoyne | Response to Traffic Issues

Arup provides the following clarifications to further comments from Council's Traffic Engineer which were included in an email dated 2 March 2015 from Peter Giaprakas, Senior Statutory Planner, City of Canada Bay. We would anticipate discussing the issues raised by Council with the relevant engineers during detail design to gain approval for the works.

- *No detailed analysis of design has been provided with regard to angle at which vehicles will be crossing the property boundary and how this relates to sight lines. No justification has been given with regard to the wide widths of the driveway laybacks or why blister islands are required. All concerns must be satisfactorily addressed for the proposal to be further considered.*

Arup clarification:

A revised plan (SKT002-D) has been included with this letter, which indicates a redesigned set-down area on Mary Street. See design considerations below:

- Driveway crossover widths of 5.4m and 5.2m have been provided to allow for B99 vehicle swept paths to enter and exit the set-down area respectively;
- The driveway widths allow for the B99 vehicle swept path to pass vehicles parked on the south side of Mary Street when accessing the set-down;
- The set-down area has been designed as tight as possible so that vehicles currently have to stop within the set-down area and then depart at slow speed (5km/h) on approach to Mary Street;
- The angle provided on exit is 30 degrees to the road/footpath; however in this case it is considered acceptable as the driver is positioned on the right hand side of the vehicle and has clear unobstructed sightlines to the footpath and road when leaving the set-down;
- Blisters have been removed on the latest plans;
- Up to three parking spaces will need to be removed, however parking removal should be considered within this area due to the narrow width/passing opportunities in Mary Street and proximity to the Barney Street intersection (interfering with turning movements);

- Parking observations support the loss of parking as on-street parking is not heavily utilised along Mary Street (this is likely due to narrow road width and lack of properties fronting the street);
- Driveway layback construction has been considered inappropriate due to narrow footpath width and uneven footpath surface if constructed;
- A dish drain (to Council specification) will be provided in line with the edge of Mary Street to alleviate drainage concerns with the level driveway; and
- Kerb ramps have been designed to allow for a straight pedestrian footpath and increased safety when crossing the driveway.

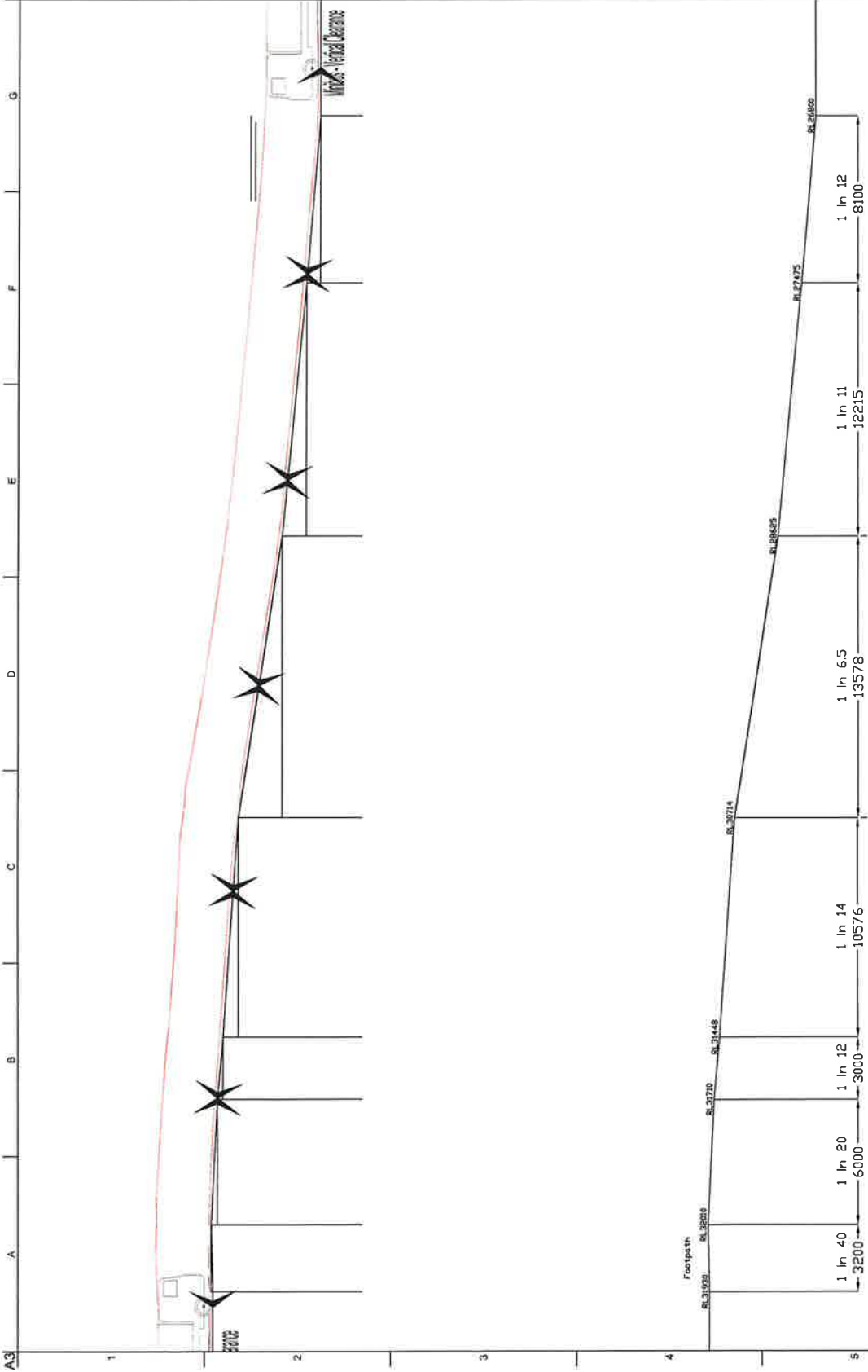
In addition to the response above, there was a request for a longitudinal section on the main ramp and access from Millar Street. A plan of the longitudinal section (SKT004-C) has been included for Council review. Vertical clearance swept paths of the ramp have also been provided for the largest expected vehicle (6.9m long minibus) which demonstrates compliance with AS2890.

We trust the above responses indicate that we intend to comply with Council and Code requirements where appropriate and discuss any issues with Council during detail design.

Yours sincerely



James Turner
Transport Engineer

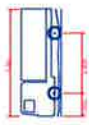


Legend

Body Envelope

Body Outline

Design Vehicle(s)



Maximum Vertical Clearance
Overall Length
Overall Width
Overall Height
Min Body Ground Clearance
Min Body Height
Lock to Lock Time
Curb to Curb Turning Radius

6.950m
2.350m
2.350m
6.150m
4.000m
4.000s
7.500m

C	05/03/15	JRT	AMH	AMH
Longitudinal Section				
B	10/11/14	JRT	AMH	AMH
Finalised drawing				
A	01/10/14	JRT	AMH	AMH
For Information				
Issue	Date	By	Check	Appd

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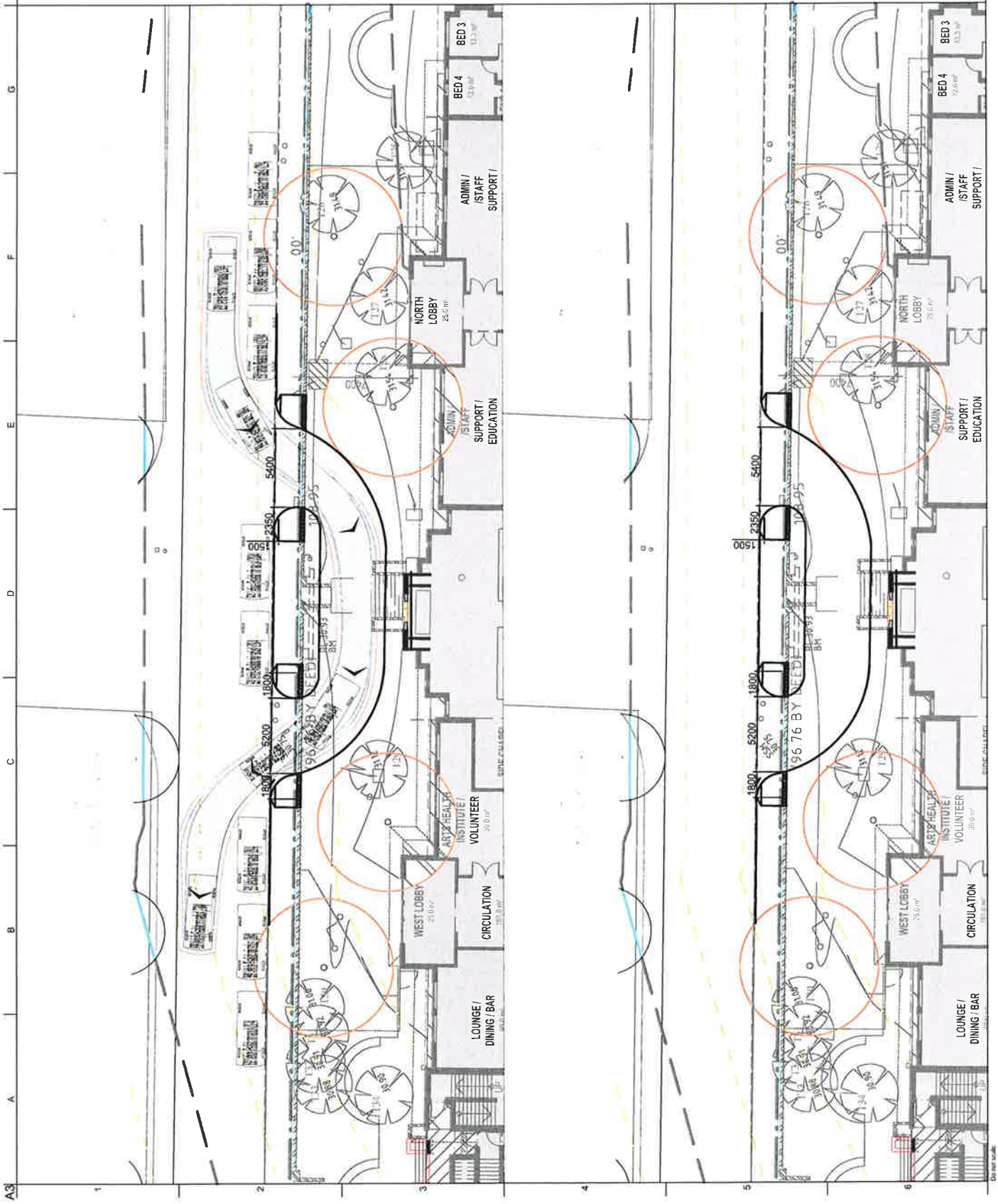
Client
Scalabrini

Job Title
Aged Care Facility
Mary Street, Drummoyne

Drawing Title
Turning Paths
Vertical Clearance

Scale w/ A3
1:200
Discipline
Transport

Draft
Job No
232646-00
Drawing No
SKT004
Issue
C



Legend

- Body Envelope
- 300mm Envelope
- 600mm Envelope
- Wheel Envelope

Design Vehicle(s)



899 Vehicle (Realistic min radius) (2004)
 Overall Width 1200mm
 Overall Height 2200mm
 Overall Body Height 1800mm
 Wheelbase 1000mm
 Front Overhang 1000mm
 Rear Overhang 1000mm
 Turn to Lock Time 4.50sec
 Turn to 60° Turning Radius 4.50m

Issue	Date	By	Check	Appd
D	06/03/15	JRT	AMH	AMH
Updated layout				
C	06/03/15	JRT	AMH	AMH
Updated layout				
B	10/11/14	JRT	AMH	AMH
Finalised drawing				
A	17/09/14	JRT	AMH	AMH
For Information				

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Client: Scalabrini

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 Aged Care Facility
 Mary Street, Drummoyne

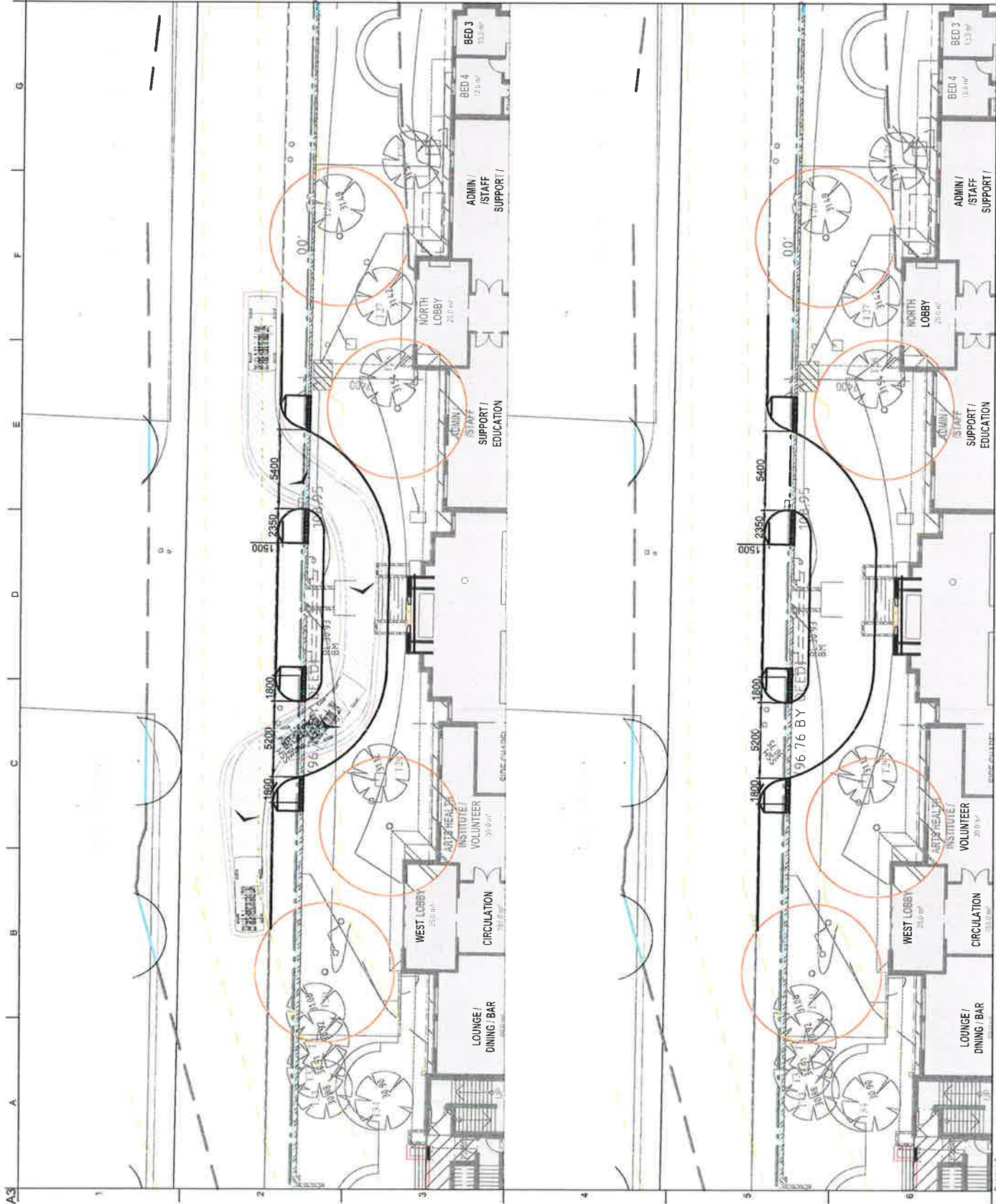
Drawing Title
 Turning Paths
 B99 Vehicle
 Set-down access

Scale of A3: 1:250

Discipline: Transport

Drawing Status: Draft

Job No	Drawing No	Issue
232646-00	SKT002	D



Legend

- Body Envelope
- 300mm Envelope
- 600mm Envelope
- Wheel Envelope

Design Vehicle(s)



BMW Vehicle (Design size radius) (2004)
Overall Width
Overall Height
Overall Length
Track Width
Wheel Offset
Wheel Offset
Wheel Offset
Wheel Offset

D	08/03/15	JRT	AMH	AMH
C	05/03/15	JRT	AMH	AMH
B	10/11/14	JRT	AMH	AMH
A	17/09/14	JRT	AMH	AMH
For Information				
Issue	Date	By	Check	Appd

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Scale

Scalebrini

Job Title
Aged Care Facility
Mary Street, Drummoyne

Drawing Title
Turning Paths
B99 Vehicle
Set-down access

Scale at A3
1:250

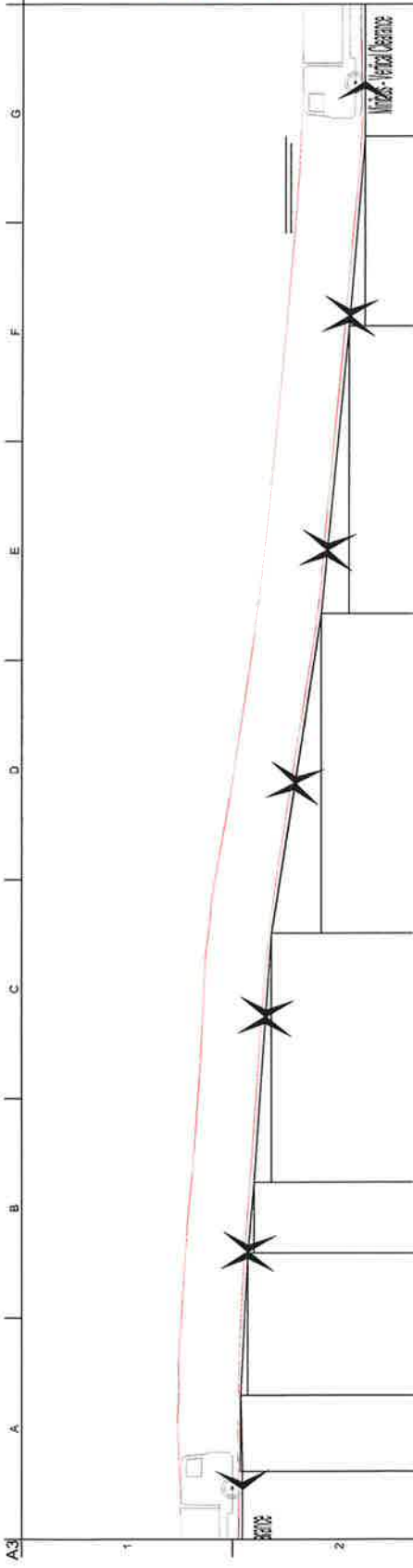
Discipline
Transport

Drawing Status
Draft

Job No
232646-00

Drawing No
SKT002

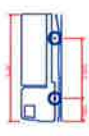
Issue
D



Legend

- Body Envelope
- Body Outline

Design Vehicle(s)



Midline - Vertical Clearance
Overall Length
Overall Width
Overall Height
Wheelbase
Curb to Curb Turning Radius

C	05/03/15	JRT	AMH	AMH
Longitudinal Section				
B	10/11/14	JRT	AMH	AMH
Finalised drawing				
A	01/10/14	JRT	AMH	AMH
For Information				
Issue	Date	By	Check	Appr

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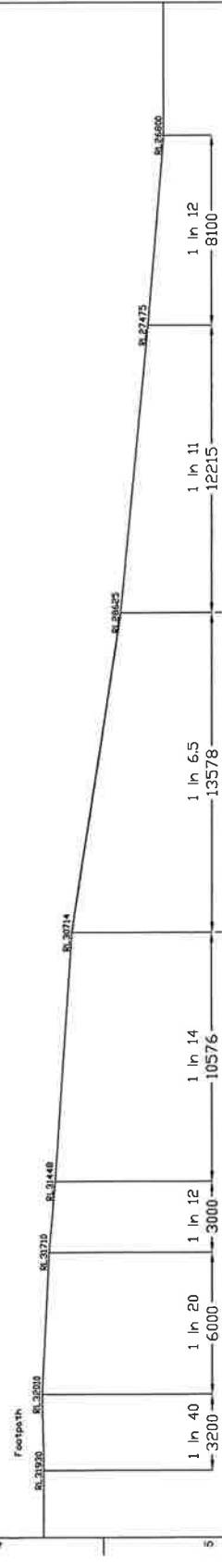
Client
Scalabrini

Job Title
Aged Care Facility
Mary Street, Drummoyne

Drawing Title
Turning Paths
Vertical Clearance

Scale at A3
1:200
Discipline
Transport

Draft
Job No
232646-00
Drawing No
SKT004
Issue
C



PRINCIPLES OF BEST PRACTICE IN DESIGNING FOR PEOPLE WITH DEMENTIA

31.1.15

Scalabrini Village, Mary St., Drummoyne has been designed to provide a variety of options for accommodation and lifestyle for individuals living with dementia.

The adults who will reside at this facility will come from a variety of backgrounds and life experiences and will have varying care needs according to the type of dementia they have, where they are in the disease process, and any co-morbidities they may be experiencing. It is anticipated that approximately 80% of the people residing at this facility will have a diagnosis of some form of dementia. While the disease process impedes their short term memory, long term memories, tastes and individual preferences remain intact.

Even though they can no longer live independently in the broader community, this development aims to enable people to continue to experience a variety of opportunities and experiences. The intent is that they will be able to continue to enjoy the everyday pleasures of life— food, music, exercise, good company etc. with their relatives and friends in a safe environment.

Design Concepts

In line with Scalabrini's vision for the model of care that will be provided at this site, the project has been developed to address the needs of the individuals in an environment that is consistent with International best practice.

The person

Given the varying abilities of the individuals who will live here, the aim of the built environment is to assist them to maintain their skills for as long as possible, and to compensate as they decline. It is recognised that it is a combination of staff assistance in conjunction with environmental support that has the best outcome.

This is exemplified in the proposed introduction of lifts for independent use. It is anticipated that this may be problematic for independent use by some with the later stages of disease, so the project team is investigating potential assistive technology to make use easier. Those who can't find their way to ground independently can access the activities in the company of relatives & friends, or staff and volunteers. In the interim they are able to independently access the outdoor areas associated with their particular house.

In relation to security, it is important not to 'penalise' everyone in the house based on the behaviours of the least able. Redundant cueing will assist those with the ability to come and go from the Piazza according to individual preference rather than at a pre-scripted time.

The environment

The quality of information available relating to building design for people with dementia varies from the anecdotal to Evidence based research. This project is based on the evidence based international practice. Following are two brief summaries of the key factors that have been repeatedly demonstrated to be applicable. The first is from the pioneering work of Professor Mary Marshall of Stirling University, Scotland:

- Buildings should not rely on the person having any memory of where they are or how they got there.
- Buildings should not rely on people remembering where to go.
- Buildings should minimise stress.

Design for Dementia – Prof. Mary Marshall, 1998

The second is from Dr. Gesine Marquardt, University of Technology, Dresden.

1. *No need for new or higher skills* e.g. navigation of floor plan should not need higher skills such as reading and interpreting signage.
2. *Allow visual access and overview*
3. *Reduce Decision making*
4. *Increase architectural legibility*

Dr. G. Marquardt - "Wayfinding for People with Dementia: A Review of the Role of Architectural Design"

HERD (Health Environments Research & Design) Journal
Winter 2011, Posted On: 2/15/2011

These two brief samples demonstrate that incorporating the principle of visual access starts with the preliminary layout of the facility and needs to be followed through in all aspects of the design.

In addition to addressing the fundamental principles outlined above, Scalabrini Village is basing the concept for this facility on De Hogeweyk, a successful project run by Vivium Hogewey in Weesp, The Netherlands that has implemented the use of an internalised 'street' to provide a variety of experience with unobtrusive security.

De Hogeweyk: The Netherlands

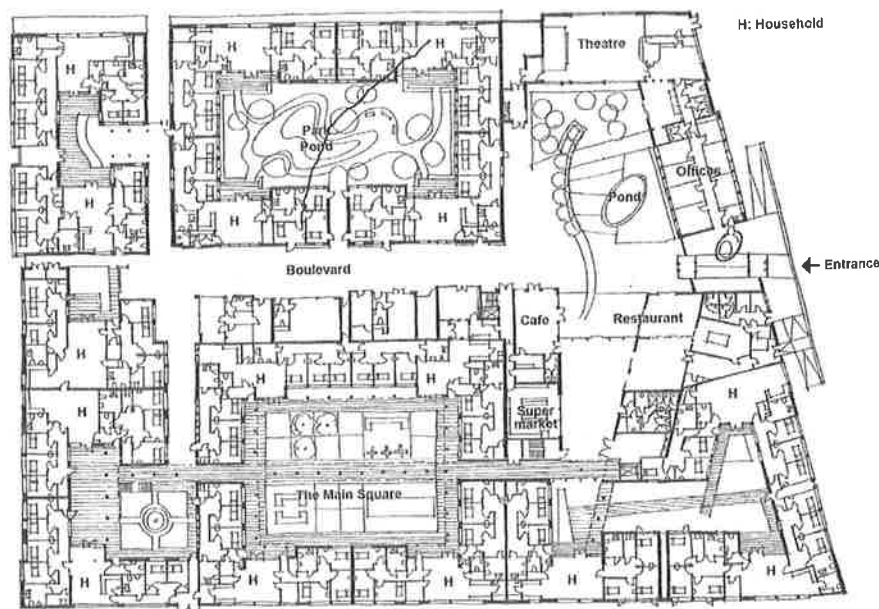


FIGURE 15-3 Site plan. Courtesy of Pozzoni LLP

At the Drummoyne site, these concepts are being translated into the local context through the open piazza, the visibility of building entry points, the location of common areas at key decision points and the minimisation of corridors where possible.

Area Benchmarking

In this project, in addition to meeting local expectations regarding room and ensuite size, communal areas are well above average aged care industry standards for area/ resident to avoid potential conflict from overcrowding. Overcrowding is a significant stressor for people with

confusion, as it compounds the difficulty in interpreting sensory input with the associated noise and invasion of personal space.

Area rates for Therapeutic and Activity spaces are also well in excess of the industry standard as the project aims to provide a variety of 'everyday' experiences for residents and the facility needs to accommodate sufficient residents to make the provision of generous social spaces viable.

	Residential Aged Care Facility Design Guidelines	Common Industry Standard*	SV Mary St., Drummoyne
Bedroom - single	14 m ²	15.9 – 24.42 m ²	19 – 28 m ²
Ensuite - single	5 m ²	4.6 – 6.04 m ²	5 – 7 m ²
Lounge/ Sitting	4.2 m ² / resident	-	4 - 14 m ² / resident
Dining	2 m ² / resident	-	3 – 6 m ² / resident
Activity/ Therapy Space	1.5 m ² / resident	2.7 – 3.85 m ² / resident	8 m ² / resident
Corridor widths	1.5 – 2.2 m (Class 9C)	-	2.2 - 3 m
Bldg Area (GFA) / resident	45 m ² / resident	41.62 - 67 m ² / resident	76.34 m ² / resident

* Commercial Aged Care sector

Couples Care

Scalabrini Village vision:

"We will also offer a unique accommodation and care service whereby couples, one of which is living with dementia, can come into our service. At a time whereby the impacts of dementia are no longer able to be supported in the normal home, but the couple are not yet ready to separate, we will provide a couples accommodation and service where they can live as independent a life as possible within a supportive environment."

To date within the sector, this offering has predominantly been two slightly larger than average single rooms with en-suites, with an interconnecting door.

If care needs of both people are low enough then two beds can be accommodated in one room and the second room can be furnished to be a lounge or sitting room.

However if the either of the partners has high care needs then the beds are separated into each room to allow sufficient space to deliver high levels of care, without posing any risk to staff.

The model proposed by Scalabrini Village is to provide two bedrooms connected by a small living area so that variation in level of care need doesn't necessitate the loss of common space for the person with the lower care needs.

Area Comparison Mary St., Drummoyne and De Hogeweyk, Weesp

Mary St., Drummoyne

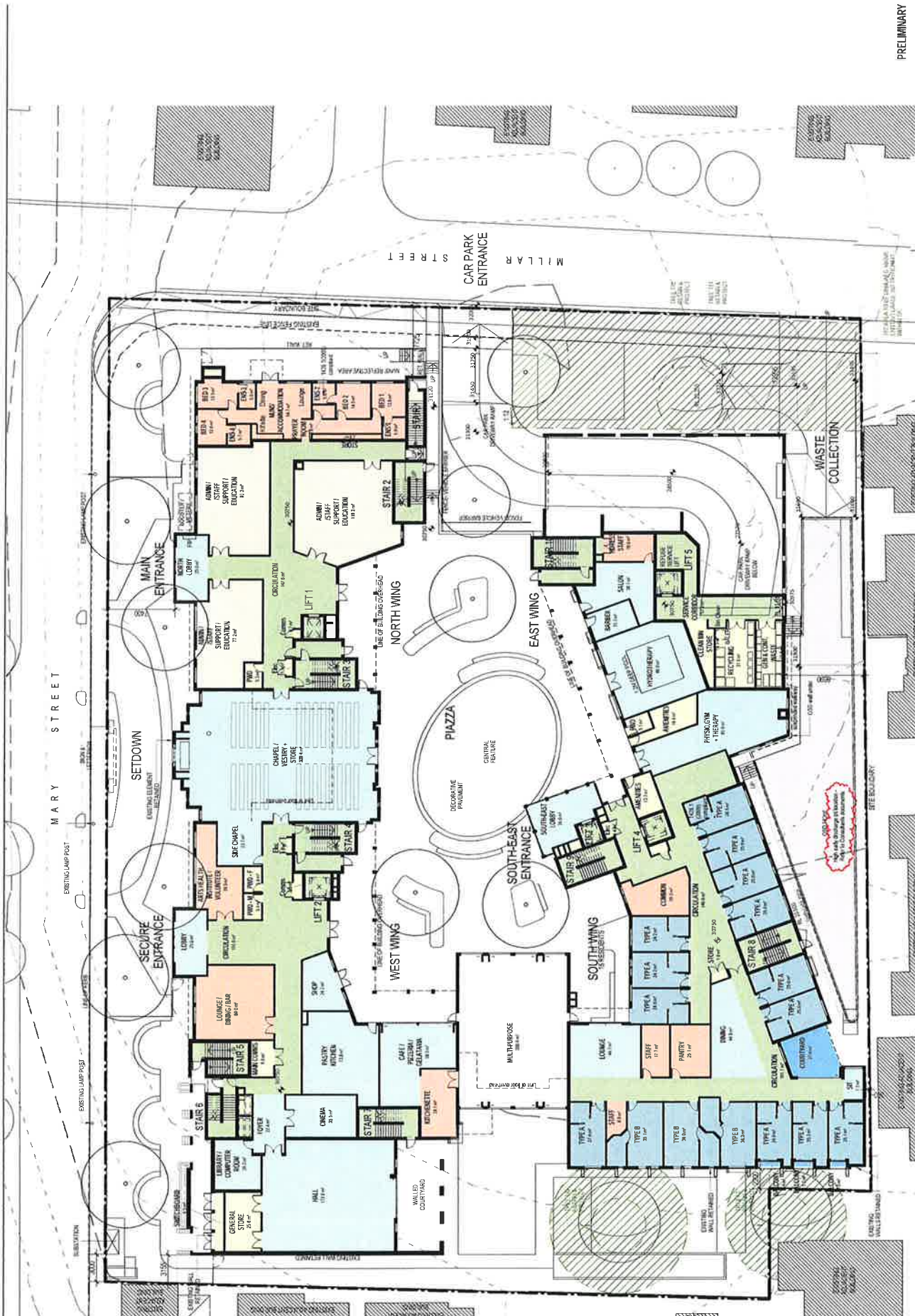
No. of Residents:	157
Site area:	8,989 m ²
Building Footprint:	3,275 m ² (Ground Floor GFA)
Total Building Area:	11,986 m ²
Area / Resident:	76.34 m ²

Compliant FSR 0.5:1 would be 4,494.5 m² – at 157 Residents this would be 28.6 m² per resident, or under the proposed model of care, at 76.34 m²/ resident – 59 residents.

De Hogeweyk

No. of Residents:	152
Site area:	15,310 m ²
Building Footprint:	7,607 m ²
Total Building Area:	10,772 m ²
Area / Resident:	70.87 m ² #

No en-suites and slightly smaller bedrooms & corridors – not compatible with contemporary expectations in Australia.



REV	DATE	DETAIL	INITIALS
1		1.0 SITE PLAN DEVELOPMENT APPLICATION	AA
2		2.00 SITE PLAN DEVELOPMENT APPLICATION	AA
3		3.00 SITE PLAN DEVELOPMENT APPLICATION	AA



SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

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PROPOSED GROUND FLOOR
DRAWN JC
DATE Nov 2014
SCALE 1:200
PROJECT NO. 966
DRAWING NO. DA112_3
REVISION
PRELIMINARY



NOTE: LOCATIONS OF PROPERTY LINES OF ADJACENT PROPERTIES ARE BASED OFF GOOGLE MAPS

REV	DATE	DESCRIPTION	BY	CHK
1	10/01/15	Issued for Tender	JC	
2	10/01/15	Revised	JC	
3	10/01/15	Revised	JC	
4	10/01/15	Revised	JC	
5	10/01/15	Revised	JC	
6	10/01/15	Revised	JC	
7	10/01/15	Revised	JC	
8	10/01/15	Revised	JC	
9	10/01/15	Revised	JC	
10	10/01/15	Revised	JC	



- PROPOSED BUILDING FOOTPRINT
- EXISTING BUILDING FOOTPRINT

SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

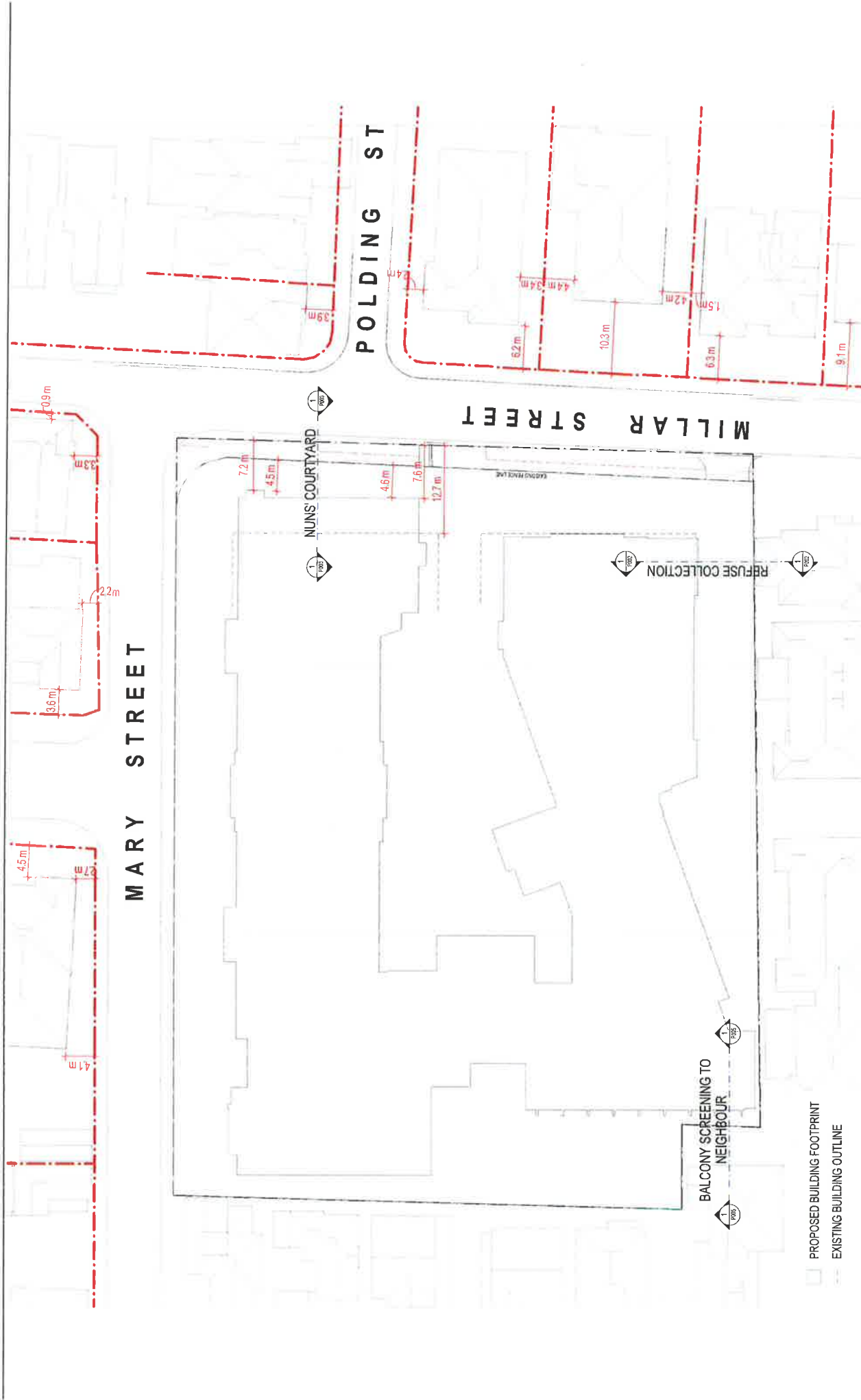
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DATE	FILE	SCALE	CHECKED	REVISION
10/01/15	JC	1:200	AM	1

PRELIMINARY



NOTE: LOCATIONS OF PROPERTY LINES OF ADJACENT PROPERTIES ARE BASED OFF GOOGLE MAPS

NO.	DATE	DESCRIPTION	BY	CHKD	APPD
1	10/11/20	Initial Scheme and Land Form	AC		
2	10/11/20	Revised Scheme and Land Form	AC		





Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

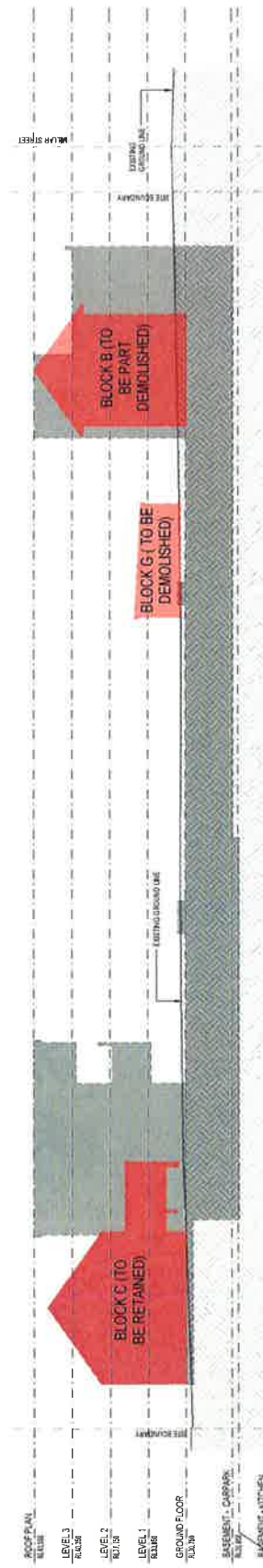


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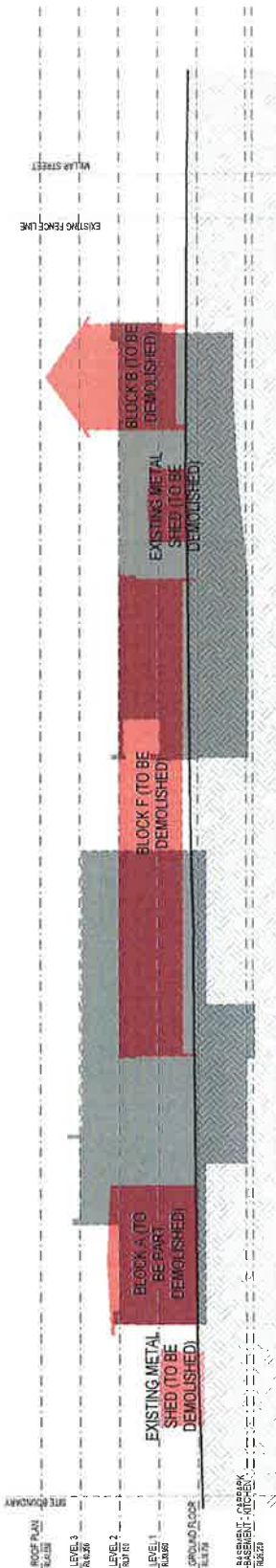
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SETBACK PLAN	Nov 2014	1	AC		
PROJ	966	2			

PRELIMINARY

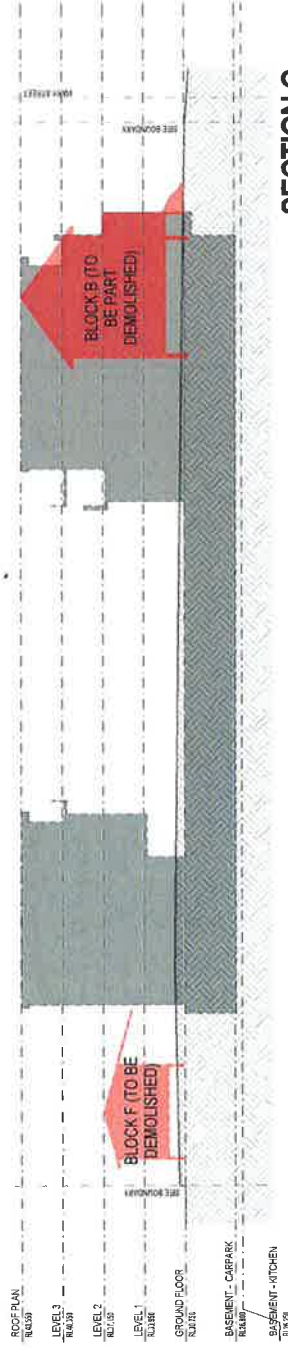
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SECTION A



SECTION B



SECTION C

REV	DATE	DESCRIPTION	BY	CHK
1	20/01/20	Issued for final review	AC	MR



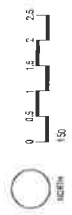
SV Scalabrini Village Drummoyne
5 Mary Street (also known as 17 Millar Street)
Drummoyne

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SYDNEY NSW 2020
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PRELIMINARY
DRAWING TITLE: BUILDING OUTLINE SECTIONS
DATE: 20/01/20
DRAWN BY: AC
FILE: 1308214
PROJ: 996
DRAWING: P004
REVISION: 1
DATE: 20/01/20



REV	DATE	DESCRIPTION	BY	CHK
1	20/07/23	Initials and Date Form	JC	
2	02/08/23	Revised Initials and Date Form	JC	



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SCALE
DATE
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PROJECT
DRAWING
P002 2

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DATE: 02/08/23 10:11:23



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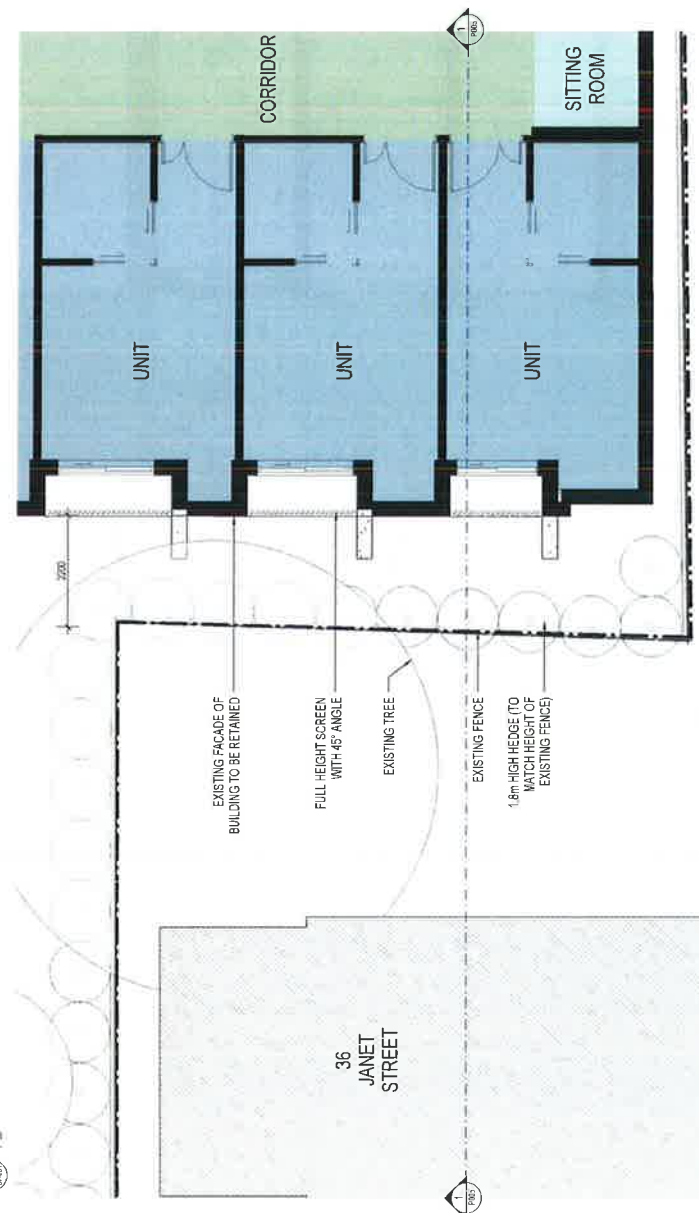
DRAWING TITLE
NUNS' COURTYARD SECTION

DATE	DRAWN	SCALE	CHECKED	REVISION
Nov 2014	JC	1/50	BH	3
FILE	P003			
966				

03/02/2015 17:09:50



1. SECTION SHOWING BALCONY SCREENING TO 36 JANET ST



2. PLAN SHOWING BALCONY SCREENING TO 36 JANET ST

REV	DATE	BY	CHKD	DESCRIPTION
1	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
2	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
3	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
4	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
5	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
6	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
7	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
8	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
9	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS
10	01/01/2014	ARCHITECT	ARCHITECT	REVISIONS



SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

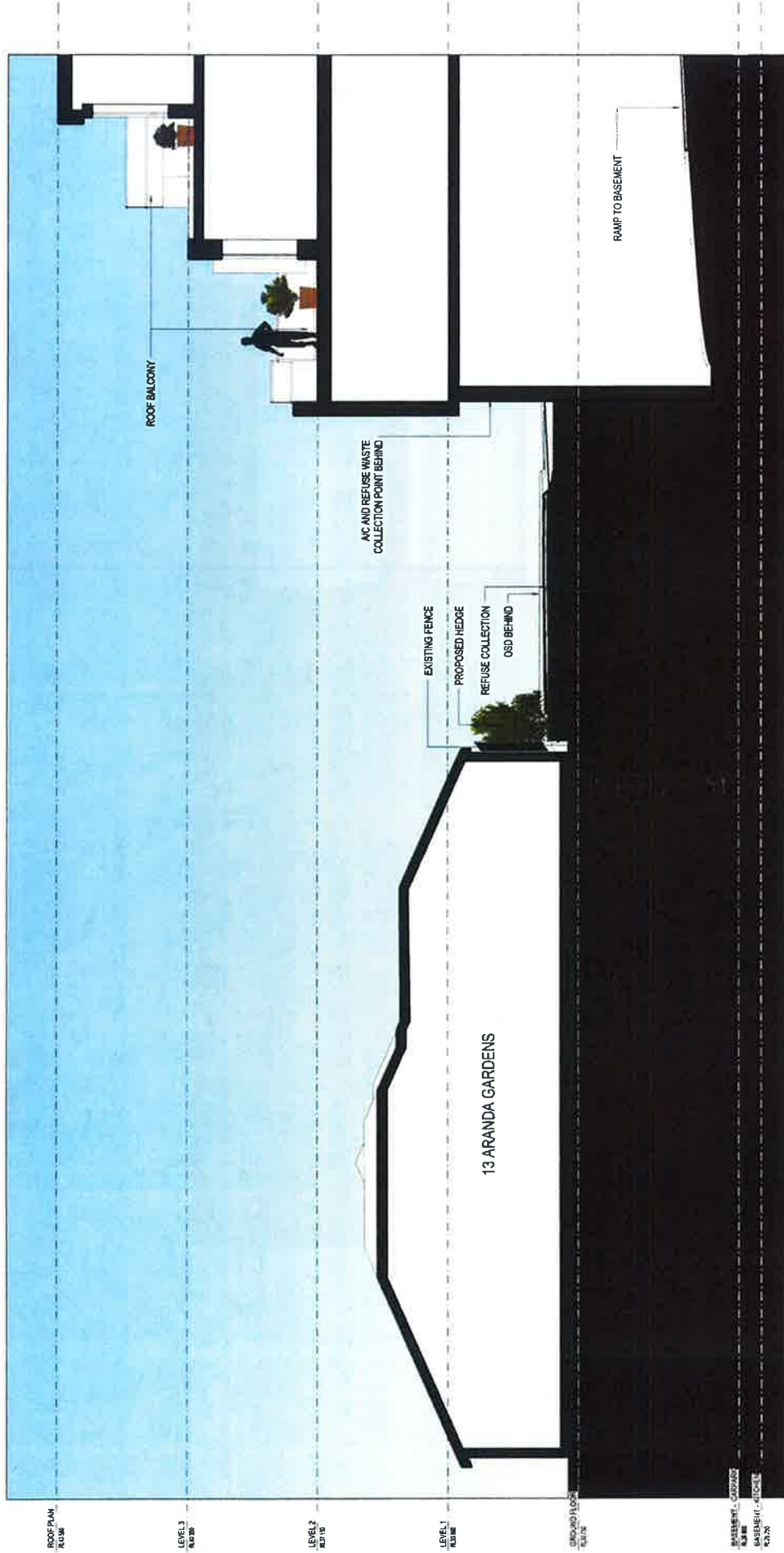
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PAGE 966
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PAGE 966
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DRAWING TITLE: BALCONY SCREENING TO 36 JANET ST
SCALE: 1:500
DATE: Nov 2014
DRAWN: JC
CHECKED: RM
REVISION: 2
DRAWING: P005
PAGE: 966

PRELIMINARY

00022617 N 15



REV	DATE	DETAILS	BY
1	2024/01/15	Initial Design and Detailing	AC
2	2024/01/20	Revised Design and Detailing	AC



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5 Mary Street (also known as 17 Miller Street)
Drummoyne

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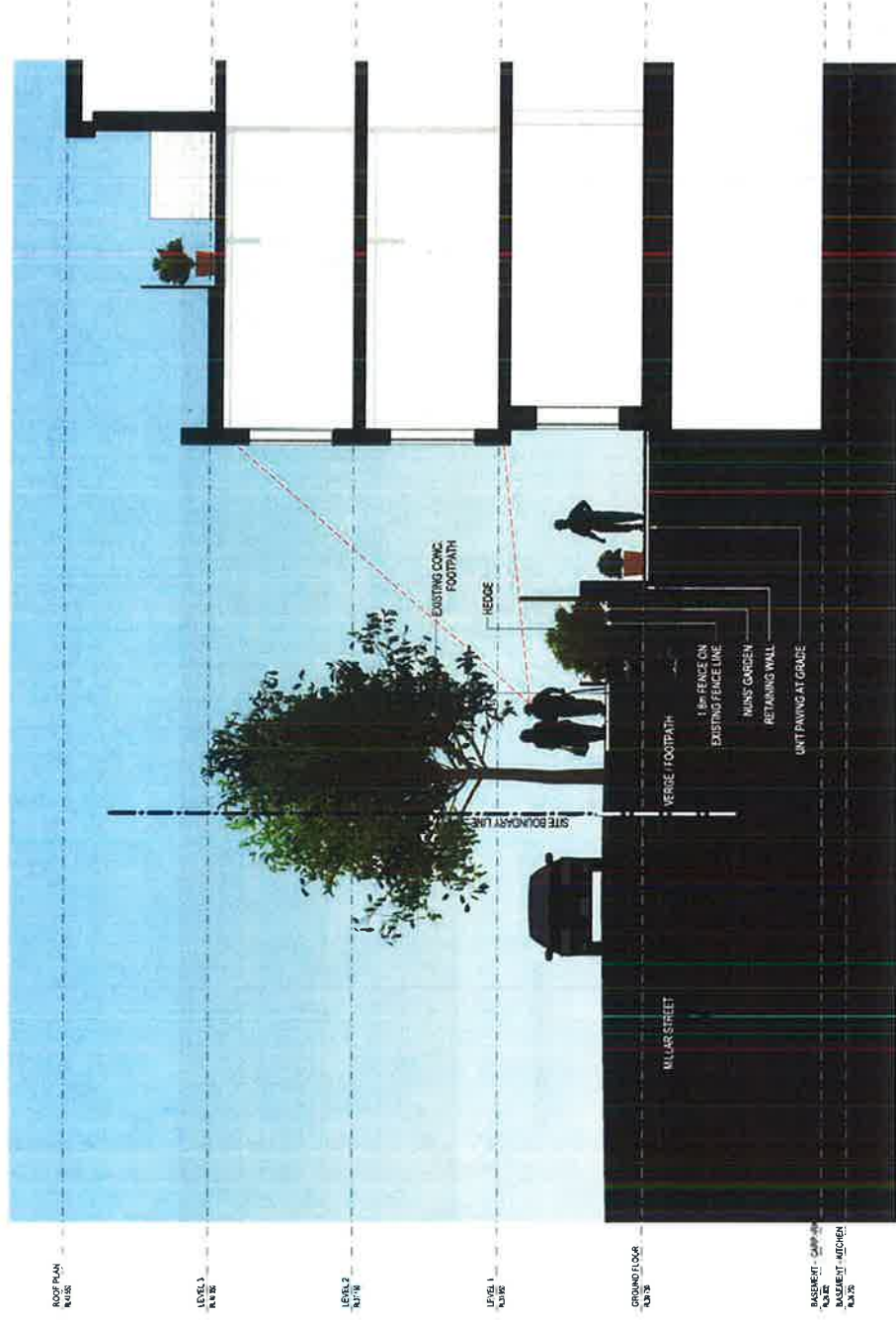
DESIGNED BY SV SCALABRINI
DRAWN BY SV SCALABRINI
CHECKED BY SV SCALABRINI
DATE 12/12/2023
SCALE 1:100
PROJECT NO. 2023/001
BICKERTON MASTERS ARCHITECTURE

BICKERTON MASTERS ARCHITECTURE
LEVEL 1, 2 & 3, 17 MILLER STREET
SYDNEY NSW 2060
PHONE 02 9221 1001
EMAIL bickertonmasters.com.au

DRAWING TITLE
REFUSE COLLECTION
SECTION
DATE 12/12/2023
FILE
PROJ 966
DRAWING P002 2

PRELIMINARY

02/12/2023 11:11:23



REV	DATE	DESCRIPTION	BY	CHK
1	2023/11	Initial Design	AC	
2	2023/11	Revised Section and Detail	AC	
3	2023/11	Revised Section and Detail	AC	
4	2023/11	Revised Section and Detail	AC	



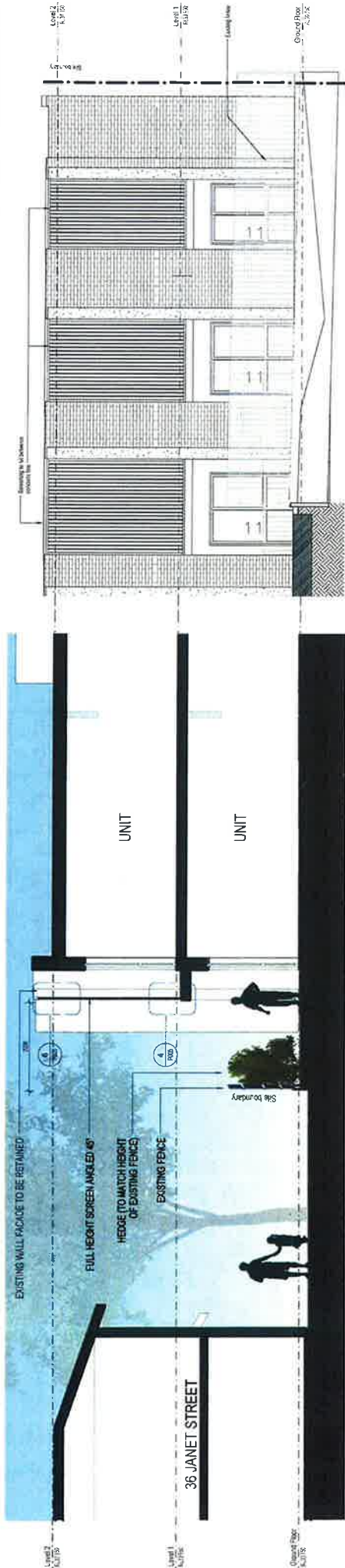
SV Scalabrini Village Drummoyne

5 Mary Street, Iso known as 17 Millar Street)
Drummoyne

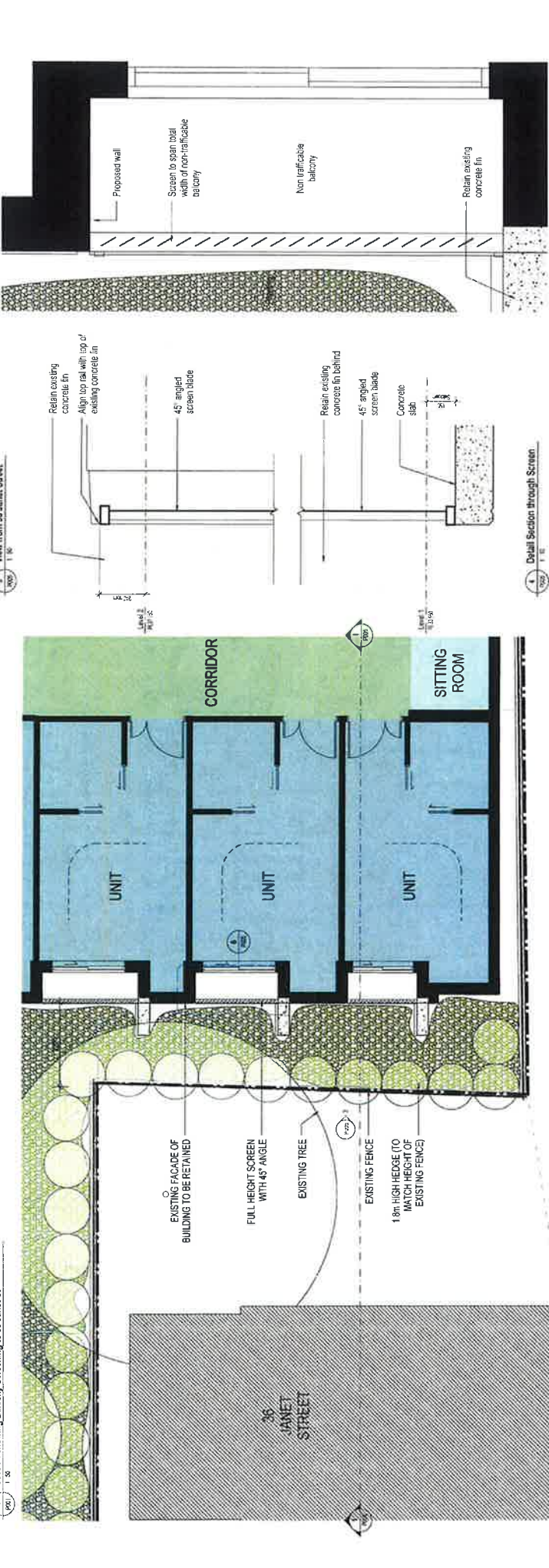
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PRELIMINARY
DRAWING TITLE: NUNS COURTYARD SECTION
DATE: 18/11/24
SCALE: 1/8"=1'-0"
FILE: CH0001
PROJ: 956
SHEET: P003
DESIGNED BY: AC



Section showing Balcony Screening to 36 Janet St
1:30



Plan showing Balcony Screening to 36 Janet St
1:30

EXISTING WALL FACADE TO BE RETAINED

FULL HEIGHT SCREEN ANGLED 45°

HEDGE (TO MATCH HEIGHT OF EXISTING FENCE)

EXISTING FENCE

36 JANET STREET

UNIT

UNIT

Side boundary

Ground Floor

Level 1

Level 2

EXISTING FACADE OF BUILDING TO BE RETAINED

FULL HEIGHT SCREEN WITH 45° ANGLE

EXISTING TREE

EXISTING FENCE

1.8m HIGH HEDGE (TO MATCH HEIGHT OF EXISTING FENCE)

36 JANET STREET

UNIT

UNIT

UNIT

SITTING ROOM

CORRIDOR

Retain existing concrete fin

Align top rail with top of existing concrete fin

45° angled screen blade

Retain existing concrete in behind

45° angled screen blade

Concrete slab

Proposed wall

Screen to span total width of non-trafficable balcony

Non trafficable balcony

Retain existing concrete fin

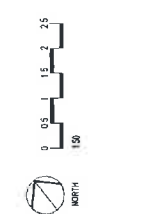
View from 36 Janet Street

Detail Section through Screen

Plan showing Balcony Screening to 36 Janet St

Detail Plan of Block A Balcony

REV	DATE	DESCRIPTION	BY	CHECKED
1	2023/10/10	Initial design	AC	AC
2	2023/10/10	Revised design to match 1:30 scale	AC	AC
3	2023/10/10	Revised design to match 1:30 scale	AC	AC



BICKERTON MASTERS ARCHITECTURE
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DRIVING TITLE
BALCONY SCREENING TO 36 JANET ST
DATE: 2024/10/10
DRAWN: P005
CHECKED: P003
APPROVED: P003
P005

PRELIMINARY

SV Scalabrini Village Drummoyne
5000 Scalabrini Village Drummoyne
Drummoyne

5000 Scalabrini Village Drummoyne
Drummoyne

5000 Scalabrini Village Drummoyne
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BNAJ hna@bnaarch.com.au

DRAWING TITLE
Planter Box / Balustrade Detail

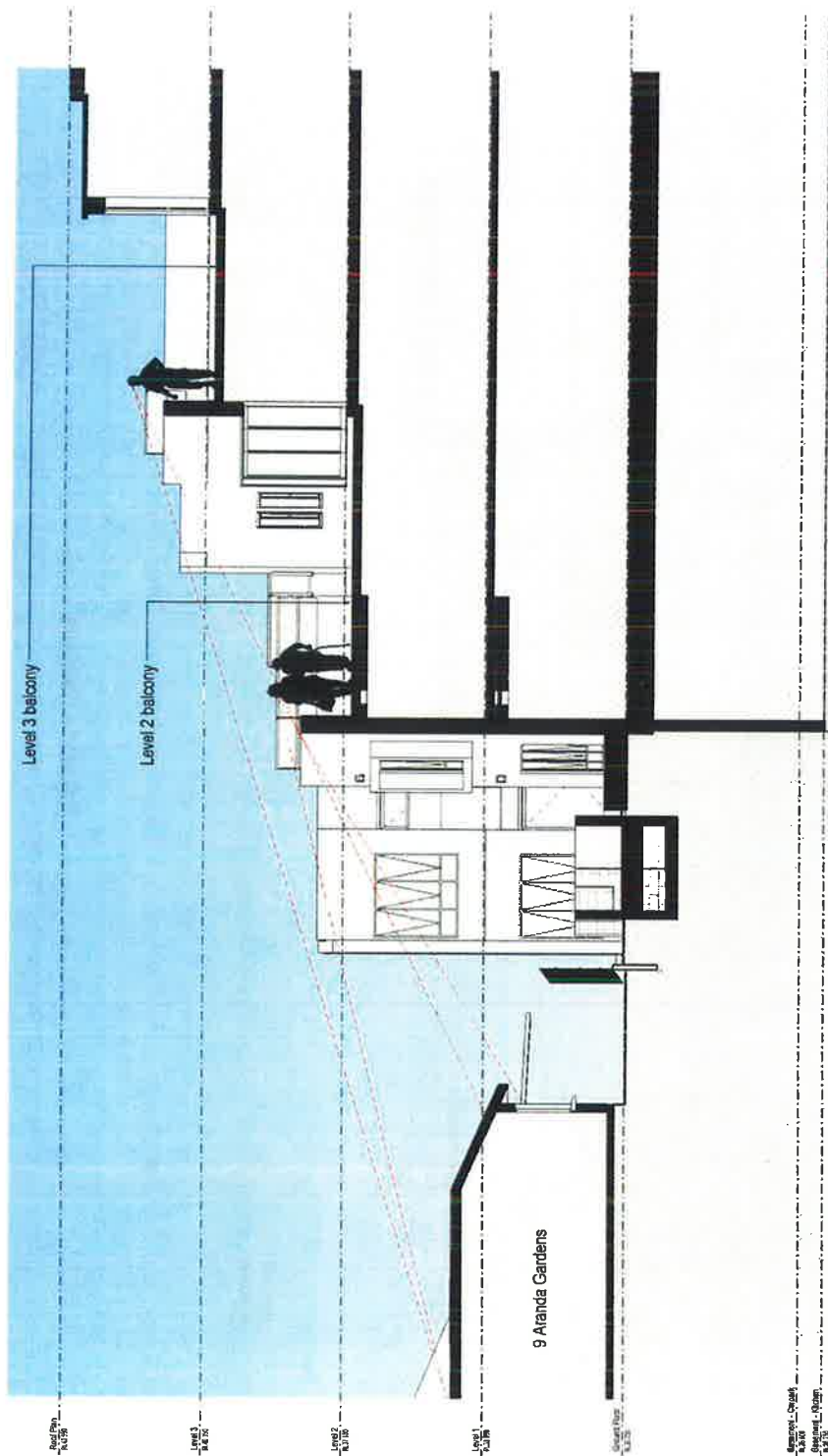
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MAY 2014	A3	
FILE	PLANER BOX	
PROJ	EDUCATION	
966	P051	P2

08/03/2015 17:11:58



SV Scalabrini Village Drummyne
5 Mary Street (also known as 17 Millar Street)
Drummyne

CONCLUSIONS



9 Aranda Gardens

SV Scalabrini Village Drummoyne
5 Mary Street (also known as 17 Millar Street)
Drummoyne



NO.	REVISION	DATE	BY	CHKD.	APPD.
1	1	10/10/2018	AC		

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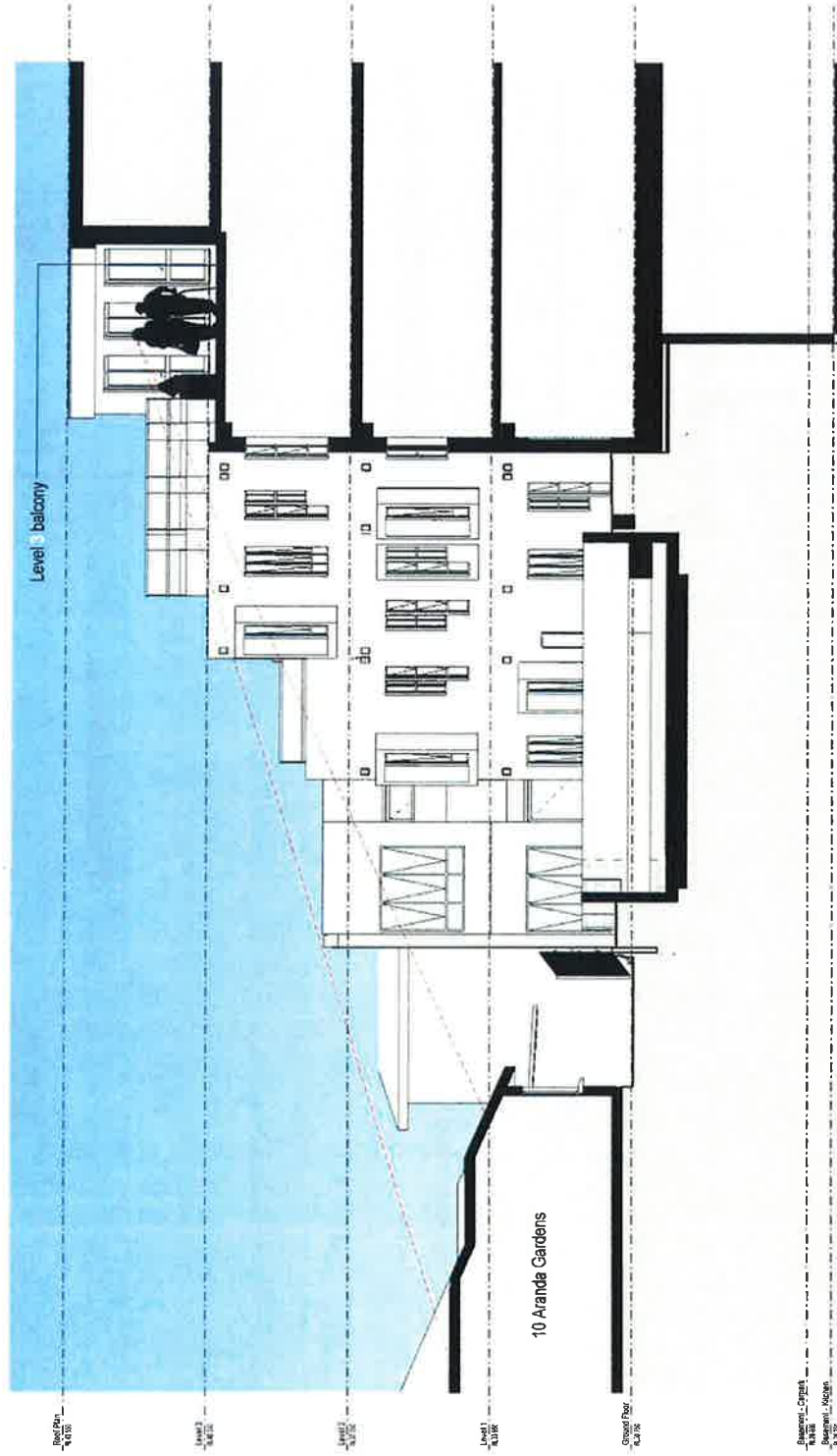
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PROJECT: 10/10/2018
NAME: 10/10/2018
FILE: 10/10/2018

DESIGNED: AC
DATE: 10/10/2018
SCALE: 1:100
DRAWN: JC
CHECKED: BN
DRAWING: 888
NOTION: P1
POSS: P1

PRELIMINARY

Sections including Sign User

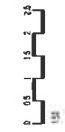


10 Aranda Gardens

SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Miller Street)
Drummoyne

REV	DATE	DESCRIPTION / COMMENTS	BY	CHECKED
1	2023.11.17	Revised Section Drawing	AC	AC



DRAWING TITLE

Sections indicating Sight Lines

SCALE

DRAWN

CHECKED

DATE

REVISION

PROJECT

0005

P1

P004

000515 18.05.06

BICKERTON
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ARCHITECTS

LEVEL 1, 10 BUCHANAN PLACE

STREET VIEW 200

DATE

18.05.06

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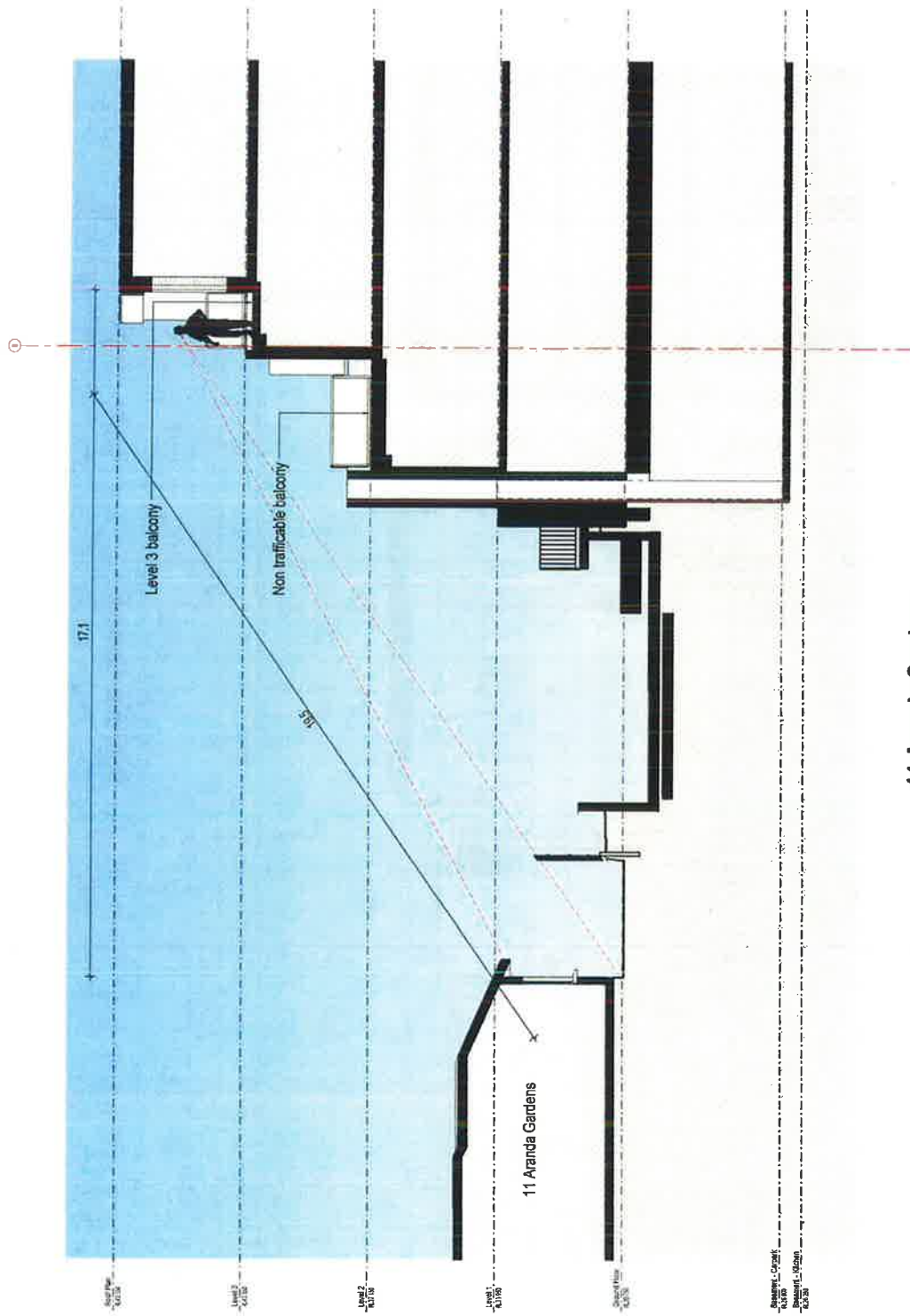
MASTERS ARCHITECTS

LEVEL 1, 10 BUCHANAN PLACE

STREET VIEW 200

DATE

18.05.06



11 Aranda Gardens

SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

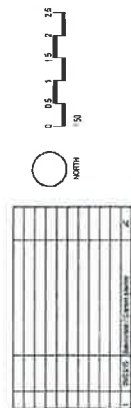


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1	ISSUED FOR CONSTRUCTION	20/01/20	SV	SV	SV

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DESIGN & CONSTRUCTION
10/100 MARY STREET
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PRELIMINARY
DRAWING TITLE: Sections Indicating Sight Lines
DATE: 20/01/20
DRAWN BY: JC
FILE: 11 Aranda Gardens
SCALE: 1:100
CHECKED BY: SV
DESIGNED BY: SV
PROJECT NO: 985
PAGE: 1



SV Scalabrini Village Drummyne
5 Mary Street (also known as 17 Millar Street)
Drummyne

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ARCHITECTS

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SYDNEY, NSW 2000

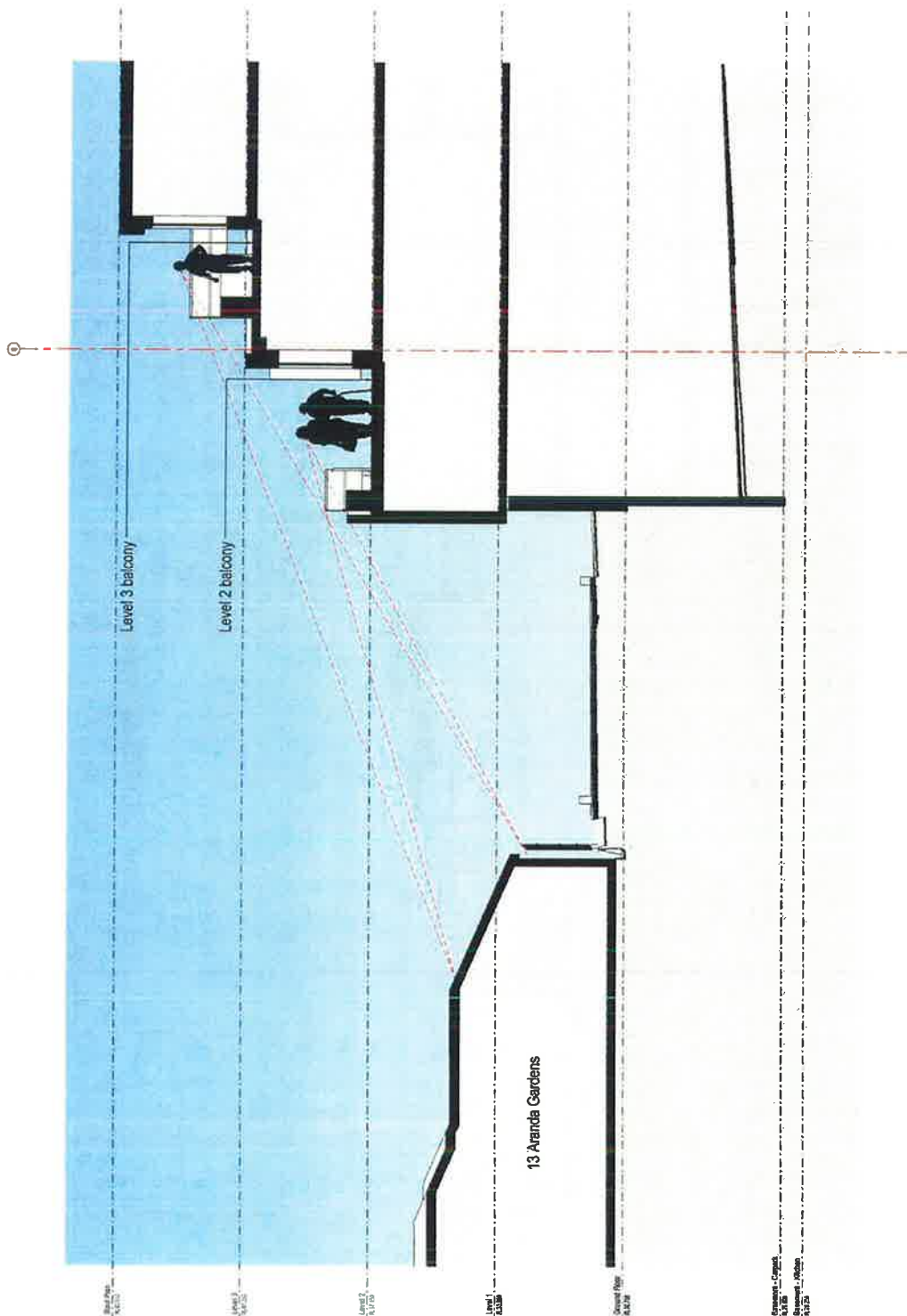
PHONE 02 9222 6191
FAX 02 9222 6190
EMAIL info@bickerton.com.au

PRELIMINARY

DRAWING TITLE
Sections indicating Sight Lines

DATE	DRAWN	SCALE
10/10/14	J.C.	1/8"=1'-0"
FILE	CHECKED	DATE
	M.T.	10/10/14
PROJ	DRAWING	REVISION
666	PROSS	P.1

0046 32615 1403 41



13 Aranda Gardens



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	20/01/2024	SCALABRINI	SCALABRINI

SV Scalabrini Village Drummoyne

5 Mary Street (also known as 17 Millar Street)
Drummoyne

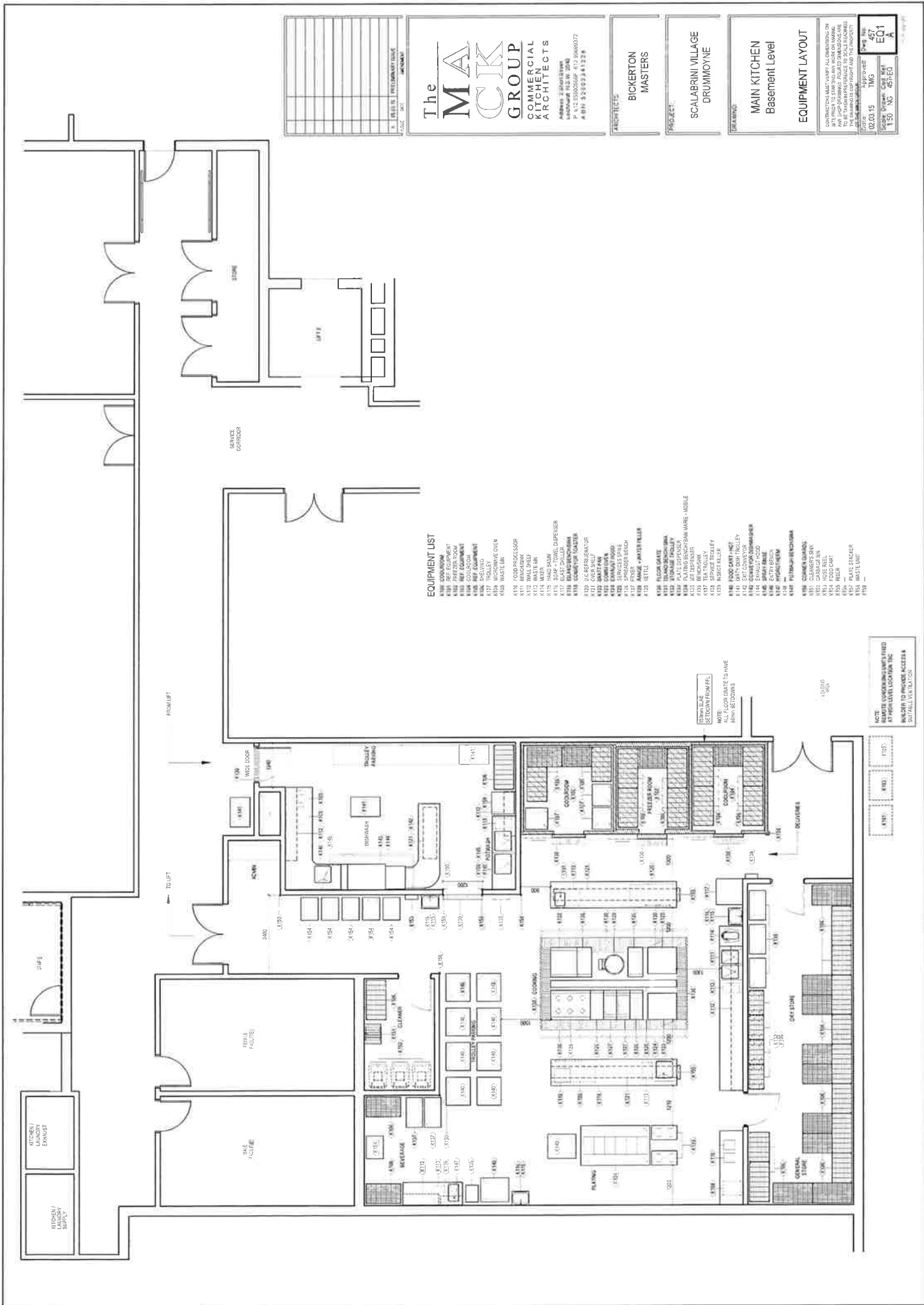
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105/11 MARLBOROUGH STREET, APT 200
SYDNEY, NSW 2000
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PRELIMINARY

Drawings Title:
Sections indicating Spill Lines

DATE: 10/01/2024
SCALE: 1:100
FILE: 20/01/2024
NO. 20/24: 20/01/2024
REV: 01
DESIGNED BY: SCALABRINI
CHECKED BY: SCALABRINI
DATE: 20/01/2024



EQUIPMENT LIST

- K100 COOKING
- K101 COOLING
- K102 REFRIGERATOR
- K103 REFRIGERATOR
- K104 REFRIGERATOR
- K105 REFRIGERATOR
- K106 REFRIGERATOR
- K107 REFRIGERATOR
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- K200 REFRIGERATOR

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1	1	PRELIMINARY ISSUE	10/01/2015

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A 02 9550 3172

ARCHITECTS
BICKERTON MASTERS

PROJECT
**SCALABRINI VILLAGE
DRUMMOYNE**

DRAWINGS
**MAIN KITCHEN
Basement Level
EQUIPMENT LAYOUT**

DATE: 10/01/2015
TIME: 15:00
APPROVED: [Signature]
Scale: 1:50
Sheet: 457
EQ1
A

WILLIAM	SILVIA M. HODGSON	RENEE J. DODSON	TRACY L. DODSON
---------	-------------------	-----------------	-----------------

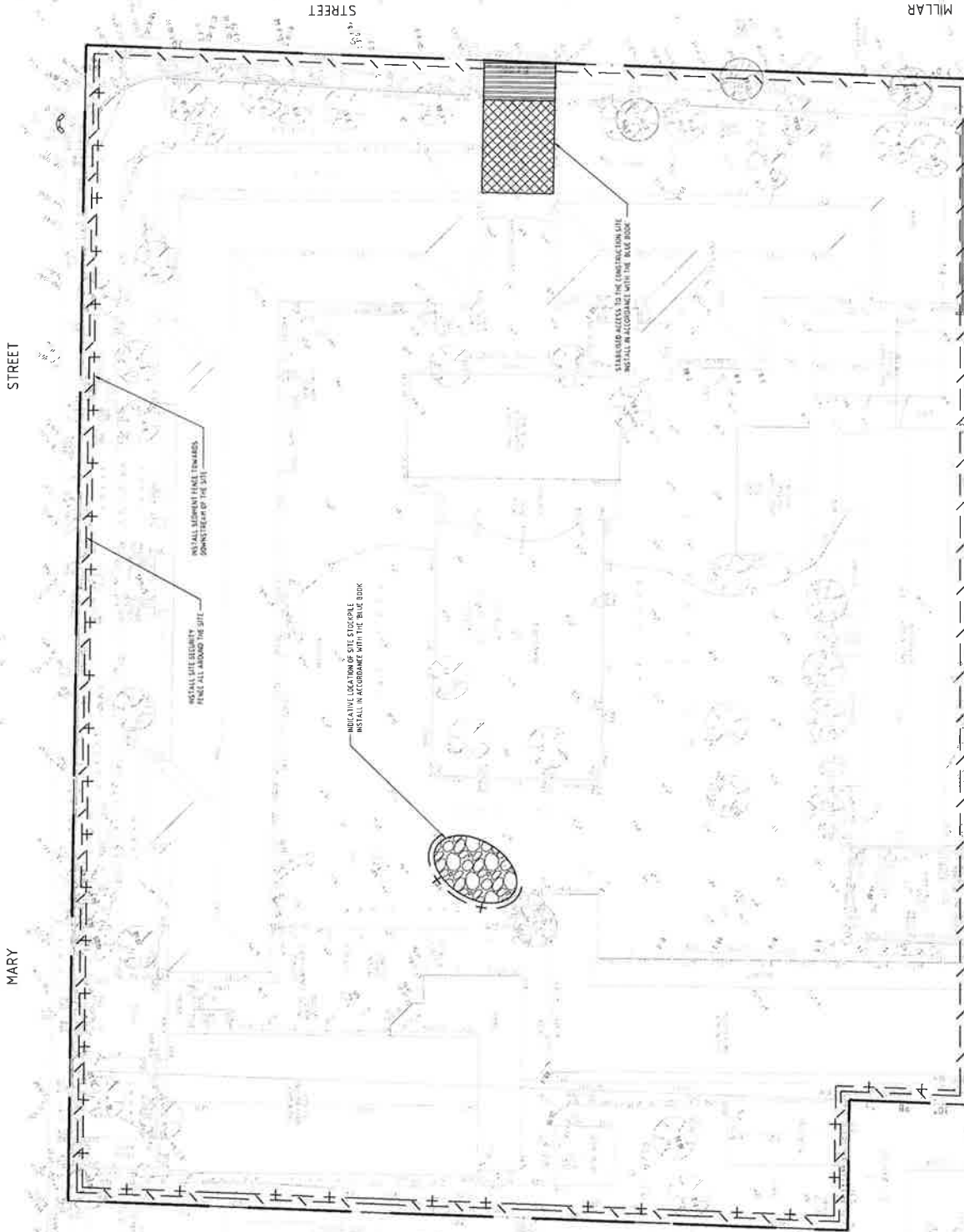
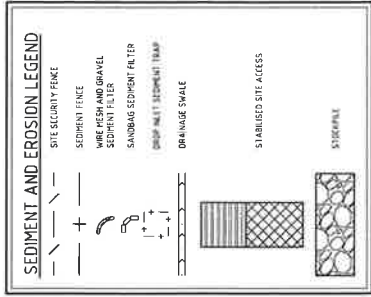


RELATION	DESCRIPTION	DATE	DATE	DATE
1	ISSUED FOR INFORMATION	AS	AS	AS
2	ISSUED FOR WELL-DEFINED APPLICATION	SP	SP	2011/16
3	RE-CLASSIFIED FOR WELL-DEFINED APPLICATION	SP	AS	2011/16

NORTHROP
Sydney
Level 11 345 George Street, Sydney NSW 2000
Tel: 02 9247 1158 Fax: 02 9247 4214
E-mail: info@northrop.com.au
Web: www.northrop.com.au

PROJECT	SCALABRINI VILLAGE, 5 MARY ST, DRUMMOYNE	CIVIL DESIGN
		COVER SHEET, DRAWING SCHEDULE AND SITE LOCATION

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

DRAWING TITLE	CIVIL DESIGN	JOB NUMBER	130376
CONCEPT SEDIMENT AND EROSION CONTROL PLAN		DRAWING NUMBER	DA2.01
		REVISION	3

PROJECT	SCALABRINI VILLAGE, 5 MARY ST, DRUMMOYNE
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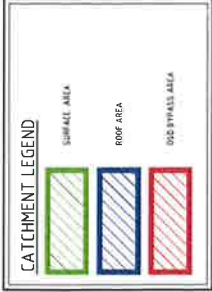
NORTHROP Sydney
 NORTHROP CONSULTANTS
 10/100-100/1000
 10/100-100/1000
 10/100-100/1000

SCALE	1:100
DATE	10/100-100/1000

ARCHITECT	BOXERSON MASTERS
ARCHITECTURE	ARCHITECTURE

CLIENT	SV Scalabrini Village
--------	-----------------------

REVISION	DESCRIPTION	DATE	APP'D	DATE
1	ISSUED FOR INFORMATION	AD	10/100-100/1000	
2	ISSUED FOR DEVELOPMENT APPLICATION	AD	10/100-100/1000	
3	ISSUED FOR DEVELOPMENT APPLICATION	AD	10/100-100/1000	

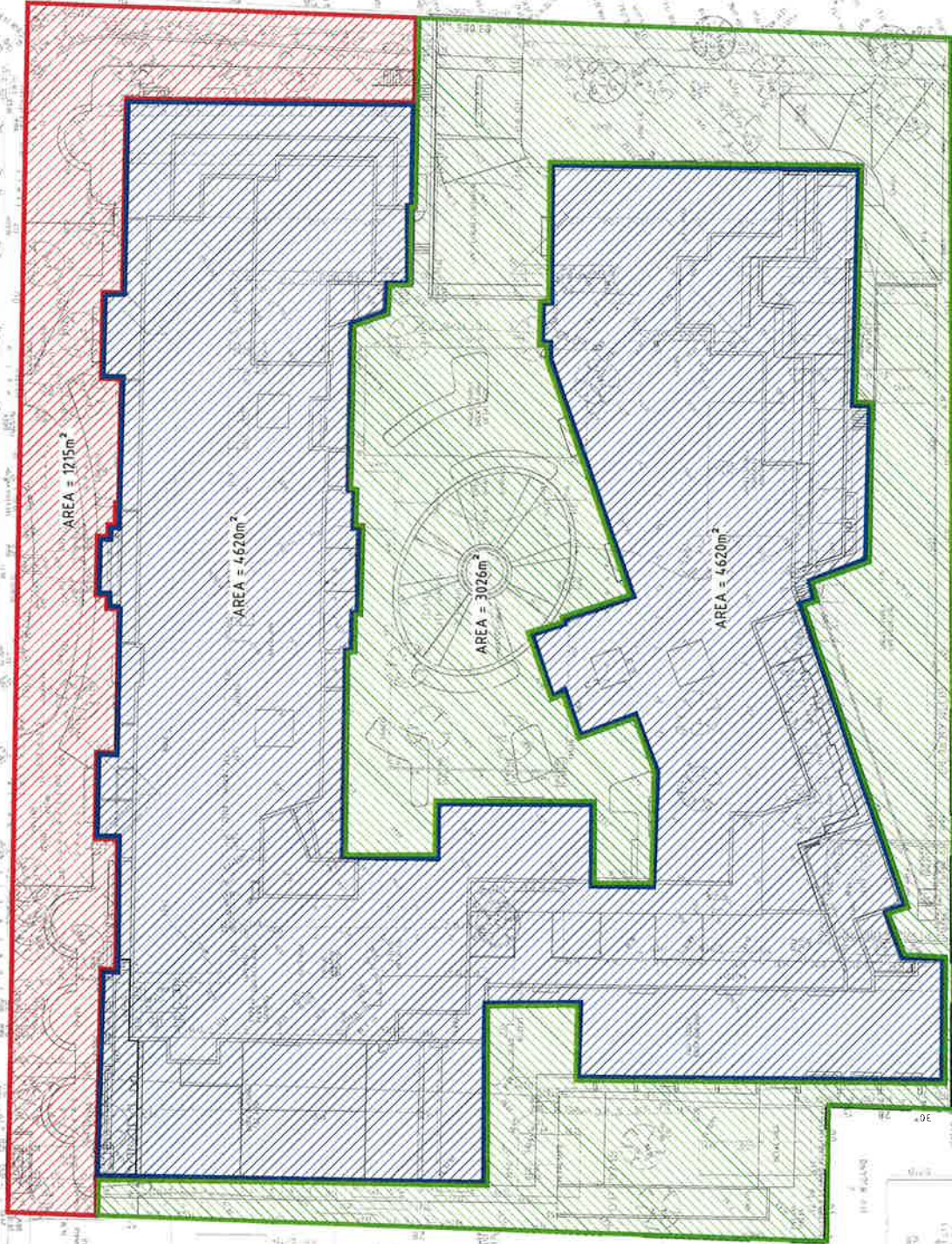


CATCHMENT CHARACTERISTICS			
	AREA (m ²)	PERVIOUS	IMPERVIOUS
TO OSD	7646m ² (8654)	1519m ² (1692)	6126m ² (6932)
BYPASS	5739m ² (6542)	659m ² (752)	5080m ² (5792)
TOTAL	886m ²	2259m ² (255)	6656m ² (752)

MARY STREET

STREET

MILLAR

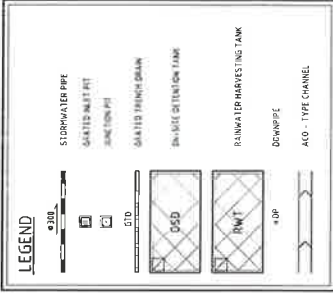


NOT FOR CONSTRUCTION

JOB NUMBER		130376		REVISION		3	
DRAWING NUMBER		DA3.01		REVISION		3	
CIVIL DESIGN		CONCEPT STORMWATER CATCHMENT PLAN - POST DEVELOPMENT		DRAWING SHEET SIZE		A3	
PROJECT		SCALABRINI VILLAGE, 5 MARY ST, DRUMMOYNE		PROJECT		SCALABRINI VILLAGE, 5 MARY ST, DRUMMOYNE	
NORTHROP Sydney		Level 13/14, George Street, Sydney NSW 2000 P.O. Box 4171, Annandale NSW 1531 Phone: 02 9550 1275 Email: northrop@northrop.com.au		NORTHROP Sydney		Level 13/14, George Street, Sydney NSW 2000 P.O. Box 4171, Annandale NSW 1531 Phone: 02 9550 1275 Email: northrop@northrop.com.au	
ARCHITECT		BICKERTON MASTERS		ARCHITECT		BICKERTON MASTERS	
ARCHITECTURE		ARCHITECTURE		ARCHITECTURE		ARCHITECTURE	
THE OFFICE OF THE ARCHITECT		THE OFFICE OF THE ARCHITECT		THE OFFICE OF THE ARCHITECT		THE OFFICE OF THE ARCHITECT	
NORTHROP SYDNEY, 100/101 MACQUARIE STREET		NORTHROP SYDNEY, 100/101 MACQUARIE STREET		NORTHROP SYDNEY, 100/101 MACQUARIE STREET		NORTHROP SYDNEY, 100/101 MACQUARIE STREET	
CLIENT		SV Scalabrini Village		CLIENT		SV Scalabrini Village	
DATE		10/11/15		DATE		10/11/15	
APP'D		AD		APP'D		AD	
DATE		10/11/15		DATE		10/11/15	
DESCRIPTION		1. REVISION FOR INFORMATION		DESCRIPTION		1. REVISION FOR INFORMATION	
DESCRIPTION		2. REVISION FOR DEVELOPMENT APPLICATION		DESCRIPTION		2. REVISION FOR DEVELOPMENT APPLICATION	
DESCRIPTION		3. REVISION FOR DEVELOPMENT APPLICATION		DESCRIPTION		3. REVISION FOR DEVELOPMENT APPLICATION	

MARY STREET

MILLAR STREET



DESIGN SUMMARY

SITE DISCHARGE CALCULATION

AREA	2 YEAR AEP	5 YEAR AEP	10 YEAR AEP
PRE-DEVELOPMENT	288 L/s	351 L/s	434 L/s
POST-DEVELOPMENT	209 L/s	261 L/s	316 L/s

ON-SITE DETENTION

DESIGN BASIS

• PRE-DEVELOPMENT

• POST-DEVELOPMENT

• CALCULATED RATE

• 10 YEAR AEP

• 10 YEAR AEP

• 10 YEAR AEP

• 10 YEAR AEP

• 10 YEAR AEP

• 10 YEAR AEP

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DESIGN SUMMARY

SITE DISCHARGE CALCULATION

AREA	2 YEAR AEP	5 YEAR AEP	10 YEAR AEP
PRE-DEVELOPMENT	288 L/s	351 L/s	434 L/s
POST-DEVELOPMENT	209 L/s	261 L/s	316 L/s

ON-SITE DETENTION

DESIGN BASIS

• PRE-DEVELOPMENT

• POST-DEVELOPMENT

• CALCULATED RATE

• 10 YEAR AEP

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NOTES

1. STORMWATER PIPE SHALL BE COORDINATED IN CONSTRUCTION WITH THE BUILDING OUTSIDE OF THE TREE PROTECTION ZONE.

NOT FOR CONSTRUCTION

PROJECT	SCALABRINI VILLAGE, 5 MARY ST, DRUMMOYNE
CIVIL DESIGN	130376
CONCEPT STORMWATER MANAGEMENT PLAN - GROUND FLOOR	DA4.01
REVISION	4

NORTHROP
Sydney
Level 11, 120 George Street, Sydney NSW 2000
P.O. Box 1071, Sydney NSW 2001
Email: northrop@northrop.com.au

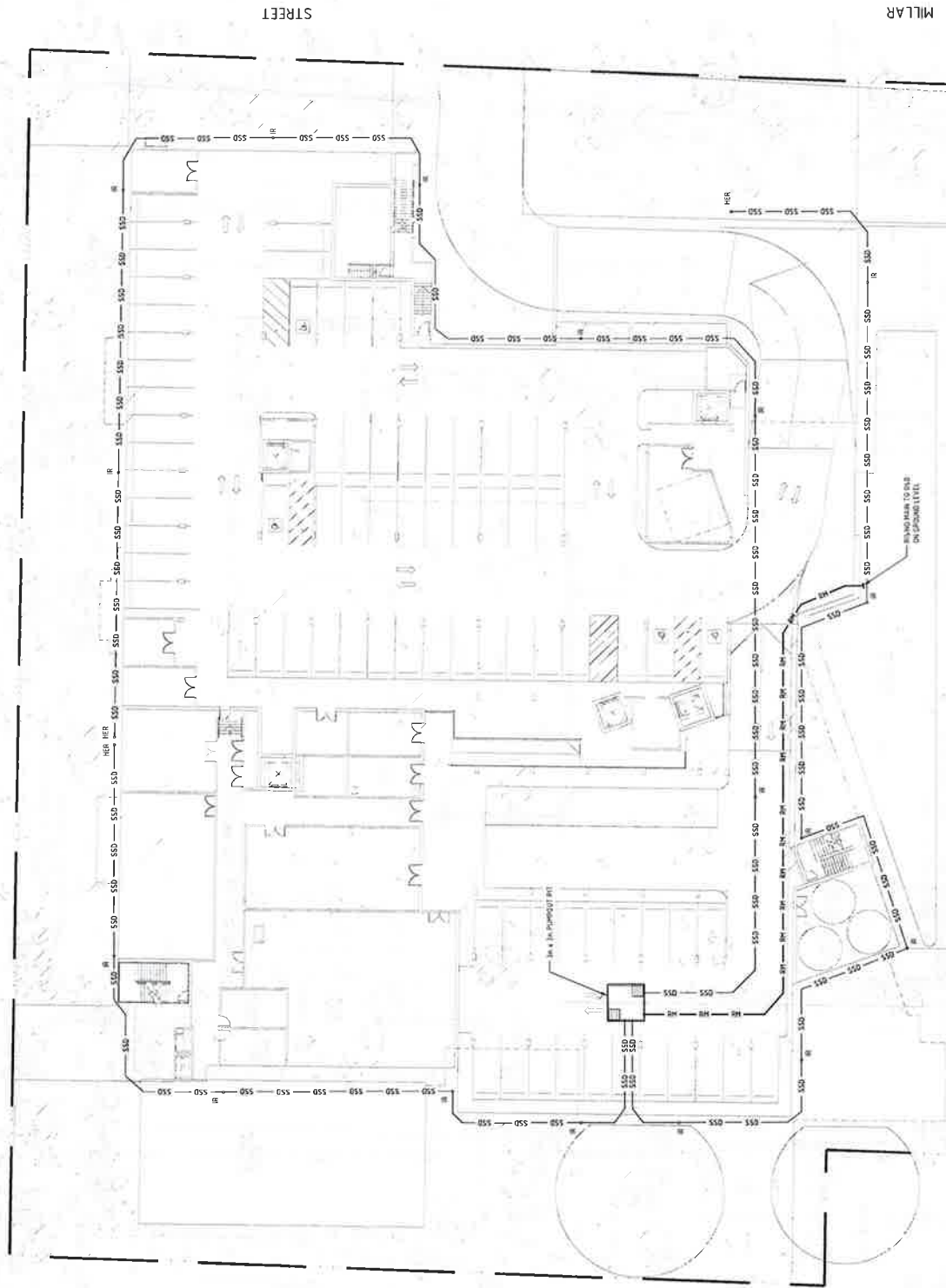
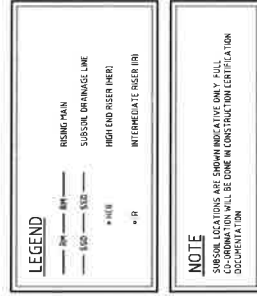
BURKERTON MASTERS
ARCHITECTURE
THE LUTHERAN CHURCH OF AUSTRALIA
100/101 DUNDAS STREET, SYDNEY NSW 2009

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DATE: 10/10/2023
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

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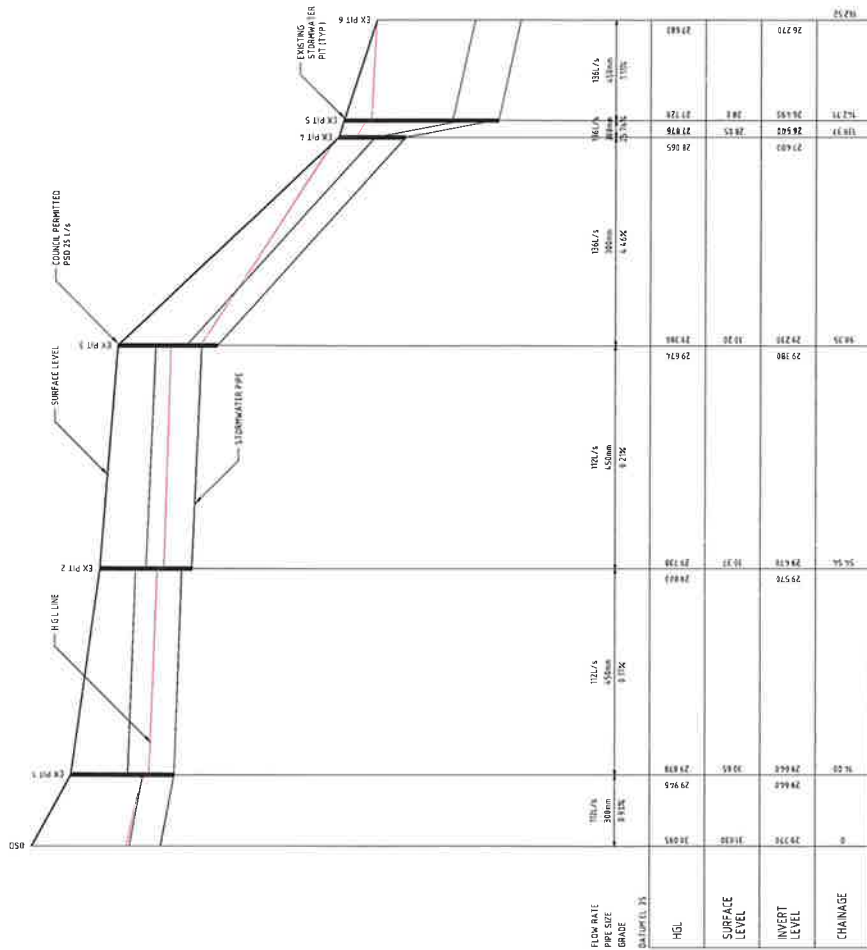
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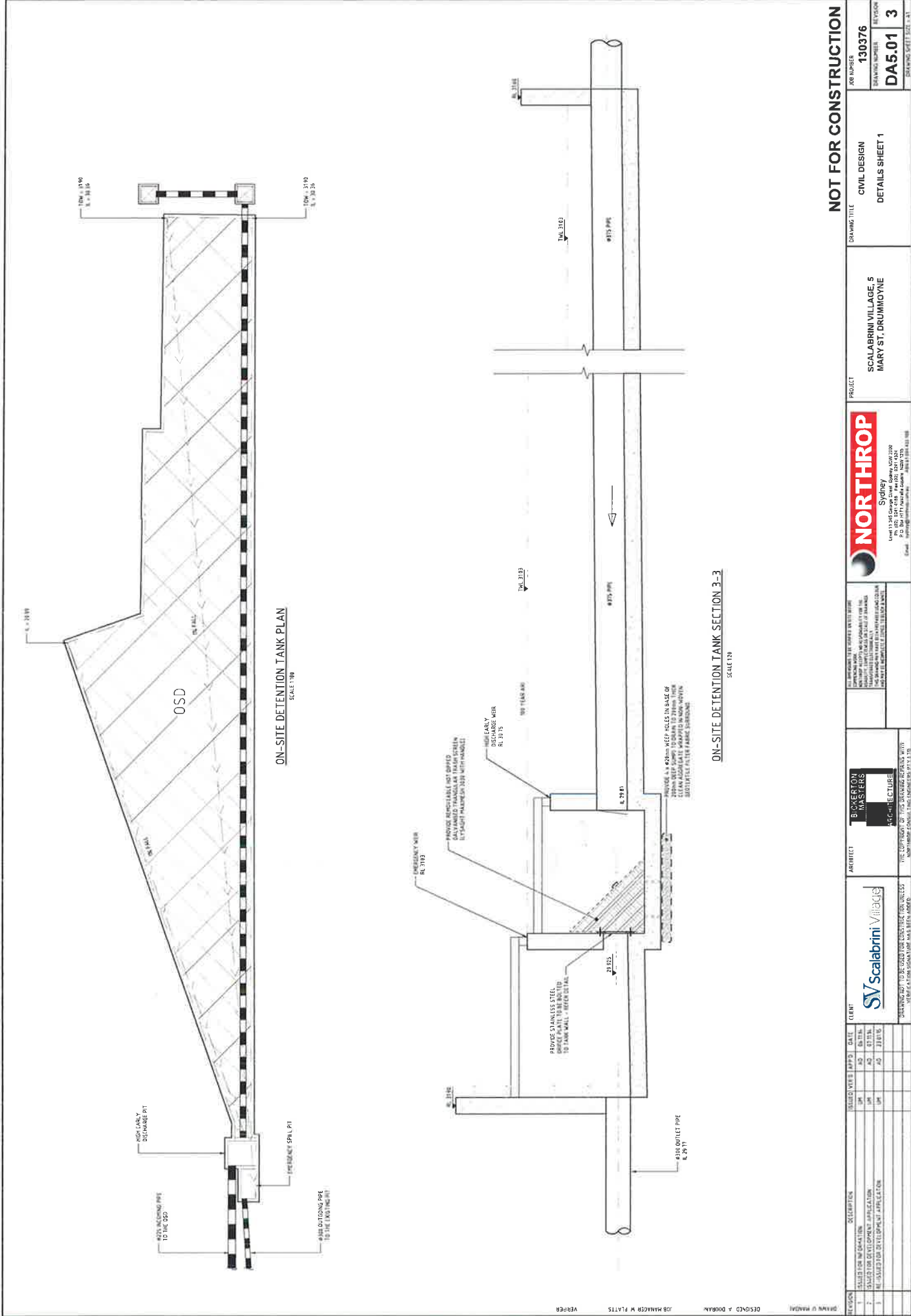
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2	RESUBMITTED FOR DEVELOPMENT APPLICATION	18.02.15	AD	

NOT FOR CONSTRUCTION



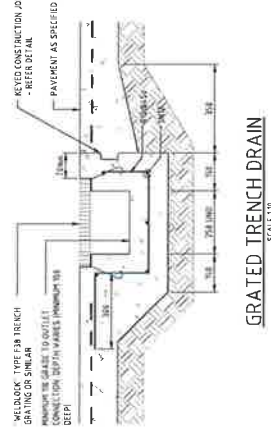
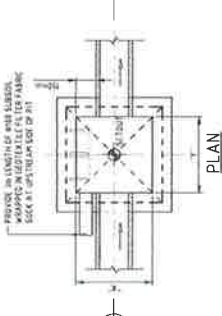
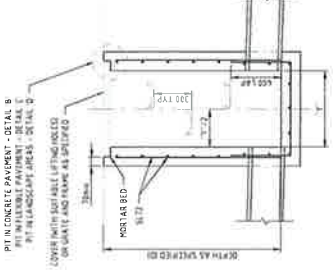
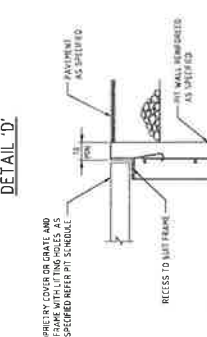
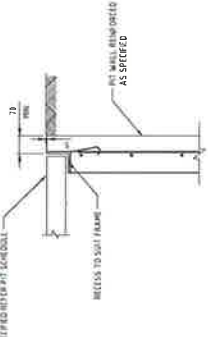
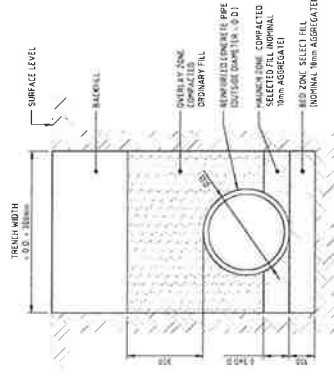
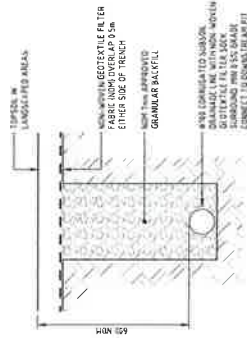
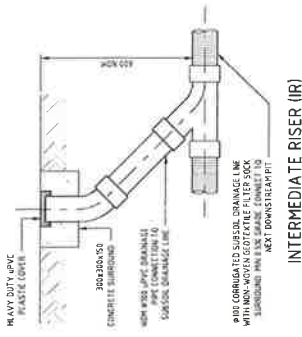
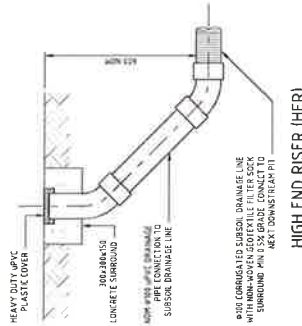
EXISTING STORMWATER PIPE LONG SECTION

SCALE V 125
H 1500



NOT FOR CONSTRUCTION				PROJECT				DRAWING TITLE			
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JOB NUMBER 130376				DRAWING NUMBER DA5.01				REVISION 3			
DRAWING DATE 2021-01-21				DRAWING SCALE 1:50				DRAWING SHEET 1 OF 1			
NORTHROP Sydney				Level 11-35 George Street Sydney NSW 2000				P.O. Box 1111 Australia Sydney NSW 2000			
BICKERTON MASTERS ARCHITECTURE				THE OFFICE OF THE ARCHITECT FOR THE CITY OF SYDNEY				DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE ARCHITECT			
SV Scalabrini Village				DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE ARCHITECT				DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE ARCHITECT			
CLIENT				DATE				DATE			
1. ISSUED FOR INFORMATION				2021-01-21				2021-01-21			
2. ISSUED FOR DEVELOPMENT APPLICATION				2021-01-21				2021-01-21			
3. ISSUED FOR CONSTRUCTION APPLICATION				2021-01-21				2021-01-21			

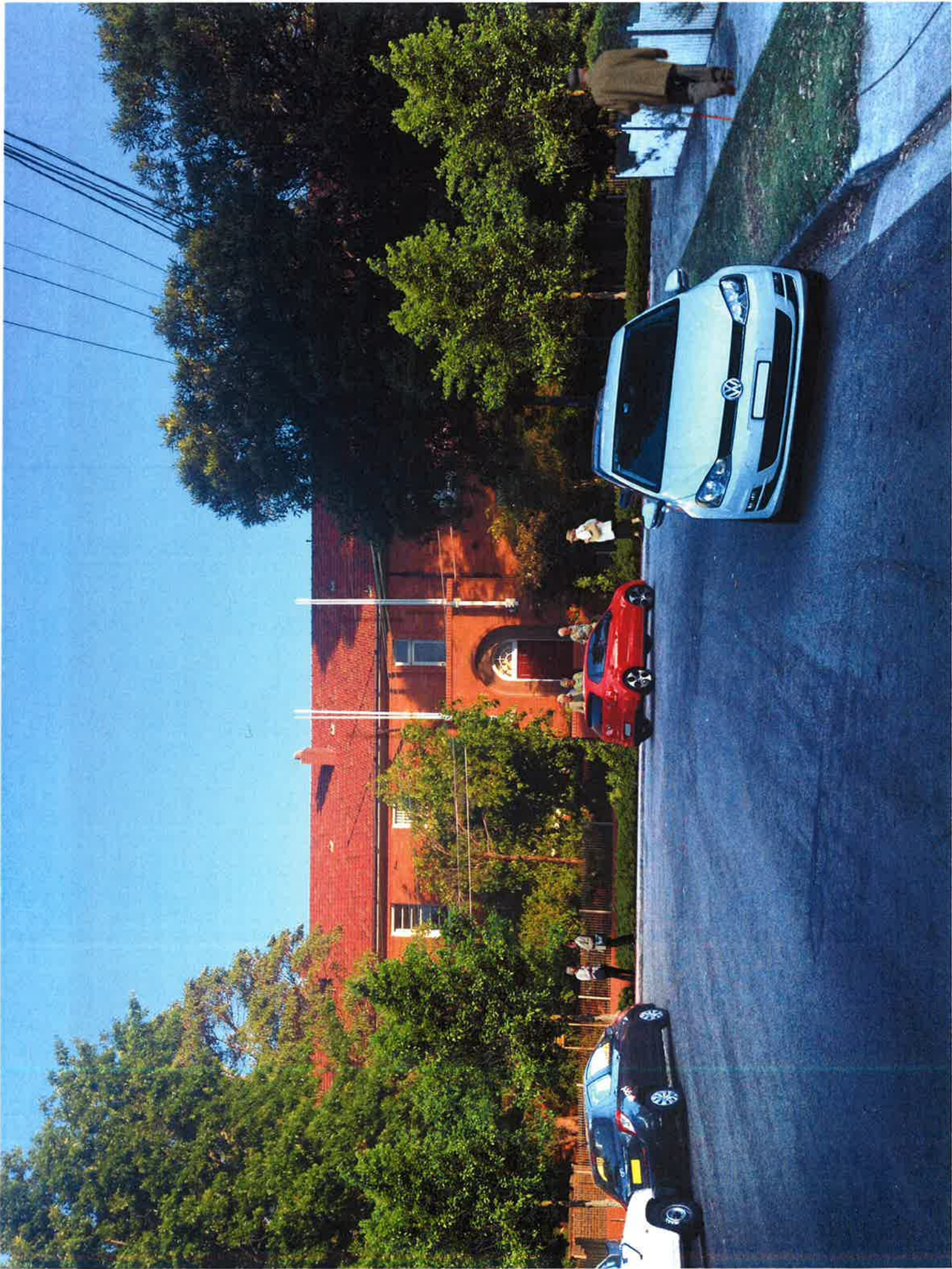
REVISION	DESCRIPTION	DATE	DESIGNED BY	CHECKED BY	APP'D BY	DATE
1	ISSUED FOR INFORMATION		SM	AD	AD	07/11/14
2	ISSUED FOR DEVELOPMENT APPLICATION		SM	AD	AD	07/11/14
3	ISSUED FOR DEVELOPMENT APPLICATION UNDER AMENDMENT		SM	AD	AD	21/01/15
4	RE-ISSUED FOR DEVELOPMENT APPLICATION		SM	AD	AD	21/01/15



NOTES

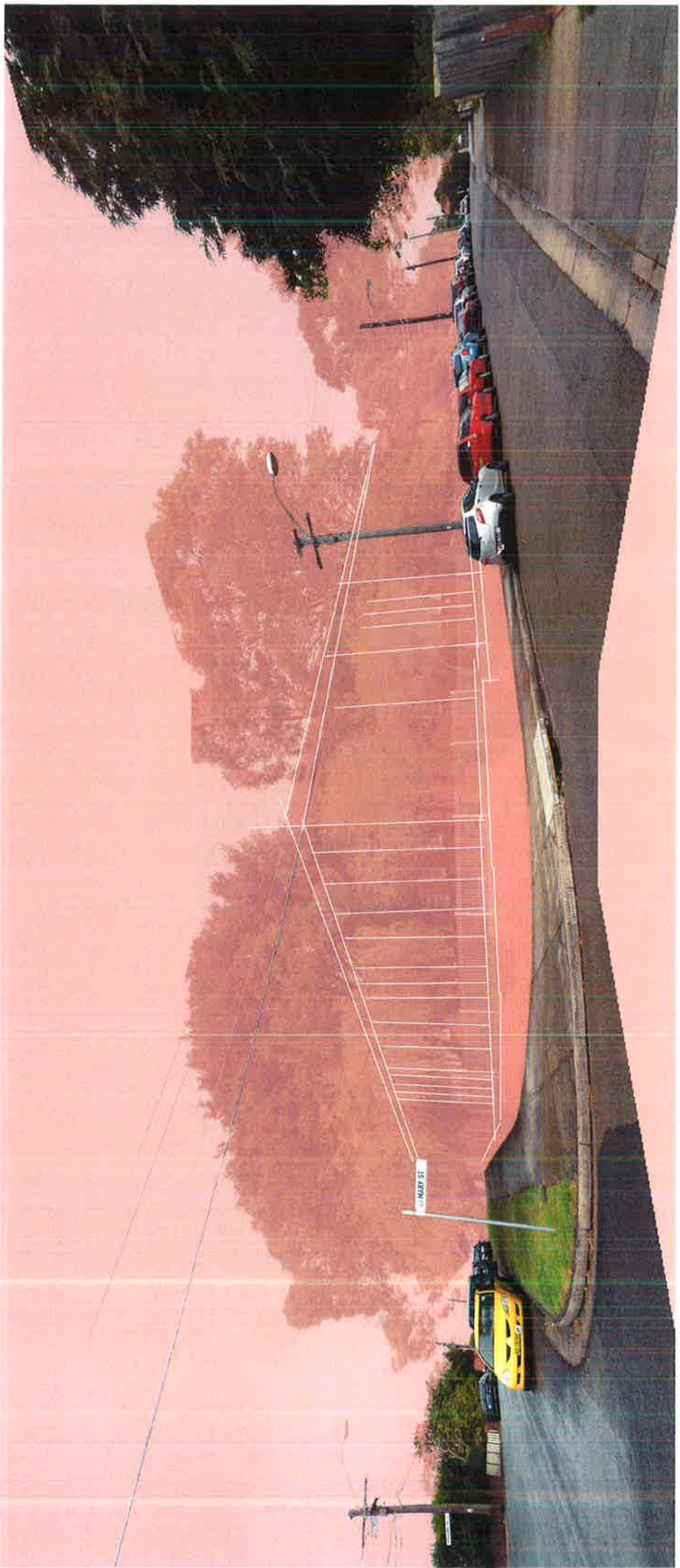
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2. THE CONTRACTOR SHALL ENSURE THAT THE SURROUNDING TRENCHES ARE INSTALLED AS REQUIRED BY STATUTORY REQUIREMENTS.
3. TRENCHES SHALL BE CONSTRUCTED TO ACHIEVE A 1% FALL TO THE NEXT DOWNSTREAM PIT.
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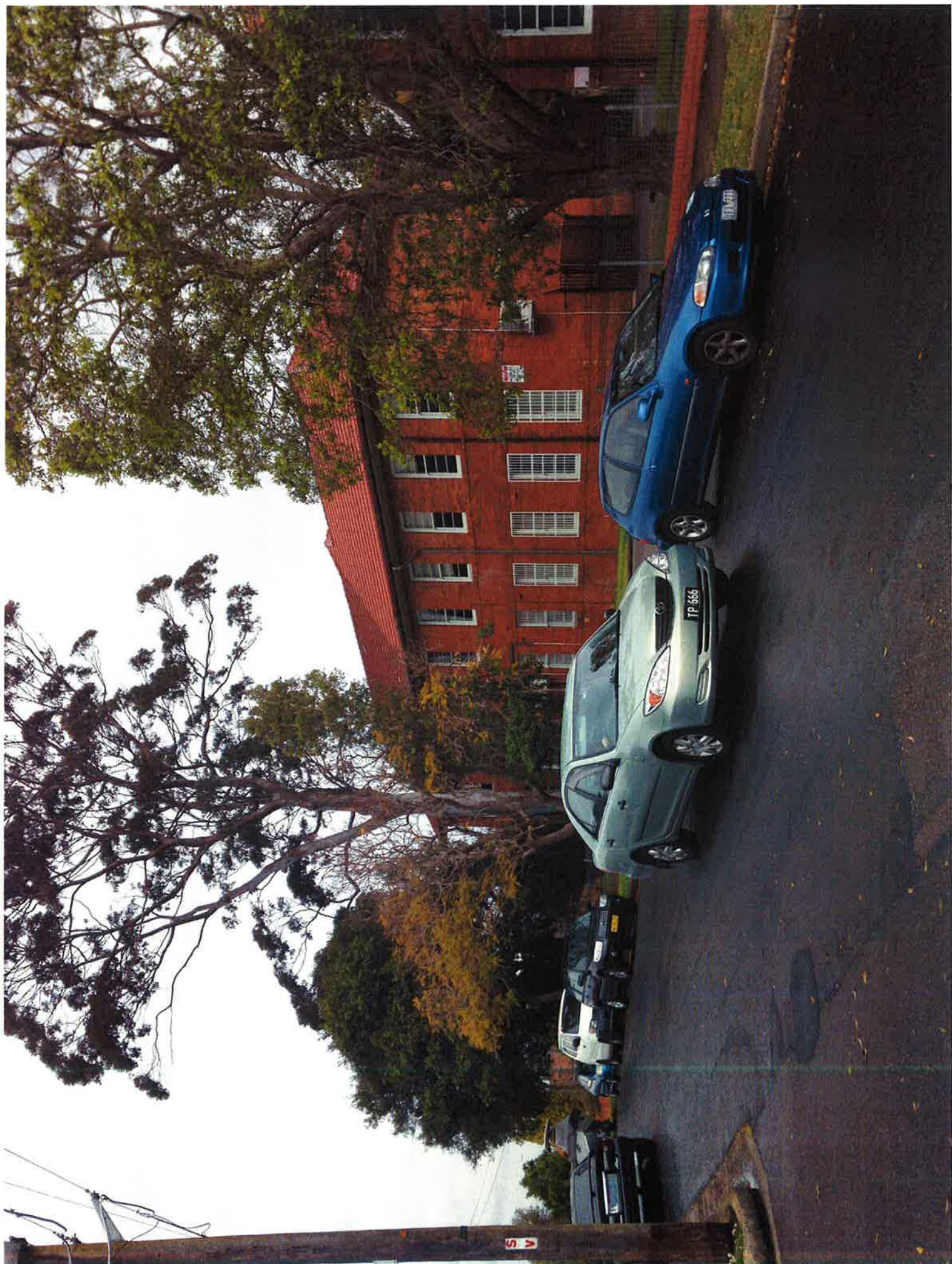
NOT FOR CONSTRUCTION			
DRAWN BY: M. HALL		JOB NUMBER: 130376	
DESIGNED: A. COOMAS		DRAWING NUMBER: DA5.03	
CHECKED: W. B. HILL		REVISION: 3	
VERIFIED:		DRAWING TITLE: CIVIL DESIGN DETAILS SHEET 3	
PROJECT: SCALABRINI VILLAGE 5 MARY ST, DRUMMOYNE		DRAWING SCALE: 1:50	
ARCHITECT: SV Scalabrini Village		NORTHROP Sydney	
ARCHITECT: BUCKERIDGE MASTERS		NORTHROP Sydney	
THE COPYRIGHT OF THIS DRAWING REMAINS WITH SV SCALABRINI VILLAGE		NORTHROP Sydney	
DRAWING NOT TO BE USED FOR CONSTRUCTION WITHOUT SV SCALABRINI VILLAGE PERMISSION		NORTHROP Sydney	
ISSUED FOR INFORMATION		DATE: 06/11/16	
ISSUED FOR DEVELOPMENT APPLICATION		DATE: 07/11/16	
ISSUED FOR DEVELOPMENT APPLICATION		DATE: 22/07/17	















Clause 4.6 Variation to Development Standard
Clause 4.3 Height of Buildings



5 Mary Street and 17 Millar Street, Drummoyne
Residential Aged Care Facility
Submitted to City of Canada Bay Council
On Behalf of Scalabrini Village



February 2015 ■ 13268

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JBA operates under a Quality Management System that has been certified as complying with ISO 9001:2008. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft

This report has been prepared by:



Michael Oliver

18/02/2015

This report has been reviewed by:



Yvette Carr

18/02/2015

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1.0 Introduction

Clause 4.6 of the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP 2013) allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This Clause 4.6 Variation Request should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by JBA dated November 2014 in relation to a proposed residential aged care facility at 5 Mary Street and 17 Millar Street, Drummoyne (the Site). It relates to the development standard for building height under clause 4.3 of the Canada Bay LEP 2013.

2.0 Development Standard to be Varied

Clause 4.3(2) states that *“The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”*. The maximum building height shown on the Height of Buildings Map (sheet 06) for the subject site is 8.5 metres.

The proposed development has a maximum building height of 13.93 metres, which is a variation of 5.43 metres to the LEP development standard. The maximum building height excluding lift overruns, which are located well back from the building parapets, is 12.13 metres.

Existing buildings on the Site exceed the maximum building height control. The Site Survey prepared by ATS Land & Engineering Consultants appended to the Development Application illustrates the height of existing buildings on the Site, which are illustrated in **Figure 1** below.

The proposed building has a maximum roof height (excluding lift overruns) of RL 43.55m AHD. Four lift overruns protrude above this height to a maximum of RL 44.85m AHD. **Figure 2** illustrates the height and extent of the upper level roofs.



Figure 1 – Maximum ridge height levels of existing buildings

Note: Some ridge heights vary slightly within buildings, maximum shown in this diagram

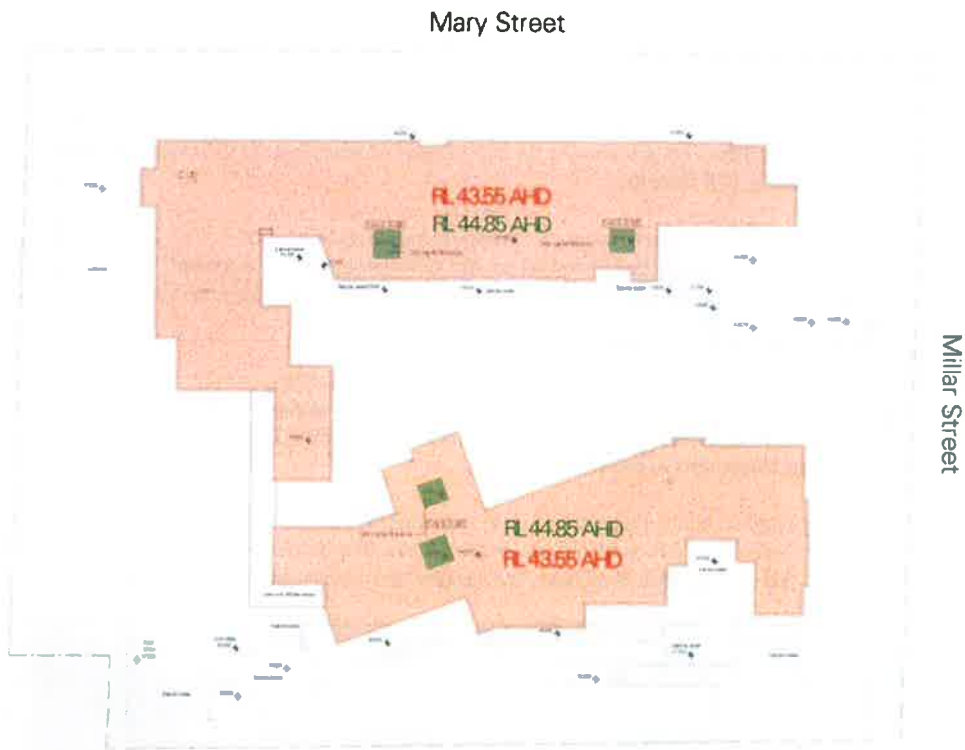


Figure 2 – Proposed maximum building heights (upper level)

3.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Canada Bay LEP 2013 states that a consent authority must not grant consent for development that contravenes a development standard unless it has considered a statement that seeks to justify the contravention by demonstrating:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

These matters are addressed below.

3.1 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston expressed the view that there are five ways in which a variation to a development standard might be shown as unreasonable or unnecessary. This case related to objections made pursuant to State Environmental Planning Policy No.1 - Development Standards (SEPP 1), however, given that the language of SEPP 1 and clause 4.6 is the same, we consider that the five ways equally apply to exceptions to development standards made under clause 4.6.

The five ways include:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Of particular relevance in this instance is the first method, that is: "The objectives of the standard are achieved notwithstanding non-compliance with the standard".

3.1.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of the development standard are:

- a) *to ensure that buildings are compatible with the desired future character in terms of building height and roof forms,*
- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

To ensure that buildings are compatible with the desired future character in terms of building height and roof forms

In order to determine whether the proposed buildings are compatible with the desired future character of the area, it is essential in the first instance to determine what this desired future character is.

Under the Canada Bay LEP 2013, residential aged care facilities are a prohibited use within the R2 Low Density Residential zone that applies to the Site. The objectives of the R2 zone are to:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

From these objectives it can be gathered that development in the R2 zone should provide for the housing needs of the community, as well as other day to day residential facilities and services, in a manner that is compatible with a low density residential environment. The objective clearly does not require a homogenous built form comprising only detached housing, but rather emphasises that the character should be compatible with a low density environment. This does not mean that the scope for taller buildings is excluded. The existing buildings on the Site, which are institutional in their architecture, substantially taller than adjoining residential dwellings (which range between one and two storeys in height) and are located prominently along two street frontages nonetheless sit comfortably within the low density residential environment. The proposed development has taken cues from the existing development of the site with regard to maximum building height and street setbacks, and is generally consistent with the built form and scale of the existing development on the Site when viewed from Millar and Mary Street.

It is also clear that the proposed residential aged care facility will meet the housing needs and day to day needs in terms of facilities and services for residents of Drummoyne and Canada Bay, which cannot be met solely through typical residential houses and apartments. The proposed development's primary purpose is to provide suitable accommodation options for a significant and fast-growing segment of the local population. The proposed high-care facility specialising in dementia care is targeted to meet an existing gap in the residential aged care market, where dementia care is normally provided through the conversion of standard high-care beds for dementia patients simply through the introduction of additional security measures.

Scalabrini and Bickerton Masters have reviewed international literature and best-practice case studies to develop a purpose-designed facility that will optimise the outcomes for quality of life and care for future residents. This design necessarily involves certain deviations from standard design practice for residential aged care facilities, including the need to provide internal amenity suitable to the capabilities of residents (i.e. the need for lifts to accurately align with floor levels throughout the building to prevent falls, limiting the ability to compress the lift overruns capabilities of residents (i.e. the need for lifts to accurately align with floor levels throughout the building to prevent falls, limiting the ability to compress the lift overruns that protrude above the main building roofline) and a certain level of containment and internalisation of facilities. The existing development of the Site, where the built form is already configured in this manner

manner with a central courtyard/car parking, is well suited to the built form requirements of this facility.

To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development

Visual Impact

The redevelopment of the Site will inevitably result in some visual transformation, however, the overall visual impact of the additional height sought above the LEP limit is considered to be acceptable. The proposed building heights are generally consistent with those of existing buildings on the Site when viewed from the street, and the development generally increases setbacks to the south-eastern boundary thereby limiting the apparent scale of the development from common property boundaries. **Figure 3** below provides a sectional comparison of the existing buildings and the proposed development.

Significant trees will be retained at the eastern and western corners of the Site's street frontages, providing visual screening of the upper levels from these perspectives. In addition, new advanced landscape plantings will be provided along the Millar and Mary Street frontages to hasten the growth of new landscaping to maturity.

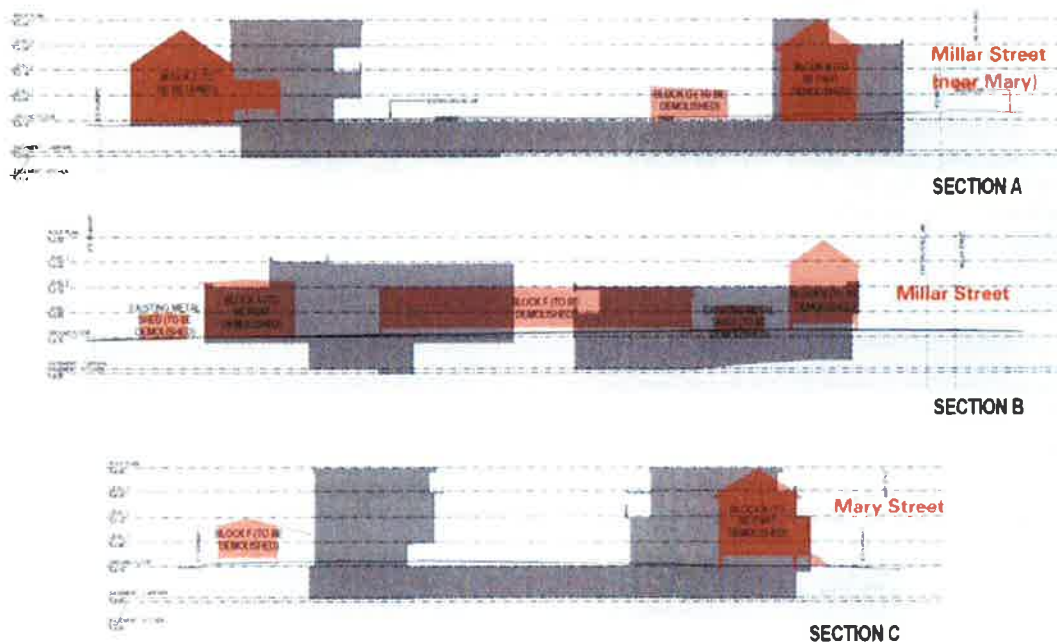


Figure 3 – Comparative sections through existing and proposed development
Source: Bickerton Masters Architects

Views

The Site's location is such that development will not impact on any significant views or view corridors.

Privacy

Visual privacy has been addressed as part of the design through a combination of upper level setbacks, building orientation and fixed planter boxes. At the upper levels, which are the subject of this request for a variation to the development standard, internal areas of units are set back between 9 and 12 metres and fixed planter boxes would be installed at balcony edges. This is expected to eliminate

the ability for direct views between internal areas of units and adjacent dwellings, and substantially limit the ability of persons standing on balconies to see into adjoining properties.

Solar Access

Detailed shadow diagrams have been provided with the DA illustrating shadows cast as a result of the proposed development. Due to the proximity of existing buildings within the Site to the south-east and south-west boundaries, the proposed development results in no additional overshadowing impacts on adjacent properties. As the upper levels of the proposed building are to be set back, the proposed height variation has little effect on the overall shadowing despite the proposed height variation. All dwellings adjoining the site will receive a minimum of between 4 and 5 hours of direct solar access to windows in the worst-case scenario of 21 June (the winter solstice). It is therefore considered that this objective is achieved given that the proposed development, despite the height exceedance, will not result in any significant impact on solar access to adjacent properties.

3.2 Sufficient environmental planning grounds grounds to justify contravening the development standard

Suitability of the Site

The Site's suitability for the proposed development is demonstrated by the proposal's consistency with State Government Planning Strategies, including those for 'ageing in place' and its ability to meet future demand for seniors housing on a site identified as appropriate by the Inner-west Subregional Strategy. The proposal on the subject site is suitable to meet present and anticipated future demand for such services and accommodation.

The suitability of the Site can be summarised in the following points:

- The use is permissible and encouraged under the Seniors Housing SEPP;
- The size of the Site is such that it is appropriate for use as an aged care facility and that interfaces with adjoining properties can be dealt with through good design;
- The site is well located to services and complies with the location and access requirements under the Seniors Housing SEPP;
- The presence of existing large buildings with an institutional scale which are comparable in height to the proposed building; and
- The absence of environmental or amenity impacts as a result of the variation.

For these reasons the Site is considered capable of accommodating the proposed buildings with the variation as proposed.

Public interest

The provision of appropriate accommodation for seniors delivers a number of significant social and economic benefits to the community as outlined in Sections 4.15 and 4.16 of the Statement of Environmental Effects. Bickerton Masters Architects have estimated that a scheme that is fully compliant with both the building height and floor space ratio controls would be able to provide accommodation for only 59 residents – less than half of those provided under the propose scheme. As noted in the Statement of Environmental Effects, there is forecast to be an 81% increase in the number of persons over the age of 70 living in the Canada Bay LGA. This equates to 6,450 additional residents in the 70 +

bracket, many of whom will require specialised accommodation, care services and facilities. Strict adherence to the development standards would represent a significant lost opportunity to provide much-needed residential aged care within the Canada Bay LGA, and would result in additional pressure to provide this type of accommodation elsewhere within the LGA.

3.3 Other Matters for Consideration

Under clause 4.6(5) in deciding whether to grant concurrence, the Director-General must consider the following matters:

- a) *whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*
- b) *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

These matters are addressed in detail below.

3.3.1 Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The variation of the building height development standard under the Canada Bay LEP 2013, in order to allow new development of a height which is generally in accordance with the height of existing buildings on the Site, does not raise any matter of significance for State or regional planning. We do note, however, that the proposal is consistent with the most recent metropolitan plan for Sydney, A Plan for Growing Sydney in that it:

- provides accommodation and services to meet the needs of the local population, both at the present time and in the future as Sydney's population grows and ages;
- allows for the use of the Site to continue to provide local employment opportunities;
- is well located to public transport connections; and
- does not affect any heritage assets.

The proposal also supports the aims of the Seniors Housing SEPP, which is a matter of significance for state planning, in that it:

- increases the supply and diversity of accommodation and care facilities for seniors;
- makes efficient use of existing infrastructure and services by complying the location and access provisions of the SEPP; and
- promotes good design, not just in terms of external built form but also through the adoption of international best-practice principles for the design of specialised dementia facilities.

3.3.2 The public benefit of maintaining the development standard

As demonstrated above, there is no public benefit in maintaining the development standard in terms of State and regional planning objectives. As noted in the preceding sections, the additional height proposed reflects the height of existing buildings on the Site, and the proposed variation would not give rise to any adverse environmental impacts.

The Site is unique in that the blanket building height applying to the locality under the LEP is substantially lower than the height of existing buildings on the Site. It is not considered that there would be any public benefit for the height of the existing building to be reduced, particularly where key planning issues deriving from height, such as privacy and overshadowing, have been resolved through architectural design.

3.3.3 Any other matters required to be taken into consideration by the Director-General before granting concurrence.

The proposed variation will facilitate the orderly and economic redevelopment of an underused site for the purposes of new residential aged care accommodation that will contribute to accommodation choice in the Canada Bay LGA and the achievement of the strategic objectives of A Plan for Growing Sydney and the draft Inner-West Subregional Strategy.

There are no other matters for consideration. The relevant consent authority and Director-General can therefore be satisfied that:

- compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

It is therefore requested that with concurrence from the Director-General, Council grant development consent for the proposed development even though it contravenes the building height development standard imposed by the Canada Bay LEP 2013.

4.0 Conclusion

The assessment above demonstrates that the proposed variation to the building height development standard contained in clause 4.3 of the Canada Bay LEP 2013 is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention. As such, the Development Application may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the LEP.



MO/YC
13268
18 February 2015

Narelle Butler
Manager Statutory Planning Services
City of Canada Bay Council
1A Marlborough Street
DRUMMOYNE NSW 2047

Attention: Peter Giaprakis (Senior Statutory Planner)

Dear Peter

**DEVELOPMENT APPLICATION DA459/2014 - ADDITIONAL INFORMATION
17 MILLAR STREET, DRUMMOYNE**

We are writing to you on behalf of Scalabrini Villages in relation to the abovementioned Development Application. This letter addresses additional issues raised by Council and the Sydney East Joint Regional Planning Panel (JRPP) including:

- The need for a clause 4.6 variation request to vary the building height development standard under the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP);
- updates to the clause 4.6 variation request to vary the floor space ratio development standard under the Canada Bay LEP; and
- a response to matters raised by Council's environmental health unit via email on 2 February 2014.

Each of these matters is addressed below.

1.0 CLAUSE 4.6 VARIATION REQUEST – BUILDING HEIGHT

The Sydney East JRPP has requested that a clause 4.6 variation request be submitted to vary the building height development standard under the Canada Bay LEP. That is because the proposed development has a maximum building height of 13.93 metres, which is a variation of 5.43 metres to the LEP development standard (8.5 metres).

In our view, a clause 4.6 variation request is **not** required in this instance. That is because:

- Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), the height limit for the proposed development is 8 metres (clause 40(4)). This means that the height limits under the Seniors Housing SEPP and the Canada Bay LEP are inconsistent.
- Clause 5(3) of the Seniors Housing SEPP provides:

"(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency."

- Since the height limit under the Seniors Housing SEPP prevails, the height limit in the Canada Bay LEP does not apply to the proposed development. Therefore, there is no need to lodge a

clause 4.6 variation request to vary that height standard. An objection to the building height development standard has already been submitted to Council in accordance with State Environmental Planning Policy No.1 – Development Standards.

Notwithstanding this, we have prepared a clause 4.6 variation request. This is provided at **Attachment 1**.

2.0 CLAUSE 4.6 VARIATION REQUEST – FLOOR SPACE RATIO

Following post-lodgement discussions with Council, we have updated the clause 4.6 variation that was previously submitted to Council with the DA in relation to the floor space ratio development standard (**Attachment 2**). The updated document better reflects the drivers for the additional floor space sought in the proposed development, namely, the provision of best-practice design for aged care specialising in dementia care that is currently not provided for in the local area. Achieving best practice involves, in part, a floor space to resident ratio that is between 13 and 70% higher than provided in regular high-care facilities. The clause 4.6 variation request has been updated to highlight this and the overwhelming public interest in facilitating the delivery of new aged care facilities to meet the needs of a growing and ageing population.

3.0 PRELIMINARY CONTAMINATION ASSESSMENT

The following advice has been provided by Douglas Partners, who prepared the Preliminary Site Investigation submitted with the DA, in relation to comments raised by Council's environmental health unit via email on 2 February 2015:

SEPP 55-Remediation of Land allows assessments to be undertaken in a staged approach and in this regard it is common where further testing is required that this be undertaken as a condition DA consent, although such conditional consent is subject to the respective Council. These staged approaches are particularly of note in cases where access below the footprint of existing structures is limited until demolition of the building can occur/access below the building slab is viable.

Moreover, it is noted that the results from desktop searches indicated that the site had a low risk of contamination. In addition, the detected hydrocarbon level at BH1 was 110 mg/kg was at the health screening level of 110 mg/kg, so the 'exceedance' is minor, however, may be indicative of filling outside of the basement excavation area not yet investigated. Based on current site information it is anticipated that contamination (if any) would be limited to filling layers at the site which appears shallow (depths ranging between 0.35 m to 0.9 m below ground).

A water assessment would only be required if contamination is detected within soils and pathways to water receptors of the contaminant are identified.

It is the full intention of Scalabrini Villages that full contamination assessments will be conducted prior to the commencement of works, however, it is impracticable to undertake these investigations prior to the removal of the existing buildings on the Site. It is recommended that Council impose appropriate conditions of consent requiring a Phase II contamination assessment to be carried out prior to the commencement of basement excavation or other ground-intrusive works. Similarly, it is recommended that a Hazardous Materials Survey be prepared prior to the commencement of demolition.

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9409-4967 or ycarr@jbaurban.com.au.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Yvette Carr', written in a cursive style.

Yvette Carr
Principal Planner

Attachments:

1. Clause 4.6 variation request – building height under Canada Bay LEP
2. Updated clause 4.6 variation request – floor space ratio under Canada Bay LEP



Clause 4.6 Variation to Development Standard Clause 4.4 Floor Space Ratio



5 Mary Street and 17 Millar Street, Drummoyne

Residential Aged Care Facility

Submitted to City of Canada Bay Council

On Behalf of Scalabrini Village

February 2015 ■ 13268

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JBA operates under a Quality Management System that has been certified as complying with ISO 9001:2008. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:



Michael Oliver

18/02/2015

This report has been reviewed by:



Yvette Carr

18/02/2015

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Appendices

- A** Addendum Design Statement
Bickerton Mastering Architects

1.0 Introduction

This is an updated version of the variation request contained in Chapter 5 of the Statement of Environmental Effects prepared by JBA dated November 2014. It has been updated to reflect additional information provided to Council regarding the need for additional floor space to achieve industry best-practice in terms of providing high-care accommodation and care facilities specialising in care for individuals living with dementia.

Clause 4.6 of the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP 2013) allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This Clause 4.6 Variation Request should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by JBA dated November 2014 in relation to a proposed residential aged care facility at 5 Mary Street and 17 Millar Street, Drummoyne (the Site). It relates to the Development Standard for the maximum floor space ratio (FSR) under clause 4.4 of the Canada Bay LEP 2013.

2.0 Development Standard to be Varied

Clause 4.4(2) states that *'The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map'*. The maximum FSR shown on the Floor Space Map (sheet 06) for the subject site is 0.5:1.

The area of the Site is 8,989m² and the proposal involves a total gross floor area (GFA) of 11,999m², which equates to an FSR of 1.33:1. The proposed FSR therefore exceeds the maximum FSR development standard by 0.83:1.

3.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Canada Bay LEP 2013 states that a consent authority must not grant consent for development that contravenes a development standard unless it has considered a statement that seeks to justify the contravention by demonstrating:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

These matters are addressed below.

3.1 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston expressed the view that there are five ways in which a variation to a development standard might be shown as unreasonable or unnecessary. This case related to objections made pursuant to State Environmental Planning Policy No.1 - Development Standards (SEPP 1), however, given that the language of SEPP 1 and clause 4.6 is the same, we consider that the five ways equally apply to exceptions to development standards made under clause 4.6.

The five ways include:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Of particular relevance in this instance is the first method, that is: "The objectives of the standard are achieved notwithstanding non-compliance with the standard".

3.1.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of the development standard are:

- a) *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- b) *to provide a suitable balance between landscaping and built form,*
- c) *to minimise the effects of bulk and scale of buildings.*

To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality

In order to determine whether the proposed buildings are compatible with the desired future character of the locality, it is essential in the first instance to determine what this desired future character is.

Under the Canada Bay LEP 2013, residential aged care facilities are a prohibited use within the R2 Low Density Residential zone that applies to the Site. The objectives of the R2 zone are to:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

From these objectives it can be gathered that development in the R2 zone should provide for the housing needs of the community, as well as other day to day residential facilities and services, in a manner that is compatible with a low density residential environment. The objective clearly does not require a homogenous built form comprising only detached housing, but rather emphasises that the character should be compatible with a low density environment. This does not mean that the scope for additional floor space is excluded. The existing buildings on the Site, which are institutional in their architecture, substantially taller than separate residential dwellings and located prominently along two street frontages nonetheless sit comfortably within the low density residential environment. The proposed development has taken cues from the existing development of the site with regard to maximum building height and street setbacks, and is generally consistent with the built form and scale of the existing development on the Site when viewed from Millar and Mary Street. Surrounding development comprises a mixture of one and two-storey dwellings, with a mix of detached, semi-detached and townhouse dwelling typologies. Development adjoining the site across the common property boundaries to the east and west is typically comprised of townhouse-style developments which have high site coverage and low building separation.

It is also clear that the proposed residential aged care facility will meet the housing needs and day to day needs in terms of facilities and services for residents of Drummoyne and Canada Bay, which cannot be met solely through typical residential houses and apartments. The proposed development's primary purpose is to provide suitable accommodation options for a significant and fast-growing segment of the local population. The specialised dementia care facility proposed on the Site is targeted to meet an existing gap in the residential aged care market, where dementia care is generally provided as an add-on to general aged care facilities.

Scalabrini and Bickerton Masters have reviewed international literature and best-practice case studies to develop a purpose-designed facility that will optimise the outcomes for quality of life and care for future residents. This design necessarily involves certain deviations from standard design practice for residential aged care facilities, including the need to provide internal amenity suitable to the capabilities of residents (i.e. the need for lifts to accurately align with floor levels throughout the building to prevent falls, limiting the ability to compress the lift overruns that protrude above the main building roofline) and a certain level of containment and internalisation of facilities. The existing development of the Site, where the built

form is already configured in this manner with a central courtyard/car parking, is well suited to the built form requirements of this facility.

To provide a suitable balance between landscaping and built form

The proposal seeks to retain a number of significant trees on the site where possible and provide a significant level of landscaping within the site (that complies with the requirements of clause 48 of the Seniors Housing SEPP) and to the site's street frontages of Mary Street and Millar Street. The balance proposed, given the retention of the existing building forms, is considered to be suitable in this instance, and an improvement from the current scenario.

The additional FSR does not give rise to any additional loss of vegetation or landscaping on the site. The majority of trees being removed are existing landscape plantings that are in poor condition or are being removed as a result of level changes required to accommodate the proposed development.

Scalabrini propose to use advanced (400L pot size) landscape tree plantings as part of the proposed development in order to ensure that new landscape plantings mature quickly to provide screening of the proposed building and reduce the apparent bulk of the buildings over the medium to long-term.

To minimise the effects of bulk and scale of buildings

As discussed in Section 4.0 of the Statement of Environmental Effects, the design of the building will improve the relationship between new development and adjoining dwellings by providing wider setbacks, improved solar access and a stepping back of buildings at upper levels. The proposed development also involves a significant improvement in terms of the landscaping provided to the common property boundaries between the site and adjoining dwellings, breaking up views to the proposed building. In light of this, it is considered that the bulk and scale of the proposed development will, notwithstanding the noncompliance with the numerical standard, not result in any significant environmental effects.

3.2 Sufficient environmental planning grounds to justify contravening the development standard

Suitability of the Site

The Site's suitability for the proposed development is demonstrated by the proposal's consistency with State Government Planning Strategies, including those for 'ageing in place' and its ability to meet future demand for seniors housing on a site identified as appropriate by the Inner-west Subregional Strategy. The proposal on the subject site is suitable to meet present and anticipated future demand for such services and accommodation.

The suitability of the Site can be summarised in the following points:

- The use is permissible and encouraged under the Seniors Housing SEPP;
- The size of the site is such that it is appropriate for use as an aged care facility and that interfaces with adjoining properties can be dealt with through good design;
- The site is well located to services and complies with the location and access requirements under the Seniors Housing SEPP;
- The Site is of a sufficient size to develop a critical mass of seniors housing that facilitates a vibrant community atmosphere for residents;

- The size and scale of existing development on the site allows for density to be internalised without adverse impacts; and
- The absence of environmental or amenity impacts as a result of the variation.

For these reasons the Site is considered capable of accommodating the proposed buildings with the variation as proposed.

Public interest

The proposed development is in the public interest because it is consistent with the objectives of the FSR standard and the objectives for development within the zone in which it is proposed to be carried out, as demonstrated above.

The provision of appropriate accommodation for seniors delivers a number of significant social and economic benefits to the community as outlined in Sections 4.15 and 4.16 of the Statement of Environmental Effects. Bickerton Masters Architects have estimated that a scheme that is fully compliant with both the building height and floor space ratio controls would be able to provide accommodation for only 59 residents – less than half of those provided under the propose scheme. This would represent a significant lost opportunity to provide much-needed residential aged care within the Canada Bay LGA, and would result in additional pressure to provide this type of accommodation elsewhere within the LGA.

It is important to note that, as demonstrated in **Table 1** below, the additional gross floor area arises because the facility has been specifically designed to provide a GFA/resident ratio that is substantially more generous than industry guidelines and practice. This is because the proposed residential aged care facility will specialise in providing care and accommodation for individuals living with dementia. Designing for the needs of individuals with dementia requires a different approach to normal aged care. Whereas dementia care in NSW is currently generally provided as an ancillary function within general high-care facilities, the care needs of individuals with dementia are very different. To be considered best-practice, facilities should be designed to minimise stress, provide intuitive wayfinding and reduce the need for decision-making.

At present, accommodation options for people living with dementia in the Inner-West is entirely comprised of sectioned-off areas of larger aged care facilities. These facilities are generally converted high-care facilities, and are not purpose-designed for the specific needs of people living with dementia.

Overcrowding in facilities is a significant stressor for people with dementia, as it compounds the difficulty of living by increasing the likelihood of feelings of invasion of personal space and noises. This requires more generous dimensioning of spaces than a typical high-care facility, particularly as individuals with dementia often retain a higher level of mobility than normal high-care individuals. The additional space is also necessary to dissipate environmental stimuli, such as background noise, in order to block out unwanted stimuli and reduce stress. Bickerton Masters Architects have reviewed international best-practice and academic literature from Europe where new facilities are being pioneered to cater to the specific needs of dementia-care in order to arrive at the internal dimensions and layout proposed.

Strictly enforcing the FSR control in this instance will impact on the feasibility of offering specialised dementia care on the site and will either severely reduce the number of places able to be offered or force consideration of other less floorspace-intensive care models. This outcome would not be in the public interest given the pressing need to provide both an increase in the supply of accommodation and care options for individuals living with dementia as well as the need for better-

designed facilities that provide a higher quality of life for those individuals living with dementia.

It is clearly in the public interest to facilitate the provision of best-practice care for individuals living with dementia. Current estimates put the number of individuals living with dementia in Australia at 342,800, with this figure expected to rise to 900,000 by 2050¹. A report by Access Economics for Alzheimer's Australia² found that there is approximately 1,300 aged care places in the Reid Commonwealth Electoral District (incorporating Canada Bay Council, Auburn Council and part of Strathfield Council), and that a further 1,000 places will be needed by 2030 (i.e. 15 years from now). Similar growth is projected in the adjacent Commonwealth electorates of Grayndler and Sydney. In this instance, strict adherence to the FSR development standard is counter to the pressing need to deliver additional specialised accommodation to support ageing in the community, as enunciated in the aims of the Seniors Housing SEPP.

Table 1 – Benchmarking of proposed development against industry guidelines and practice

Use	Residential Aged Care Facility Design Guidelines	Common Industry Standard ³	Proposed Development Scalabrini Drummoyne
Bedroom - single	14 m ²	15.9 – 24.42 m ²	19 – 28 m ²
Ensuite - single	5 m ²	4.6 – 6.04 m ²	5 – 7 m ²
Lounge/ Sitting	4.2 m ² / resident	-	4 - 14 m ² / resident
Dining	2 m ² / resident	-	3 – 6 m ² / resident
Activity/ Therapy Space	1.5 m ² / resident	2.7 – 3.85 m ² / resident	8 m ² / resident
Corridor widths	1.5 – 2.2 m (Class 9C)	-	2.2 - 3 m
Building area per resident (GFA)	45 m ² / resident	41.62 - 67 m ² / resident	76.34 m ² / resident

* Commercial Aged Care Sector

Intensity of Land Use

Apart from controlling for the bulk and scale of development, the other principle purpose of FSR controls are to regulate the intensity of land use. As is demonstrated succinctly in **Table 1** above, the additional GFA sought arises from a more generous allocation of floor space per resident rather than a greater number of residents being accommodated. As discussed in the SEE, the intensity of the land use is supported by local infrastructure and utility services, and there will be little change in traffic generation compared to the current education use of the Site.

The traffic report prepared by Arup and appended to the DA made a number of relevant conclusions:

- given the good accessibility of the site by public transport, only half of the facility's staff are expected to arrive by car;
- the contribution of vehicle generation associated with use by residents is expected to be negligible;

¹ Alzheimer's Australia

² Access Economics, 'Caring Places: Planning for aged care and dementia 2010-2050'

- overall, traffic generation associated with the facility is expected to be no different to the existing educational use in the AM peak, and would contribute to no more than a 5% increase in local traffic flows during the PM peak period; and
- the on-site parking provision within the basement will exceed expected demand, from staff, contractors and residents, and will contribute to an improvement in the on-street parking situation compared to the existing educational use.

3.3 Other Matters for Consideration

Under clause 4.6(5) in deciding whether to grant concurrence, the Director-General must consider the following matters:

- a) whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*
- b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

These matters are addressed in detail below.

3.3.1 Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The contravention of the FSR standard in the Canada Bay LEP 2013 does not raise any matters of significance for State or regional environmental planning. The proposed variation of GFA above the FSR development standard enables the provision of accommodation for individuals living with dementia in an industry best-practice facility. As noted in the preceding sections, the manifestations of the additional GFA have been appropriately managed through good design such that there are no impacts of regional or state concern.

The proposal is consistent with the objectives of State and regional planning policies, including the Seniors Housing SEPP and A Plan for Growing Sydney in that it:

- contributes to the increase in supply of suitable accommodation for seniors, and in particular provides for a specialised care model for individuals living with dementia which is currently not provided elsewhere in NSW;
- meets the current and future accommodation needs of Sydney's ageing population, which is a key objective of A Plan Growing Sydney;
- provides seniors accommodation close to existing infrastructure;
- facilitates the continued use of the Site in a manner that contributes to local employment;
- is well located to public transport connections; and
- does not affect any heritage assets.

The proposal also supports the aims of the Seniors Housing SEPP, which is a matter of significance for state planning, in that it:

- increases the supply and diversity of accommodation and care facilities for seniors;

- makes efficient use of existing infrastructure and services by complying the location and access provisions of the SEPP; and
- promotes good design, not just in terms of external built form but also through the adoption of international best-practice principles for the design of specialised dementia facilities.

3.3.2 The public benefit of maintaining the development standard

As demonstrated above, there is no public benefit in maintaining the development standard in terms of State and regional planning objectives. Providing accommodation for seniors in a highly accessible location within the Canada Bay LGA plays an integral role in helping to meet the broader housing and care needs of a changing population. The proposal plays a role in achieving strategic planning objectives for providing access to a range of care options and choice in accommodation for senior citizens. As noted in the preceding sections, there is a significant public benefit in providing high-care accommodation and care specialising in care for individuals living with dementia on the Site.

Furthermore, concentrating aged care close to transport will assist in reducing the number of trips taken by private vehicles. Overall, it is considered that there is no public benefit in maintaining the development standard in this particular instance.

3.3.3 Any other matters required to be taken into consideration by the Director-General before granting concurrence.

The proposed variation will facilitate the orderly and economic redevelopment of an underused site for the purposes of new residential aged care accommodation that will contribute to accommodation choice in the Canada Bay LGA and the achievement of the strategic objectives of A Plan for Growing Sydney, the draft Inner-West Subregional Strategy and Canada Bay LEP 2013.

There are no other matters for consideration. The relevant consent authority and Director-General can therefore be satisfied that:

- compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

It is therefore requested that with concurrence from the Director-General, Council grant development consent for the proposed development even though it contravenes the FSR development standard imposed by Canada Bay LEP 2013.

4.0 Conclusion

The assessment above demonstrates that the proposed variation to the building height development standard contained in clause 4.3 of the Canada Bay LEP 2013 is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention. As such, the Development Application may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the LEP.



Clause 4.6 Variation to Development Standard Clause 4.4 Floor Space Ratio



5 Mary Street and 17 Millar Street, Drummoyne

Residential Aged Care Facility

Submitted to City of Canada Bay Council
On Behalf of Scalabrini Village

February 2015 ■ 13268

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This report has been prepared by:

A handwritten signature in blue ink, appearing to read 'M Oliver', written over a light blue horizontal line.

Michael Oliver

18/02/2015

This report has been reviewed by:

A handwritten signature in blue ink, appearing to read 'Yvette Carr', written over a light blue horizontal line.

Yvette Carr

18/02/2015

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1.0 Introduction

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2.0 Development Standard to be Varied

Clause 4.4(2) states that *'The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map'*. The maximum FSR shown on the Floor Space Map (sheet 06) for the subject site is 0.5:1.

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1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.
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3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
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Of particular relevance in this instance is the first method, that is: "The objectives of the standard are achieved notwithstanding non-compliance with the standard".

3.1.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard

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- a) *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- b) *to provide a suitable balance between landscaping and built form,*
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The suitability of the Site can be summarised in the following points:

- The use is permissible and encouraged under the Seniors Housing SEPP;
- The size of the site is such that it is appropriate for use as an aged care facility and that interfaces with adjoining properties can be dealt with through good design;
- The site is well located to services and complies with the location and access requirements under the Seniors Housing SEPP;
- The Site is of a sufficient size to develop a critical mass of seniors housing that facilitates a vibrant community atmosphere for residents;

- The size and scale of existing development on the site allows for density to be internalised without adverse impacts; and
- The absence of environmental or amenity impacts as a result of the variation.

For these reasons the Site is considered capable of accommodating the proposed buildings with the variation as proposed.

Public interest

The proposed development is in the public interest because it is consistent with the objectives of the FSR standard and the objectives for development within the zone in which it is proposed to be carried out, as demonstrated above.

The provision of appropriate accommodation for seniors delivers a number of significant social and economic benefits to the community as outlined in Sections 4.15 and 4.16 of the Statement of Environmental Effects. Bickerton Masters Architects have estimated that a scheme that is fully compliant with both the building height and floor space ratio controls would be able to provide accommodation for only 59 residents – less than half of those provided under the propose scheme. This would represent a significant lost opportunity to provide much-needed residential aged care within the Canada Bay LGA, and would result in additional pressure to provide this type of accommodation elsewhere within the LGA.

It is important to note that, as demonstrated in **Table 1** below, the additional gross floor area arises because the facility has been specifically designed to provide a GFA/resident ratio that is substantially more generous than industry guidelines and practice. This is because the proposed residential aged care facility will specialise in providing care and accommodation for individuals living with dementia. Designing for the needs of individuals with dementia requires a different approach to normal aged care. Whereas dementia care in NSW is currently generally provided as an ancillary function within general high-care facilities, the care needs of individuals with dementia are very different. To be considered best-practice, facilities should be designed to minimise stress, provide intuitive wayfinding and reduce the need for decision-making.

At present, accommodation options for people living with dementia in the Inner-West is entirely comprised of sectioned-off areas of larger aged care facilities. These facilities are generally converted high-care facilities, and are not purpose-designed for the specific needs of people living with dementia.

Overcrowding in facilities is a significant stressor for people with dementia, as it compounds the difficulty of living by increasing the likelihood of feelings of invasion of personal space and noises. This requires more generous dimensioning of spaces than a typical high-care facility, particularly as individuals with dementia often retain a higher level of mobility than normal high-care individuals. The additional space is also necessary to dissipate environmental stimuli, such as background noise, in order to block out unwanted stimuli and reduce stress. Bickerton Masters Architects have reviewed international best-practice and academic literature from Europe where new facilities are being pioneered to cater to the specific needs of dementia-care in order to arrive at the internal dimensions and layout proposed.

Strictly enforcing the FSR control in this instance will impact on the feasibility of offering specialised dementia care on the site and will either severely reduce the number of places able to be offered or force consideration of other less floorspace-intensive care models. This outcome would not be in the public interest given the pressing need to provide both an increase in the supply of accommodation and care options for individuals living with dementia as well as the need for better-

designed facilities that provide a higher quality of life for those individuals living with dementia.

It is clearly in the public interest to facilitate the provision of best-practice care for individuals living with dementia. Current estimates put the number of individuals living with dementia in Australia at 342,800, with this figure expected to rise to 900,000 by 2050¹. A report by Access Economics for Alzheimer's Australia² found that there is approximately 1,300 aged care places in the Reid Commonwealth Electoral District (incorporating Canada Bay Council, Auburn Council and part of Strathfield Council), and that a further 1,000 places will be needed by 2030 (i.e. 15 years from now). Similar growth is projected in the adjacent Commonwealth electorates of Grayndler and Sydney. In this instance, strict adherence to the FSR development standard is counter to the pressing need to deliver additional specialised accommodation to support ageing in the community, as enunciated in the aims of the Seniors Housing SEPP.

Table 1 – Benchmarking of proposed development against industry guidelines and practice

Use	Residential Aged Care Facility Design Guidelines	Common Industry Standard*	Proposed Development Scalabrini Drummoyne
Bedroom - single	14 m ²	15.9 – 24.42 m ²	19 – 28 m ²
Ensuite - single	5 m ²	4.6 – 6.04 m ²	5 – 7 m ²
Lounge/ Sitting	4.2 m ² / resident	-	4 - 14 m ² / resident
Dining	2 m ² / resident	-	3 – 6 m ² / resident
Activity/ Therapy Space	1.5 m ² / resident	2.7 – 3.85 m ² / resident	8 m ² / resident
Corridor widths	1.5 – 2.2 m (Class 9C)	-	2.2 - 3 m
Building area per resident (GFA)	45 m ² / resident	41.62 - 67 m ² / resident	76.34 m ² / resident

* Commercial Aged Care Sector

Intensity of Land Use

Apart from controlling for the bulk and scale of development, the other principle purpose of FSR controls are to regulate the intensity of land use. As is demonstrated succinctly in **Table 1** above, the additional GFA sought arises from a more generous allocation of floor space per resident rather than a greater number of residents being accommodated. As discussed in the SEE, the intensity of the land use is supported by local infrastructure and utility services, and there will be little change in traffic generation compared to the current education use of the Site.

The traffic report prepared by Arup and appended to the DA made a number of relevant conclusions:

- given the good accessibility of the site by public transport, only half of the facility's staff are expected to arrive by car;
- the contribution of vehicle generation associated with use by residents is expected to be negligible;

¹ Alzheimer's Australia – <https://nswr.fightdementia.org.au/about-dementia-and-memory-loss/statistics>

² Access Economics, 'Caring Places: Planning for aged care and dementia 2010-2050', https://fightdementia.org.au/sites/default/files/20110225_Nat_AE_CaringPlacesV2.pdf

- overall, traffic generation associated with the facility is expected to be no different to the existing educational use in the AM peak, and would contribute to no more than a 5% increase in local traffic flows during the PM peak period; and
- the on-site parking provision within the basement will exceed expected demand, from staff, contractors and residents, and will contribute to an improvement in the on-street parking situation compared to the existing educational use.

3.3 Other Matters for Consideration

Under clause 4.6(5) in deciding whether to grant concurrence, the Director-General must consider the following matters:

- a) whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*
- b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

These matters are addressed in detail below.

3.3.1 Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The contravention of the FSR standard in the Canada Bay LEP 2013 does not raise any matters of significance for State or regional environmental planning. The proposed variation of GFA above the FSR development standard enables the provision of accommodation for individuals living with dementia in an industry best-practice facility. As noted in the preceding sections, the manifestations of the additional GFA have been appropriately managed through good design such that there are no impacts of regional or state concern.

The proposal is consistent with the objectives of State and regional planning policies, including the Seniors Housing SEPP and A Plan for Growing Sydney in that it:

- contributes to the increase in supply of suitable accommodation for seniors, and in particular provides for a specialised care model for individuals living with dementia which is currently not provided elsewhere in NSW;
- meets the current and future accommodation needs of Sydney's ageing population, which is a key objective of A Plan Growing Sydney;
- provides seniors accommodation close to existing infrastructure;
- facilitates the continued use of the Site in a manner that contributes to local employment;
- is well located to public transport connections; and
- does not affect any heritage assets.

The proposal also supports the aims of the Seniors Housing SEPP, which is a matter of significance for state planning, in that it:

- increases the supply and diversity of accommodation and care facilities for seniors;

- makes efficient use of existing infrastructure and services by complying the location and access provisions of the SEPP; and
- promotes good design, not just in terms of external built form but also through the adoption of international best-practice principles for the design of specialised dementia facilities.

3.3.2 The public benefit of maintaining the development standard

As demonstrated above, there is no public benefit in maintaining the development standard in terms of State and regional planning objectives. Providing accommodation for seniors in a highly accessible location within the Canada Bay LGA plays an integral role in helping to meet the broader housing and care needs of a changing population. The proposal plays a role in achieving strategic planning objectives for providing access to a range of care options and choice in accommodation for senior citizens. As noted in the preceding sections, there is a significant public benefit in providing high-care accommodation and care specialising in care for individuals living with dementia on the Site.

Furthermore, concentrating aged care close to transport will assist in reducing the number of trips taken by private vehicles. Overall, it is considered that there is no public benefit in maintaining the development standard in this particular instance.

3.3.3 Any other matters required to be taken into consideration by the Director-General before granting concurrence.

The proposed variation will facilitate the orderly and economic redevelopment of an underused site for the purposes of new residential aged care accommodation that will contribute to accommodation choice in the Canada Bay LGA and the achievement of the strategic objectives of A Plan for Growing Sydney, the draft Inner-West Subregional Strategy and Canada Bay LEP 2013.

There are no other matters for consideration. The relevant consent authority and Director-General can therefore be satisfied that:

- compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

It is therefore requested that with concurrence from the Director-General, Council grant development consent for the proposed development even though it contravenes the FSR development standard imposed by Canada Bay LEP 2013.

4.0 Conclusion

The assessment above demonstrates that the proposed variation to the building height development standard contained in clause 4.3 of the Canada Bay LEP 2013 is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention. As such, the Development Application may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the LEP.