
ITEM DA - PLANNING REPORT - MOD2016/0075 (JRPP REF: 2016SYE073) TO DA2015/0332 (JRPP REF: 2015SYE114) - 17 MILLAR STREET DRUMMOYNE NSW 2047

Council City of Canada Bay

Author Initials: PG

EXECUTIVE SUMMARY

Owner

Scalabrini Village Limited

Applicant

Scalabrini Village Limited

Zoning

This property is zoned *R2 Low Density Residential* which does not permit *residential care facility* use within the designated land use zone under Part 2 of *Canada Bay Local Environmental Plan 2013*. *Residential care facility* use however is permissible by virtue of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*.

Modification Sought

S96(2) modifications to approved residential care facility including changes to internal building layout, external changes to built form including materials, colours, balconies, windows etc. and changes to landscaping and parking

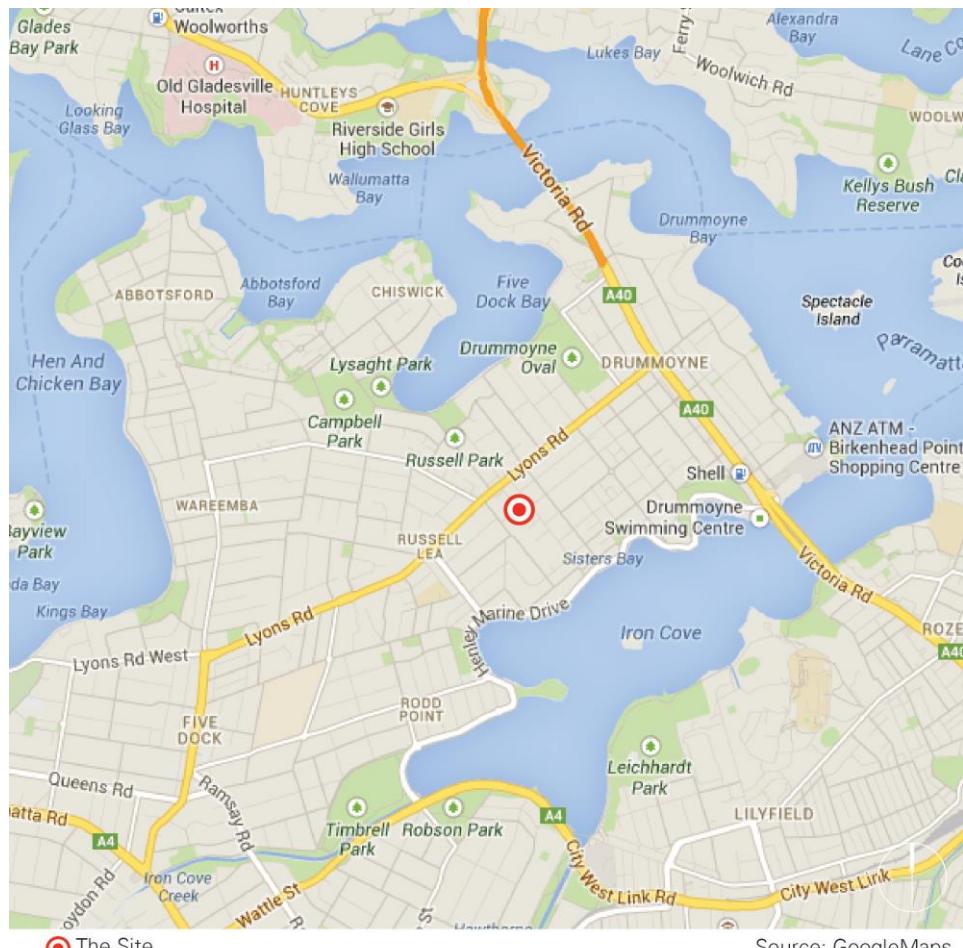
Issues, including those matters raised by objectors

Not considered 'minimal environmental impact', reduction in landscaping to Millar Street, increase in bulk, site and boundary fence detail, external materials and finishes, removal of brick colonnade, overdevelopment, acoustic and privacy impacts, waste collection impacts, illuminated signage

Value of development

\$56,018,160.00

Location



List of Modifications – Numbered Summary

966 Scalabrin Village Drumayne Section 96 List of Modifications to Development Application

Project no: 966
Revised: 8
Date: 25/10/2015
Client name: Scalabrin Village Limited
File name: 966 - Scalabrin Drumayne - Section 96 Summary - Rev 8.docx

1. Development Summary

1.1 Residential Apartment Occupancy Distribution

The total number of residential apartment units is maintained at 157 units.

Fig. 1.1 Residential Apartment Occupancy Distribution

Floor	Development Application	Section 96	Difference
Total Beds	157	157	0
Ground Floor	16	20	+4
Level 1	89	89	0
Level 2	54	54	No change
		26	21
		31	-3

1.2 Total Car Parks Provided

There is no change to the total car parks provided.

Fig. 1.2 Total Car Parks Provided

Floor	Development Application	Section 96	Difference
Total Spaces	75 (24 large vehicle parking)	75 (24 large vehicle parking)	No change

1.3 Gross Floor Area (GFA)

Floor	Development Application	Section 96	Difference
Total GFA	1,386,247	1,373,242	-13,005
Ground Floor	1,313,242	1,300,242	-13,000
Level 1	9,545,504	9,521,702	-28,702
Level 2	3,078,892	3,057,892	-21,000
Level 3	2,550,242	2,532,692	-17,550

1.4 Landscape Area Calculations

Floor	Development Application	Section 96	Difference
Total Landscaped Area	3,071.3m2	3,155.8m2	+78.5m2
Ground Floor	1,313.2m2	1,300.2m2	-13.0m2
Level 1	26.3m2	24.0m2	-2.3m2
Level 2	157.0m2	155.0m2	-2.0m2
Level 3	2,550.2m2	2,532.692	-17.550m2

1.5 Floor Space Ratio (FSR) Calculations

Floor	Development Application	Section 96	Difference
GFA	11,006,212	11,710,260	+704,048
Total GFA Area	8,093,012	8,086,012	-6,000
Floor Space Ratio (FSR)	1.30	1.31	-0.02

2. Main Roof Construction Changed from Concrete to Metal

The Development Application proposed a concrete roof with updated parapet. The Section 96 application proposed a metal roof with updated parapet. The roof parapet height has been increased to 1.2m. The roof parapet height has been increased to 1.2m when compared to the Development Application. The modification includes the roof height increase, the roof parapet height increase, and further improves ease of access to neighbouring properties.

3. Block C (Existing Hall) Tiled Roof Amended

The Development Application proposed a tiled roof of the existing hall/s to create a courtyard. The Section 96 proposes the removal of the roof and removal of the proposed courtyard. The roof will be removed and the proposed courtyard will be removed. The proposed courtyard will be removed and the roof will be removed. The roof will be removed and the proposed courtyard will be removed. Moving the courtyard further to the common boundary should reflect any community benefit.

4. New External Courtyard Added Between Main Building & Block C (Existing Hall)

The updated roof plan has removed a lower South wing roof structure. The updated roof plan has removed a lower South wing roof structure within the walls of the existing hall. To be removed.

5. South Wing Roof Lowered

The updated roof plan has removed a lower South wing roof structure has been removed. The roof plan has removed a lower South wing roof structure has been removed.

6. Mechanical Plant Relocated from North Wing to West & West Wings

The updated roof plan has removed a lower South wing roof structure has been removed. The roof plan has removed a lower South wing roof structure has been removed.

7. Level 3 East Wing Building Footprint & Roof Extent

The updated roof plan has removed a lower South wing roof structure has been removed. The roof plan has removed a lower South wing roof structure has been removed.

8. New Lightweight Garden Shed Proposed to Existing Hall

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

9. Block C (Existing Hall) Brick Colonnade Removed for New Landscaped Area

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10. Block C (Existing Hall) Building Envelope Clarified

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11. Lift Layout Amended

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

12. South Wing Internal Layout Amended

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

13. South Wing Internal Layout Amended

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14. South Wing Internal Layout Amended

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15. Lift Layout Amended

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16. South Wing Internal Layout Amended

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17. South Wing Internal Layout Amended

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18. South Wing Internal Layout Amended

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19. South Wing Internal Layout Amended

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20. Basement Structural Column Layout

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21. Car Park Line Marking Amendments

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22. Basement Storage & Utility Area

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23. Hydrotrac Pool Deleted

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24. Parking for People with Disabilities Complies with AS 2890.5 2009

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25. Deleted Landscape Plan

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26. Paint FIN 3b Revised

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

27. FIN 4 Revised

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28. Paint FIN 5b Revised

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

29. Paint FIN 6 Revised

The proposed roof plan has removed a lower South wing roof structure has been removed. The proposed roof plan has removed a lower South wing roof structure has been removed.

30. External Finishes

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31. Bin Store Location

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32. External Signage

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33. Booster

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34. Ramp Width Requirements

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35. Suspended Walkway to OGD Deleted

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36. Paint FIN 2 Revised

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37. FIN 4 Revised

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38. Paint FIN 5b Revised

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40. External Finishes

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41. Suspended Walkway to OGD Deleted

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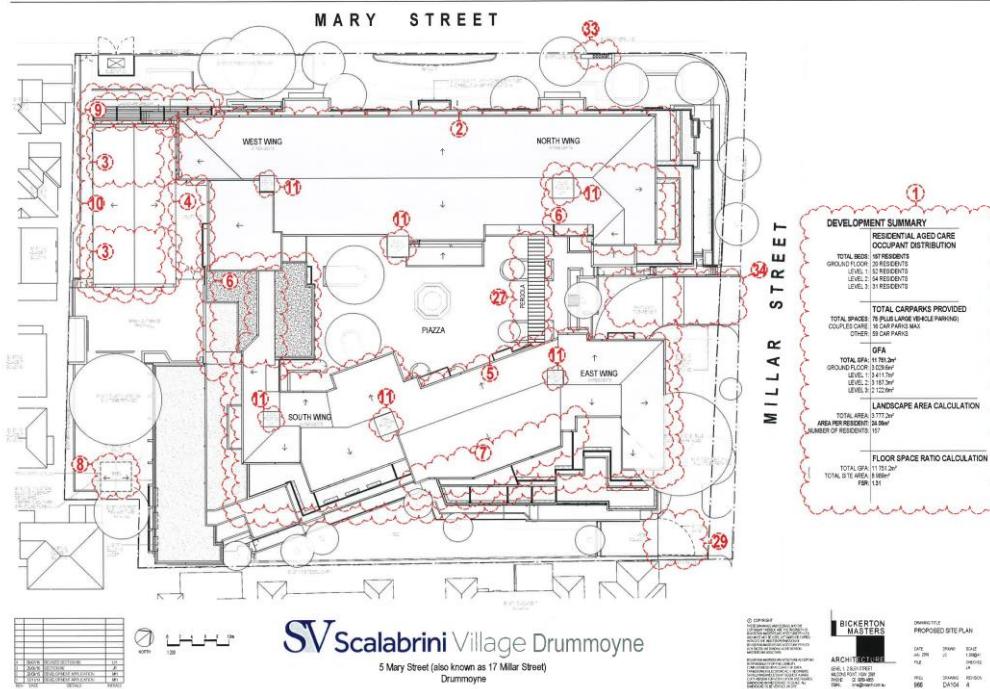
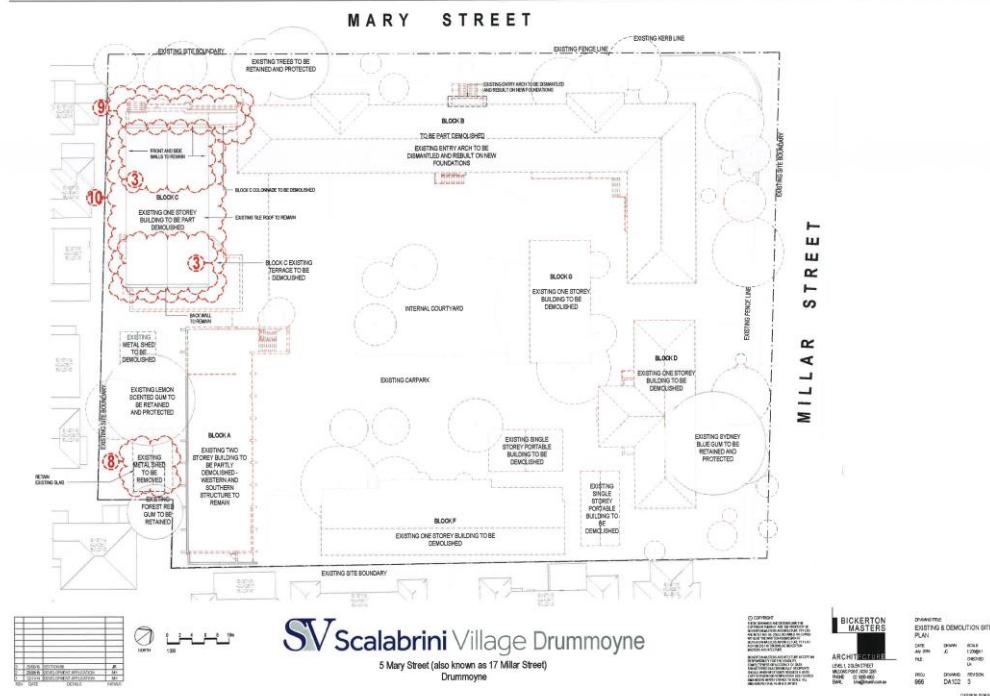
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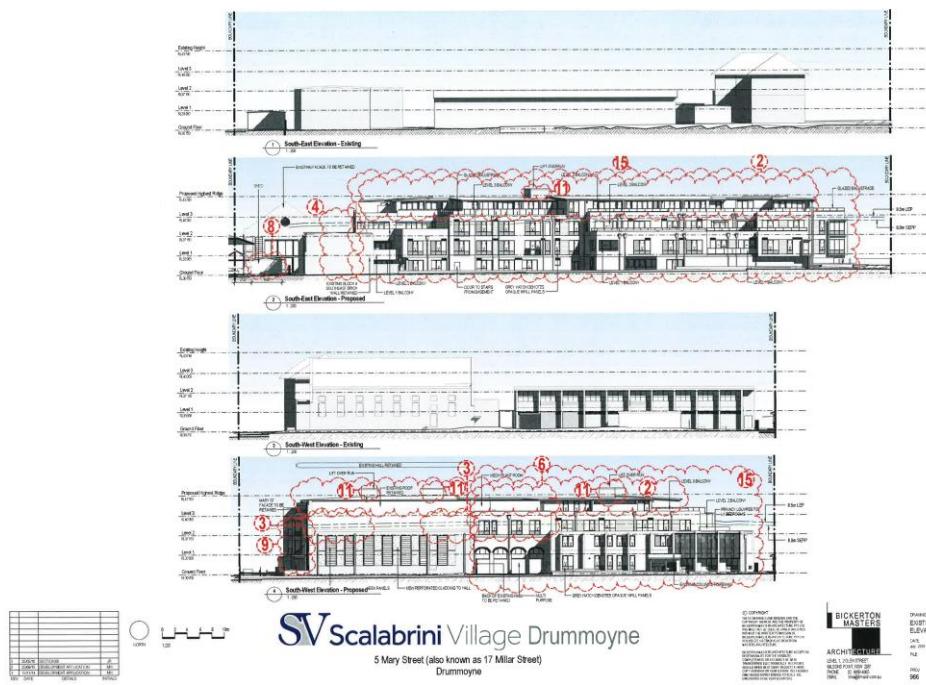
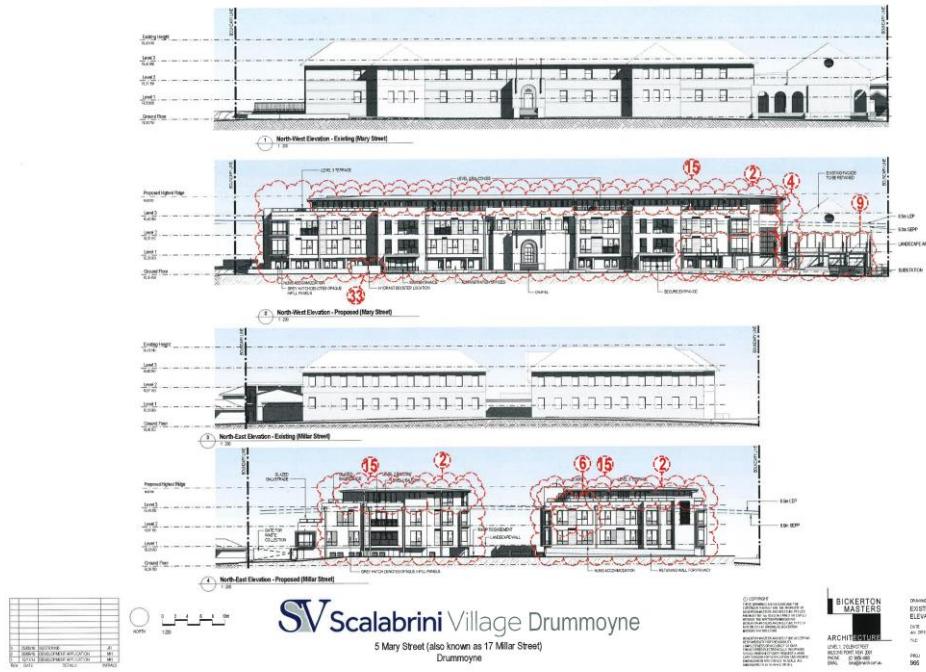
73. FIN 4 Revised

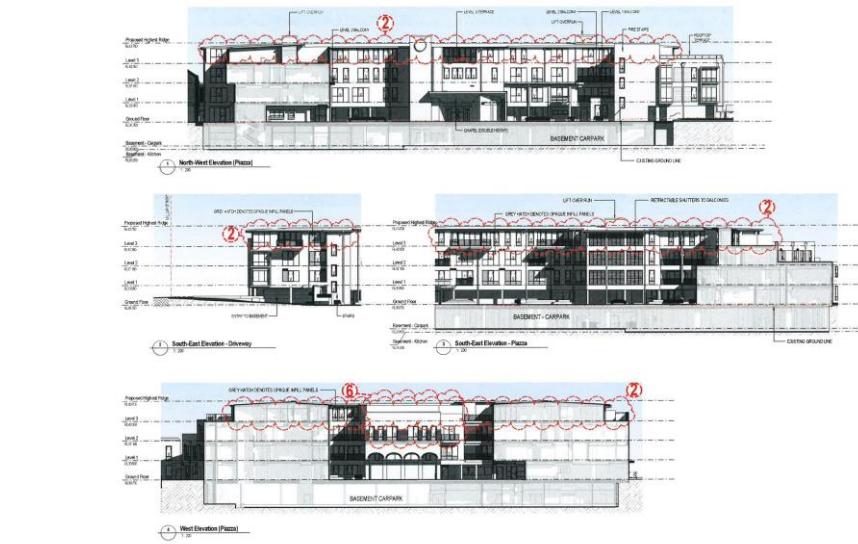
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7

Architectural Plans







SV Scalabrin Village Drummoyne

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

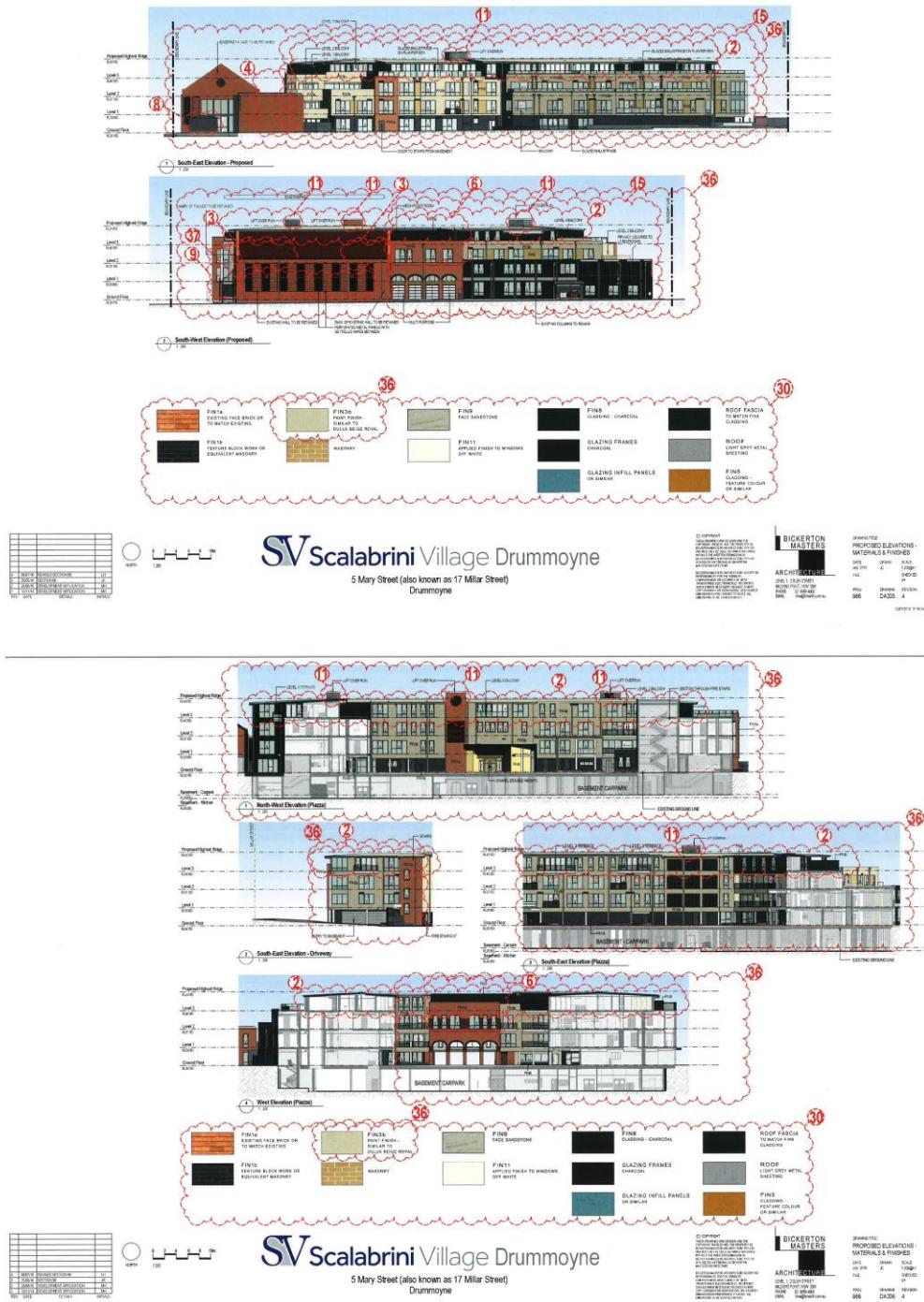
PROPOSED ELEVATIONS & SECTIONS
DRAFTS: 1:250, 1:500, 1:1000
PRINTS: 1:250, 1:500, 1:1000
SHEET: 1000 x 1000 mm
PAGE: 1000 x 1000 mm
DRAWING: 4



SV Scalabrin Village Drummoyne

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PROPOSED ELEVATIONS & SECTIONS
DRAFTS: 1:250, 1:500, 1:1000
PRINTS: 1:250, 1:500, 1:1000
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DRAWING: 4









APPROVED PHOTOMONTAGE OF MILLAR STREET

REVISED PHOTOMONTAGE OF MILLAR STREET



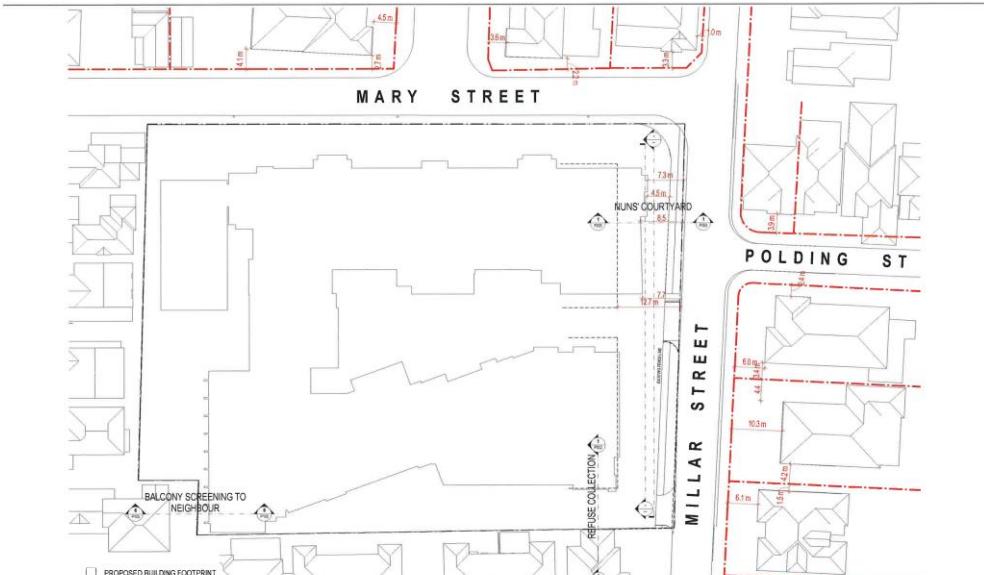
SV Scalabrini Village Drummoyle

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



BICKERTON MASTERS

DRAWN BY: EXTERIOR MONTAGES SHEET
3
REV. 10/01/2012
DATE: 10/01/2012
SHEET: 1
PAGE: 1
DRAFTS: 1
REVISIONS: 1
ARCHITECTURE: 1
DESIGNER: 1
CHIEF DESIGNER: 1
PROJECT: 1
VERSION: 1
ARCHITECTURE: 1
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CHIEF DESIGNER: 1
PROJECT: 1
VERSION: 1



SV Scalabrini Village Drummoyle

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



BICKERTON MASTERS

DRAWN BY: SETBACK PLAN
3
REV. 10/01/2012
DATE: 10/01/2012
SHEET: 1
PAGE: 1
DRAFTS: 1
REVISIONS: 1
ARCHITECTURE: 1
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PROJECT: 1
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CHIEF DESIGNER: 1
PROJECT: 1
VERSION: 1

REPORT

1. BACKGROUND

Development Application No. 459/2014 was determined by the Sydney East Joint Regional Planning Panel on 26 March 2015. The Panel resolved to approve the development application subject to conditions and set out the following reasons for approval:-

1. *The proposed development serves an important social purpose, in this case accommodation care for people affected by dementia.*
2. *The variation to the height standard in State Environmental Policy Seniors Living (SEPPSL) has been justified by a submission under cl 4.6 of the Canada Bay LEP 2013. The Panel notes that the design of the new building closely follows that of the existing so that the neighbours do not experience additional overshadowing.*
3. *There is no variation to the FSR standard as the SEPPSL does not specify a maximum FSR.*
4. *The Panel is satisfied that the proposal minimises the overlooking of neighbours by the use of louvers, balustrades and setbacks.*
5. *The Panel notes that the two existing trees with whitish trunks visible from 1 Barney Street will now be retained.*
6. *The Panel believes that the applicant is willing to dedicate the land on the Millar Street frontage of the property, which is currently used as a public footpath.*

The Panel's resolution also noted as follows:-

The development application was approved subject to the conditions in the council Assessment Report as amended by the council's memorandum of 24 March 2015. If necessary, an additional condition should be imposed requiring that the fence around the waste collection area be of sound attenuation construction.

Following issue of the Determination Notice by Council, the applicant received legal correspondence from Gadens Lawyers on behalf of a resident who lodged a submission objecting to DA 459/2014. Following receipt of this correspondence, the applicant elected to lodge a new development application, DA2015/0332, seeking to have the proposal re-determined along with changes as required by condition of consent in DA459/2014.

DA2015/0332 – Latest Consent

Development consent with conditions was granted by the JRPP East on 19 January 2016 for **Partial demolition and construction of a new building for use as a residential aged care facility with accommodation for 161 persons, basement carparking, alterations and additions to existing hall building, tree removal and landscaping, waste facilities, new fencing, signage and associated site infrastructure.**

DA Modification Lodgement

This application MOD2016/0075, to modify consent DA2015/0332, was lodged on 7 June 2016. The application was lodged for consideration under s96(1A) of the Act, however, a preliminary assessment by Council has determined the extent of works proposed requires assessment under s96(2) of the Act. The applicant responded to this by accepting Council's opinion and also amended the colour scheme following concerns raised in this regard.

Public Notifications

16 June 2016 – MOD2016/0075 was notified for a period of 21 days. The modifications generally include on-going design development works as follows:

- Site landscaping
- Materials, finishes and colours, and associated building façade modifications
- Relocation of lift overrun and associated changes to roof structure
- Internal floor layout modifications

Submissions objecting to the proposed modifications during the initial notification period were received from owners of three (3) neighbouring properties as follows:

- Mr P L Caccavo, 46 Millar Street, DRUMMOYNE NSW 2047
- Mr P Gacitua, 1 Barney Street, DRUMMOYNE NSW 2047
- Mrs G R Brown, 36 Janet Street, DRUMMOYNE NSW 2047

28 July 2016 – MOD2016/0075 was re-notified. Surrounding neighbours were advised that:

- Amended plans have been submitted as per List of Modifications sheet including location of fire booster and revised colours; and that
- Council's preliminary assessment of the application has determined, given the extent of modifications, that the application to modify consent will be determined under the provisions of s96(2) of the Environmental Planning & Assessment Act 1979, and therefore the Joint Regional Planning Panel (East) is required to be the consent authority.

Submissions received during the re-notification period (ending 18 August 2016), objecting to the revised modification application, were received from owners of three (3) neighbouring properties as follows:

- Mr P L Caccavo, 46 Millar Street, DRUMMOYNE NSW 2047
- Mr P Gacitua, 1 Barney Street, DRUMMOYNE NSW 2047
- Mrs G R Brown, 36 Janet Street, DRUMMOYNE NSW 2047

Development schedule

Element	Approved	Modified	Difference
Site Area	8,989m ² (Existing)	N/A	Nil
Gross Floor Area	11,986.2m ²	11,751.2	-235m ²
Floor Space Ratio Proposed	1.33:1	1.33	Nil
Number of bedrooms	157	157	Nil
Maximum Allowable Building Height	South Elevation: RL43.740 North West (Mary St): RL43.740	South Elevation: RL43.700 & RL43.580 North West (Mary St): RL43.700	-0.04m and -0.16m -0.04m
Landscape Area	3,971m ²	3,755m ²	-216.3m ²
Car Parking Spaces	75 spaces plus large vehicle parking	75 spaces plus large vehicle parking	Nil

2. THE SITE AND ITS CONTEXT

The site comprises two lots legally described as Lot 1 in DP795487 and Lot 6 in DP9735. The total site is 8,989m² in area and is generally rectangular in shape.

The site is located on the south-western corner of Millar Street and Mary Street, Drummoyne. The topography of the site is relatively level with a minor change in level of 1.0-1.2m from north-east to south-west.

The site was originally constructed and used as the Drummoyne Boys High School and also originally included the sites now known as No.'s 1 – 3 Mary Street and 40 – 46 (A and B) Janet Street, Drummoyne to the south-western side of the site which was originally used as the school's football field. The public school was closed in 1990.

Existing development that remains on the site is consistent with the original approval and includes the Hall building, brick colonnade side entry at the southern end of Mary Street and structural elements of the original two storey building located along the southern boundary behind the original Hall building.

The site is bounded by Millar Street to the east with semi-detached and detached dwelling houses situated opposite the site. A single storey villa development is located immediately to the south of the site at No.'s 13 – 15 Millar Street and is known as Aranda Gardens. Council records indicate that these villas were approved on 13 September 1994 under Development Application No. 81/1994.

A row of attached one and two storey dual occupancies are located to the west of the site at 1 – 3 Mary Street and 40 – 46 (A and B) Janet Street. Council records indicate that these dual occupancies were approved on 15 December 1994 under Development Application No. 124/1994. This site was formerly known as 17 Millar Street, Drummoyne.

The area to the north of the site on the opposite side of Mary Street comprises a mix of semi-detached and detached one and two storey dwelling houses.

3. PROPOSED DEVELOPMENT IN DETAIL

The applicant submits this application pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent DA 2015/0332.

The applicant states that the modifications proposed under this application are the result of ongoing design development including in summary:

Site landscaping

Provide more functional and aesthetically pleasing common spaces and improve the setting of the development in the streetscape. In addition to the general rationalising of the landscape design, the following modifications to the approved landscaping scheme are proposed:

- *the inclusion of a new covered pergola to provide all weather access between the east and west wings;*
- *the removal of the brick colonnade fronting Mary Street to be replaced with an arbour for climbing vegetation;*
- *the inclusion of a new break out space from the Hall and adjacent community areas that will in turn assist with solar access and natural ventilation to resident rooms on Levels 1, 2 and 3 adjoining this space;*
- *the inclusion of a covered shed in the southern site corner to provide a simulated workshop for resident therapy with a work bench and*

decommissioned car (no working hand or power tools would be available for use in this area – it is a ‘contemplative scene’ for residents);

- *the inclusion of seniors exercise equipment and a men’s shed (to be reinstated in place of the original metal shed approved for removal), and the associated reduction in the contemplative garden and bocce court;*
- *the inclusion of an additional shade tree on the Mary Street frontage in relation to the seating alcove, with revised planting beds; and*
- *relocation of fire boosters to the Mary Street frontage.*

Comment: It is noted that the changes to the landscape provisions result in a minor reduction in overall landscape area however the modifications result in a more rational and usable layout therefore improving amenity for future occupants. Further, all significant trees to be retained as originally conditioned have not been affected by the modifications and an additional shade tree will be included along the Mary Street frontage which will also improve the landscape quality of the street.

Materials and finishes, and associated minor building façade modifications

External façade modifications to the buildings including the introduction of new off-white rendering and feature colour cladding to further articulate the façade, metal sheeting in place of concrete for the roof, and associated changes to external doors and windows owing to the interior modifications described below.

Comment: It is noted that any large area of the façade including off-white colour, which formed part of the initial s96 application plans as lodged and notified, will be finished with a more naturally toned colour (ref. Dulux Beige Royal). The replacement colour scheme formed part of the applicant’s revised modification application in response to concerns raised by Council that the large expanses of off-white façade elements within a predominantly naturally toned low density streetscape was inappropriate.

It is also noted that external illuminated signage (identified as Modification No. 32) has been included with this application to modify consent. Further, no details regarding the new signage have been provided with the application. Given that the proposed signage did not form part of the original consent, it cannot be considered under this application to modify consent. Any future signage proposal will need to be considered under a separate development application.

The relocation of the lift overrun and associated changes to the roof structure

A revised lift layout is proposed to improve the legibility and functionality of the aged care facility. Presently, some of the residents are required to travel through neighbouring units in order to access their accommodation, which is an undesirable outcome for the site. Accordingly, to address this, a revised lift layout has been proposed that will enable residents to arrive directly into their units and also enable staff to use separate service lifts excluded from the movements of residents and visitors. This has necessitated modifying the approved location of the lift overrun with associated modifications to the roof form. No change is proposed to the approved height of the lift overruns.

Comment: The modified lift provisions improve on accessibility within the facility. All lift shafts are located toward the centre of each building wing and will not be visible from the immediate vicinity of the site.

Minor internal rearrangements

The internal configuration of spaces has been revised as part of this modification application as a result of general design development to improve amenity for

residents and the envisaged modifications to the lift layout as discussed above. The key internal changes include:

- the relocation of mechanical plant from the North Wing to the South and West wings;
- the inclusion of four bedrooms on the ground floor, a reduction in seven bedrooms on Level 1, and the reduction in one bedroom on Level 3;
- the inclusion of a 'structural zone' to adequately support the brick wall being retained to the north east of Block A;
- the relocation of structural columns in the basement, and associated changes to the location of vehicle parking spaces and basement level storage and utility areas (with no change proposed to the overall provision of parking spaces);
- the removal of the hydrology pool and associated plant;
- the relocation of fire stairs; and
- the relocation of the bin store to the basement and installation of garbage chutes.

Comment: The internal modifications do not result in additional floor space nor does it increase the total number of bedrooms. Further, the internal modifications result in a decrease of the gross floor area by 235m².

Access and Parking

The arrangement and location of vehicle parking on the basement level has been amended to reflect the requirements of the current Australian Standard pertaining to disabled car parking spaces. The approved arrangement was formed with reference to a now superseded Australian Standard, and as such has been revised in this modification application. It is emphasised that there has been no change to the number of parking spaces provided.

The approved sliding gate used to access the waste collection driveway has been amended to a swinging gate in order to remove the structural footings of this gate outside of the tree protection area for Tree 15 retained on the site. This swinging gate will be in the closed position at all times, other than when waste collection vehicles are required to access the site, in accordance with Condition 116 of the consent.

Comment: Changes regarding access and parking have been reviewed by Council's Traffic Engineer and no objection is raised to approval of the modification proposed in this regard.

Generally, individual amendments have been itemised by the applicant as numbered on the submitted List of Modifications to Development Application sheet (revision 9). The listed modification numbers have also been cross-referenced on the architectural drawings for further clarity.

A comparison of particular numerical components of the development between the original consent and the proposed modification can be referred to in the table above under section 1.

The above modifications proposed under this application will affect the following conditions of consent that are attached to DA2015/0332:

1. **DAGCA01 - Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

Drawing Ref. No.	Name of Plan/Document	Prepared by	Date
13268	Statement of Environmental Effects and all Appendices A to W (inclusive), as revised	JBA Urban Planning Consultants	Nov 2014
966 DA100 (revision 2, 24/08/2015)	Cover Page	Bickerton Masters Architecture	Nov 2014
966 DA101 (revision 1, 12/11/2014)	Site Analysis	Bickerton Masters Architecture	Nov 2014
966 DA102 (revision 2, 20/08/2015)	Existing & Demolition Site Plan	Bickerton Masters Architecture	Nov 2014
966 DA103 (revision 2, 24/08/2015)	Proposed Site Plan - Location	Bickerton Masters Architecture	Nov 2014
966 DA104 (revision 2, 24/08/2015)	Proposed Site Plan	Bickerton Masters Architecture	Nov 2014
966 DA111 (revision 3, 03/02/2015)	Proposed Basement Plan	Bickerton Masters Architecture	Nov 2014
966 DA112 (revision 4, 24/08/2015)	Proposed Ground Floor Plan	Bickerton Masters Architecture	Nov 2014
966 DA113 (revision 2, 24/08/2015)	Proposed Level 1 Plan	Bickerton Masters Architecture	Nov 2014
966 DA114 (revision 2, 12/08/2015)	Proposed Level 2 Plan	Bickerton Masters Architecture	Nov 2014
966 DA115 (revision 1, 12/11/2014)	Proposed Level 3 Plan	Bickerton Masters Architecture	Nov 2014
966 DA121 (revision 2, 24/08/2015)	Proposed Roof Plan	Bickerton Masters Architecture	Nov 2014
966 DA201 (revision 2,	Existing & Proposed Elevations	Bickerton Masters Architecture	Nov 2014

24/08/2015			
966 DA202 (revision 1, 12/11/2014)	<i>Existing & Proposed Elevations</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA203 (revision 2, 24/08/2015)	<i>Proposed Elevations & Sections</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA204 (revision 2, 24/08/2015)	<i>Proposed Elevations – Materials & Finishes</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA205 (revision 1, 12/11/2014)	<i>Proposed Elevations – Materials & Finishes</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA206 (revision 1, 12/11/2014)	<i>Proposed Elevations – Materials & Finishes</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA207 (revision 2, 24/08/2015)	<i>Proposed Elevations – Presentation</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA208 (revision 1, 12/11/2014)	<i>Proposed Elevations – Presentation</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA301 (revision 2, 24/08/2015)	<i>Proposed Sections</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
966 DA601 (revision 1, 25/09/2015)	<i>Bin Plan</i>	<i>Bickerton Masters Architecture</i>	Nov 2014
MO/YC 13268	<i>Letter regarding waste collection information</i>	<i>JBA Urban Planning Consultants Pty Ltd</i>	27/10/2 015
AIA-01 (Revision C)	<i>Aborigultural Impact Assessment Report including T-02 Tree Protection and Removal Plan</i>	<i>Arterra Consulting Arboriculture</i>	26/08/2 015
CJT:377349 0	<i>Advice on whether Scalabrinii Villages Limited is a Social Housing Provider under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	<i>Thomson Geer Lawyers</i>	27/10/2 015
JBA 13268 (report reviewed and sign off	<i>Clause 4.6 Variation to development standard as it relates to Clause 4.3 Height of buildings</i>	<i>JBA Urban Planning Consultants Pty Ltd</i>	Oct 2015

28/10/2015)	(CBLEP)		
JBA 13268 (report reviewed and sign off 28/10/2015)	Clause 4.6 Variation to development standard as it relates to clause 4.4 Floor space ratio (CBLEP)	JBA Urban Planning Consultants Pty Ltd	Oct 2015
JBA 13268 (report reviewed and sign off 28/10/2015)	Clause 4.6 Variation to development standard as it relates to clause 40(4) Building height (Seniors Housing SEPP)	JBA Urban Planning Consultants Pty Ltd	Oct 2015
JBA 13268 (report reviewed and sign off 30/08/2015)	State Environmental Planning Policy No. 1 – Variation to development standard as it relates to Clause 40(4) (Building height) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	JBA Urban Planning Consultants Pty Ltd	August 2015

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

Note 2: A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.

Note 3: The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

Comment: This condition will be amended to reflect modified drawings and will include further approved documentation as part of this modification. It is noted that drawing DA 105 is deleted and replaced with new Landscape Plans by Arterra Landscape Architects, drawing P051 has been replaced with DA510 and drawing DA 301 has been replaced with DA 203.

7. **DAGCB06 - Height**

The maximum height of the proposed development shall be as indicated in the approved plans listed in Condition No. 1 (**DAGCA01**).

(Reason: Compliance)

Comment: This condition will be amended to clarify that building heights have been modified and to also reinforce that no building element height as approved may be altered without approval from the relevant consent authority.

9. **DAGCB08 - Materials & Finishes Schedule**

The development shall be constructed and finished in materials and colours as indicated in the approved Materials and Finishes plans included in Condition No. 1(DAGCA01).

(Reason: Visual amenity)

Comment: This condition will be amended to clarify that the materials and finishes have been modified.

11. **DAGCB13 - Swimming Pool /Spa**

The approved swimming pool/spa must comply with the Swimming Pools Act 1992 and relevant standards.

(Reason: Statutory requirement)

Comment: The modifications proposed include the deletion of pool facilities. This condition of consent will be deleted.

12. **DAGCB14 - Pool Equipment Operating Hours**

Pool filters, pool pumps, and related plant must only operate in accordance with the Protection of the Environment Operations Act 1997.

(Reason: Amenity and Compliance)

Comment: The modifications proposed include the deletion of pool facilities. This condition of consent will be deleted.

38. **DACCG04 - Disabled Car Parking Spaces**

Four (4) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long in accordance with Australian Standard AS2890.6 and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

*Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

*The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate**.*

(Reason: To inform of relevant access requirements for persons with a disability)

Comment: This condition will be updated to reflect the requirements of the current Australian Standard pertaining to disabled car parking spaces. The existing condition references a superseded Australian Standard. The amendment has been supported by Council's Traffic Engineer.

40. **DACCG09 - Ramp Width Requirements (multi-unit development)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a construction certificate.

(Reason: Safety and traffic management)

Comment: This condition will be amended to reflect the introduction of a traffic island dividing the flow of traffic entering and exiting the site. The amendment has been supported by Council's Traffic Engineer.

116. **DAOUA06 – Deliveries/Waste Collection**

All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

The collection of waste from the Millar Street waste collection bay shall be carried out in accordance with details outlined in letter prepared by JBA Urban Planning Consultants Pty Ltd, Ref. MO/YC 13268, dated 27 October 2015, including but not limited to:

- *The waste collection truck shall enter the site and park behind the sliding gate*
- *The sliding gate must be in a closed position prior to the loading of waste onto the truck*
- *The sliding gate to the dock must be in a closed position at all times except for truck/vehicular access*
- *Trucks must enter and exit in a forward direction*
- *Vehicular movements utilising the Millar Street waste collection bay is limited to six (6) per week*
- *Waste bins must be stored at all times within the internal bin storage area as identified on the approved plans except when being transported to the approved waste collection bay for immediate removal from the site.*

(Reason: Protect amenity of surrounding property)

Comment: The approved sliding gate at the waste collection area is being replaced with a swinging gate. The description of the gate will be amended to swinging instead of sliding.

131. **DAOUE12 - Environmental Health & Safety - Special/Non-Standard Conditions**

Food Premises

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- *NSW Food Act 2003*
- *NSW Food Regulation 2004*

- *Food Standards Australia and New Zealand - Food Standards Code 2001*
- *Relevant Australian Standards for Design, Construction and Fit out of Food Premises*
- *Mechanical ventilation - Australian Standard 1668 set.*

Food Business - Notification

Prior to occupation the NSW Food Authority must be notified of food business/s as per the requirements of Food Safety Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: www.foodnotify.nsw.gov.au <http://www.foodnotify.nsw.gov.au>

Deliveries and Waste Collection

- *All deliveries, including waste collection must not occur:*
 - *Prior to 8am or after 6pm Monday - Friday;*
 - *Saturdays or Sundays at any time.*

Storage of waste

- *Waste must be managed and maintained in accordance with the following:*
 - *Waste receptacles must be stored within the approved waste storage area only.*
 - *Waste receptacles must presented on the day of collection only and promptly return to the approved waste storage area following collection.*
 - *Waste must not exceed the maximum capacity of the bin. I.e. the lids must be capable of closing.*
 - *Waste receptacles are cleaned on a regular basis.*
 - *Waste receptacles and waste storage room maintained to a standard that does not give rise to offensive odours.*

Unexpected finds

Excavation works carried out onsite should be closely monitored to ensure no signs or evidence of contamination. Where evidence of contamination is identified:

- *Excavation of the site is to be stopped immediately;*
- *A suitably qualified environmental consultant is to be contracted to further assess the site; and*
- *Council is to be notified of the proposed remedial action plan.*

Hydrotherapy Pool - Notification & Operation

The installation and ongoing operation of the hydrotherapy pool must comply with the requirements of NSW Public Health Act 2010 and its regulations.

Council is to be notified of the hydrotherapy pool prior to its use as per the requirements of NSW Public Health Act 2010.

Microbial Control - Notification

Council is to be notified of water cooling and/or warm water system/s installed on the premises. Notification must be in accordance with the requirements of the NSW Public Health Act 2010.

Prior to demolition

Hazardous Materials Survey

- Hazardous material survey is to be undertaken by a suitably qualified and experienced environmental consultant prior to commencement of demolition. Recommendations specified as a result of the survey are to be adopted and adhered to throughout demolition works.

Prior to issue of Construction Certificate

Further acoustic assessment

- A further acoustic assessment is to be undertaken to assess noise impact of mechanical plant including but not limited to car-park supply and exhaust fans, air conditioning equipment, pool filtration equipment, kitchen mechanical ventilation systems and any other mechanical plant likely to cause a noise nuisance. The assessment must specify at a minimum:
 - o The operational noise of each of the above listed mechanical plant, and their ability to comply with relevant policies and legislation including but not limited to the NSW EPA Industrial Noise Policy 2000 and NSW Protection of the Environment Operations Act 1997.
 - o Noise attenuation works required to assure mechanical plant operates in accordance with applicable noise legislation.
- A copy of the above required acoustic assessment is to be furnished to Council.
- All recommendations provided within the acoustic assessment are to be adopted, implemented and adhered to.

(Reasons: Environmental Health and Safety)

Comment: The modifications proposed include the deletion of pool facilities. Requirements in the above condition with regard to pool and equipment requirements will be omitted from the condition of consent.

4. ASSESSMENT

Section 96(2) of the Environmental Planning and Assessment Act allows council to modify consent if:

(a) It is satisfied that the development to which the consent as modified relates is substantially the same development,

Applications under section 96 of the Act cannot be granted if the modified development is not substantially the same as that which consent was originally granted. In this regard, the modification should not be so substantial as to cause the application to lose its original identity.

The amendments relate to modifications to internal building layout, external changes to built form including materials, colours, balconies, windows etc. and changes to landscaping and parking. The general building footprint and envelope remain consistent with the original approval and similar privacy levels will be maintained with conditions. As such, subject to conditions of consent, minimal environmental impact is expected and Council is satisfied that the development to which the consent as modified relates is substantially the same development.

(b) Has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval,

N/A

(c) Has notified the application in accordance with the Regulations and Council's Development control Plan for Notification, and

(d) Has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the Development Control Plan.

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. The second and final notification generated three (3) submissions objecting to the proposal.

The following table includes issues raised by surrounding residents, the applicant's response to those issues and Council's comments to those responses.

#	Issue	The concern raised	Submission by	Applicants Response
1	Modification Application	The proposed modifications are not of 'minimal environmental impact'.	46 Millar Street 1 Barney Street 36 Janet Street	<p><i>Council has determined to assess the modification application as a section 96(2) application under the Environmental Planning and Assessment Act 1979. Whilst we remain of the view that the proposed modifications will not result in any adverse environmental impacts, the assessment pathway under which the application is being assessed does not require this threshold test to be considered.</i></p> <p>Council's Comment: Council is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. Assessment has been carried under the provisions of s96(2) of the Act.</p>
2	Landscaping	Reduction in landscaping to Millar Street frontage of the site	46 Millar Street	<p><i>The proposed landscape planting species adjacent to the basement ramp entrance (<i>Cupressus sempervirens 'Stricta'</i> and <i>Juniperus chinensis 'Spartan'</i>) will continue to provide a high</i></p>

#	Issue	The concern raised	Submission by	Applicants Response
				<p>level of screening to the building form and maintain good lines of site around the vehicle entry/exit to Millar Street.</p> <p>Council's Comment: No issues are raised with regard to landscaping. The proposal with regard to Millar Street landscaping remains consistent with the original approval and retains all significant trees as conditioned.</p>
3	Architecture and building form	Re-design of L3 northern wing increases the building bulk	46 Millar Street	<p><i>The amendments to Level 3 of the northern wing, near the corner of Millar and Mary Streets, increases the setback to Millar Street whilst squaring off the approved staggered corner. The effect of this change will be to reduce the apparent bulk when viewed from the east whilst providing a clearer and more consistent building edge. The upper level continues to be setback from the main building line, softening the apparent bulk of the upper level.</i></p> <p>Council's Comment: The bulk and scale remains consistent with the originally approved development.</p>
		Details of the proposed site and boundary fences are inadequate for assessment of potential visual impacts.	46 Millar Street	<p><i>Additional details regarding the fence and gate have been provided to Council. The only change to the approved design is to change the gate from sliding to swing, no changes are proposed to other boundary or site fences.</i></p> <p>Council's Comment: The additional information clarifies the above and has been included as part of the approved documents in Condition No. 1.</p>
		No rationale has been provided for the changes to the external materials and finishes.	46 Millar Street 1 Barney Street	<p><i>The proposed amendments to the building's design, including changes to the architecture and materiality, are considered to provide a substantial improvement to the facility's aesthetic. The modifications to external building articulation, roof</i></p>
		Metal clad walls are not in keeping with the local character of the area.	46 Millar Street	
		Off-white painted finishes are not in keeping with	46 Millar Street	

#	Issue	The concern raised	Submission by	Applicants Response
3		the local character of the area.		<i>form, finishes and materials will result in a development that is more in keeping with the desired future character for the area.</i>
		Removal of the brick colonnade is not supported and will result in a reduction in aesthetic amenity.	1 Barney Street	Council's Comment: Agreed. The revised external colour treatment in response to the issue raised by Council and submissions.
		Development as modified continues to represent an overdevelopment of the site.	1 Barney Street	<i>The removal of the brick colonnade will allow for the establishment of a new steel-framed arbor with climbing vegetation to increase the landscaped character of the site and provide additional screening of the overall building.</i> Council's Comment: The site is not a heritage item. The new structure to be erected in place of the existing brick colonnade wall will result in additional landscaping within the streetscape. The retention of the original brick entry element and flag poles in Mary Street will still be preserved as conditioned and additional colour finishes have been added to reflect more of the original colour palette of the previous institutional buildings.
4	Privacy	Increase to L1 east wing terrace will result in potential acoustic or privacy impacts.	46 Millar Street	<i>The proposed modification provides for a small reduction in the gross floor area and height of the approved buildings.</i> Council's Comment: The proposal in this regard remains consistent with the original approval.
				<i>These terraces incorporate balustrades which are set well back from the building line, which along with the substantial physical separation of these terraces from the front building line of nearby properties will appropriately mitigate any visual privacy concerns.</i> Council's Comment: The extent of increased floor area

#	Issue	The concern raised	Submission by	Applicants Response
				of the L1 East Wing Balcony is considered minimal however it is also considered reasonable, given its increased area, to include a condition of consent to provide a continuous and fixed planter box structure along the length of the balustrade to north-eastern Balcony to the East Wing that is accessed directly off the Dining area on Level 1, in accordance with detailing included in the approved Drawing No. DA510 (revision 5, dated 06/07/2016).
		The Men's Shed has the potential to generate significant noise.	46 Millar Street 36 Janet Street	<p><i>The 'Men's Shed' is for passive use by residents as a therapeutic contemplative space, with a work bench and decommissioned car for residents to view and interact with. There would be no working hand or power tools or other machinery located within this space, and the Proponent would be open to the imposition of a new condition of consent to this effect.</i></p> <p>Council's Comment: The intended passive use of this element is consistent with general residential activity in a private residential yard. Noise conditions that form part of the consent will ensure that any future noise issue may be dealt with by Council accordingly.</p>
		New air handling unit in the north-eastern corner of the building has the potential to create acoustic impacts.	1 Barney Street	<p><i>All plant equipment and enclosures are required to comply with the recommendations of the acoustic report which was submitted with and assessed as part of the original development application. Ongoing acoustic amenity of the locality is regulated through conditions 126-128 of Development Consent DA 2015/0332.</i></p> <p>Council's Comment: General noise conditions are included in the consent.</p>
		Proposed modifications to balconies and windows	1 Barney Street	<i>The proposed modifications to the Mary Street elevation</i>

#	Issue	The concern raised	Submission by	Applicants Response
		would have an adverse impact on visual privacy to houses opposite the site across Mary Street.		<p><i>do not result in any substantial change to the balconies or windows for rooms along this elevation beyond those already assessed and approved as part of the original changes. The amendments represent design development and rationalisation rather than substantial new design.</i></p> <p>Council's Comment: Agreed. See discussion under privacy in section 5.4 below.</p>
5	Waste Collection	The waste collection bay should be internalised in order to mitigate potential noise, odour and visual impacts on surrounding areas.	46 Millar Street 1 Barney Street	<p><i>No changes are proposed to the location or operational parameters for the waste collection bay, which were carefully assessed and approved in Development Consent DA 2015/0332.</i></p> <p>Council's Comment: As above and approved.</p>
		Safety concerns regarding outside manoeuvring of waste bins.	46 Millar Street	<p><i>No changes are proposed to the arrangements for the handling of waste between internal bin storage areas and the waste collection bay, which were carefully assessed and approved in Development Consent DA 2015/0332.</i></p> <p>Council's Comment: As above and approved.</p>
		Proposed waste collection hours (7am to 8pm, Monday to Saturday) is unacceptable in a low density residential area.	46 Millar Street 1 Barney Street	<p><i>Waste collection hours are approved under condition 117 DAOUA06 of Development Consent DA 2015/0332.</i></p> <p>Council's Comment: As conditioned in the original consent.</p>
		Swing gate is not acceptable as proposed, and should be amended to ensure adequate visual privacy and to avoid potential impacts on retained trees within the site. Inadequate detail of the swing gate accompanies the modification application.	46 Millar Street	<p><i>Additional details have been submitted to Council regarding the design of the swing gate that demonstrate that visual privacy impacts will be adequately mitigated consistent with the existing approval.</i></p> <p>Council's Comment: Additional information lodged in this regard in response to the submission has been reviewed and supported. The details are included in the revised Condition No.1.</p>

#	Issue	The concern raised	Submission by	Applicants Response
6	Vehicular access	Mary Street set-down and pick-up area will encourage U-turns by general traffic, and should be closed with gates after 6pm.	46 Street Millar	<p><i>The design of the Mary Street vehicular set-down and pick-up area has been endorsed by Council's traffic engineer and Traffic Committee in accordance with the requirements of the original development consent. The proposed modifications are consistent with this.</i></p> <p>Council's Comment: As above and approved in the original consent.</p>
7	Signage	The illuminated sign is not supported and, if permitted, should include additional detail to control the content, design, size and illumination levels.	46 Street Millar 1 Barney Street	<p><i>Business identification signage was included in the originally approved development application, and its location is generally consistent with the signage previously existing in this location. Illumination of the sign would be internal and adjustable to ensure that there are no adverse impacts on neighbourhood amenity.</i></p> <p>Council's Comment: Illuminated signage did not form part of the original consent therefore cannot be considered under this application to modify consent. An additional condition of consent is included in the recommendation for approval in order to clarify that the proposed Modification No. 32 does not form part of the consent.</p>
		Signage should not be illuminated 24 hours.	1 Barney Street	
8	Construction Impacts	Existing demolition is resulting in impacts on adjoining properties.	36 Street Janet	<p><i>This submission relates to existing impacts and does not relate to this modification application. Construction impacts on surrounding properties are managed through Condition 59 DACC01 of Development Consent DA 2015/0332.</i></p> <p>Council's Comment: N/A</p>

5. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1. Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]

5.1.1. *State Environmental Planning Policies*

State Environmental Planning Policy No 55 (Remediation of Land)

Clause 7 of State Environmental Planning Policy No 55 (Remediation of Land) requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land.

The land has been used for educational purposes since the original Drummoyne Boys High School was established on the site in 1940. There is no known prior use of the site that would suggest any significant contamination.

Contamination levels identified in the applicant's preliminary contamination assessment prepared by Douglas Partners, lodged with the original application DA2015/0332, were found to be within required limits as confirmed by Council's Environmental Officer, and no further investigation was required on site.

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP

The site falls within the map area shown edged heavy black on the Sydney Harbour Catchment Map and hence is affected by the provisions of SREP (Sydney Harbour Catchment) 2005. The SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

A detailed assessment against the SEPP was carried out with the original development application and the proposal was found to be satisfactory with regard to impact on the catchment, foreshore, waterway or any island of Sydney Harbour.

The modifications proposed under this application does not alter Council's view in this regard given the changes are generally limited to internal layout modifications and external materials and colours. The overall building footprint and envelope remains consistent with that approved in the original consent and the site is separated from the foreshore by some kilometres and is not likely to have any impact on it or the waterways.

5.1.2. *Local Environmental Planning Instruments*

Canada Bay Local Environmental Plan 2013

The site consists of land zoned R2 Low Density Residential under the Canada Bay Local Environmental Plan 2013 (CBLEP). The proposed development comprises an *residential care facility* which is not a permissible use within the designated land use zone as prescribed under Part 2 of the CBLEP. However, *residential aged care* is permissible by virtue of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*.

5.2. **Draft Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]**

There are no Draft Environmental Planning Instruments applicable to the proposal.

5.3. **Development Control Plans, Council Policies or Codes [Section 79C(1)(a)(iii)]**

City of Canada Bay Development Control Plan

There are no applicable non-statutory numerical standards relevant to the proposed residential care facility.

It is considered that the extent of modifications proposed under this application do not raise any issues with regard to sustainable development, stormwater detention and sediment control, acid sulfate soils, parking or waste management.

5.4. **Likely Impacts of the Development [Section 79C (b)]**

Overshadowing

The applicant has provided amended shadow diagrams indicating, as a result of the proposed modifications, that no increase in overshadowing above that approved will result over adjacent dwellings to the north, north-east, and south of the site. There are no issues raised with regard to overshadowing impacts as a result of the modification proposed.

Privacy

Modifications proposed under this application do not appear to alter the outlook from the development out to the surrounding area. Further, the applicant has provided additional detail and information regarding privacy balustrades, planter structures and privacy screens in response to conditions of the original consent. This information forms part of the approved plans and documents listed in the revised Condition No. 1.

An area of concern with regard to privacy and overlooking however has been identified at Level 3. The area of concern includes balcony areas at that level facing Mary and Miller Streets. The extent and location of these areas remain consistent with the approved development however the balustrades proposed under this modification application include clear glazed balustrades that will increase overlooking to surrounding residents. As such, a condition of consent has been included to ensure that these elements include a minimum 85% density in order to retain the level of privacy as originally approved.

It is noted that the Level 3 Terrace areas (formerly referred to as Balcony areas on the originally approved plans) have been extended toward and along Miller Street to services the end units. The relocation of plant room structure has opened up the opportunity to reconfigure and rationalise the accommodation layout in this location. The area at Level 3 on the North Wing facing Millar Street, now proposed to include Terraces, previously included Common Area and Roof Top Garden areas. Therefore, it is expected that the modified configuration proposed under this application will be of a lesser concern with regard to privacy and overlooking. Further the two terraces that service Care 1 and 9 units include deep perimeter planter/balustrade structures and the surrounding rooftop area is limited to service and egress purposes only, as indicated on the approved plan No. 966 DA115 (revision 4, dated 25/05/2016).

Further, as discussed above, the recommendation for approval to the modifications include a condition of consent to ensure that the balustrades around the perimeter of the roof include a minimum 85% density in order to further restrict any opportunity for overlooking over Millar Street and into the front of residential properties opposite the site.

Other modifications include a reduction in overall clear window glazing facing Mary and Millar Streets by approximately 12%.

There are no further issues raised with regard to privacy impacts as a result of the proposed modifications.

View Corridors/View Sharing

No views are expected to be affected by this modification.

Traffic generation, parking and loading

The proposal is not expected to generate any additional traffic/parking impacts as a result of the proposed modifications. The approved on-site parking and loading provisions remain consistent and minor changes regarding reference to relevant Australian Standards in conditions of the original consent have been reviewed by Council's Traffic Engineer with no issue raised against approval.

Noise Impact

Additional noise is not expected to be generated as a result of the proposed modifications.

With regard to sound attenuation construction, the original consent requires adherence to all recommendations in the applicant's approved Acoustic Report. To further clarify acoustic requirements, and in response to submissions objecting to the modifications proposed under this application, the applicant has included additional details and drawings for the acoustic construction of the boundary fence as approved along the eastern side boundary of the site, including the waste collection area. The additional information includes confirmation from the applicant's acoustic consultant certifying that the construction of the boundary fence provides adequate noise attenuation. These details and drawings are included in the revised Condition No. 1 listing the approved documents and plans.

An additional condition of consent has also been recommended to ensure that should any unforeseen noise impacts be discovered in future, that further acoustic investigation shall be carried out by the applicant and any required mitigation measures be carried out to the satisfaction of Council.

Bulk and Scale

The modifications are not likely to result in additional bulk and scale from the perspective of the street and surrounding residential dwellings.

Generally, bulk and scale remains consistent with the original approval and in fact the perception of overall visual bulk and scale from a public domain perspective and from surrounding residential properties will be reduced as a result of the modifications proposed.

The building envelope remains consistent with the approved built form, significant trees remain protected as conditioned, the removal of the approved parapet lowers the height of the building slightly and it is considered that the new eaves detailing will present the building with a less bulky appearance overall with slim line articulation now capping the building form.

The modifications to the materials and finishes palette remain consistent with that approved and new façade treatment reduces the extent of solid wall elements as the buildings present to the public domain.

Generally, the modifications are considered an improvement with regard to bulk and scale appearance.

Streetscape and urban character

The approved proposal's design cues, originally taken from the previously existing institutional buildings on the site, remain and are further refined and improved in the modifications proposed under this application. The perimeter

building footprint configuration and building envelope also remain consistent with that originally approved.

From a streetscape presentation perspective, colours and materials, fenestration and facade detail as modified, provide additional building articulation and architectural elements that further reflect the original building's use of external colour and material. Revised colours and finishes include additional face brickwork elements that match the original face brick colour which is also reinforced with a rhythm of like-coloured wall panelling along the street facades.

The original Mary Street entrance and flag poles elements are considered key visual components that reference the original institutional building and will continue to be retained as conditioned in the original consent and as proposed by the applicant.

The modifications proposed removing the original brick colonnade element located at the south-western end of Mary Street, in front of the original Hall building that will be retained. The colonnade element will be replaced with a wall structure that is designed to support vegetation. This treatment will reduce the solidity of the development overall and improve the landscape quality from a streetscape perspective.

Intensity of Use

The modifications proposed do not result in an intensification of the approved use of the site. The approved accommodation for a maximum of 161 persons in the *residential care facility* will not be increased.

Social / Economic

The modified proposal does not alter the considerable public benefit that the development will provide regarding a high standard residential aged care facility for the growing ageing population of the City of Canada Bay and employment opportunities.

Landscaping/Tree Removal

The modifications with regard to landscape provisions include a minor reduction in overall landscape area however this is considered negligible and results in a significant improvement overall given the rationalisation of the internal open area, now providing a more spacious and usable space, and an additional shade tree and vegetation will be provided within front setbacks to the street. The establishment and survival of the revised landscape provisions are still subject to relevant conditions in the original.

5.5. Suitability of the Site for the Development Proposed [Section 79(c)]

The proposed development has been assessed in relation to its environmental consequences, and in terms of State Environmental Planning Policy No. 55. Having regard to this assessment it is considered that the land is suitable for the intended development.

5.6. The Public Interest [Section 79C (e)]

The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

6. INTERNAL REFERRALS

6.1. Landscaping/Tree Removal

No comments have been returned from Council's Landscape Architect.

6.2. Traffic Engineering/Local Traffic Committee (where not SEPP 11)

The application to modify consent has been reviewed by Council's Traffic Engineer and no objection has been raised to approval.

7. CONCLUSION

The proposed modification to the development originally consented to is considered acceptable having regard to the provisions of Sections 79C and 96(2) of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

Pursuant to the provision of Section 96 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel - East, as the responsible authority, resolve to modify Development Consent No. MOD2016/0075 including **modifications to approved residential aged care facility including changes to internal building layout, external changes to built form including materials, colours, balconies, windows etc. and changes to landscaping and parking** on land at 17 Millar Street DRUMMOYNE NSW 2047 only in so far as will provide for the deletion of conditions numbered (1), (7), (9), (11), (12), (38), (40), (116) & (131) on the notice of determination DA2015/0332 and the insertion in lieu thereof the following new conditions;

1. **DAGCA01 - Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

Drawing Ref. No.	Name of Plan/Document	Prepared by	Date
13268	Statement of Environmental Effects and all Appendices A to W (inclusive), as revised	JBA Urban Planning Consultants	Nov 2014
966 DA100 (revision 2, 24/08/2015	Cover Page	Bickerton Masters Architecture	Nov 2014
966 DA101 (revision 1, 12/11/2014	Site Analysis	Bickerton Masters Architecture	Nov 2014
966 DA102 (revision 2, 20/08/2015	Existing & Demolition Site Plan	Bickerton Masters Architecture	Nov 2014
966 DA103 (revision 2, 24/08/2015	Proposed Site Plan - Location	Bickerton Masters Architecture	Nov 2014
966 DA104 (revision 2, 24/08/2015	Proposed Site Plan	Bickerton Masters Architecture	Nov 2014
966 DA111 (revision 3, 03/02/2015	Proposed Basement Plan	Bickerton Masters Architecture	Nov 2014
966 DA112 (revision 4, 24/08/2015	Proposed Ground Floor Plan	Bickerton Masters Architecture	Nov 2014
966 DA113 (revision 2, 24/08/2015	Proposed Level 1 Plan	Bickerton Masters Architecture	Nov 2014
966 DA114 (revision 2, 12/08/2015	Proposed Level 2 Plan	Bickerton Masters Architecture	Nov 2014
966 DA115 (revision 1,	Proposed Level 3 Plan	Bickerton Masters Architecture	Nov 2014

12/11/2014			
966 DA121 (revision 2, 24/08/2015)	Proposed Roof Plan	Bickerton Masters Architecture	Nov 2014
966 DA201 (revision 2, 24/08/2015)	Existing & Proposed Elevations	Bickerton Masters Architecture	Nov 2014
966 DA202 (revision 1, 12/11/2014)	Existing & Proposed Elevations	Bickerton Masters Architecture	Nov 2014
966 DA203 (revision 2, 24/08/2015)	Proposed Elevations & Sections	Bickerton Masters Architecture	Nov 2014
966 DA204 (revision 2, 24/08/2015)	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	Nov 2014
966 DA205 (revision 1, 12/11/2014)	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	Nov 2014
966 DA206 (revision 1, 12/11/2014)	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	Nov 2014
966 DA207 (revision 2, 24/08/2015)	Proposed Elevations – Presentation	Bickerton Masters Architecture	Nov 2014
966 DA208 (revision 1, 12/11/2014)	Proposed Elevations – Presentation	Bickerton Masters Architecture	Nov 2014
966 DA301 (revision 2, 24/08/2015)	Proposed Sections	Bickerton Masters Architecture	Nov 2014
966 DA601 (revision 1, 25/09/2015)	Bin Plan	Bickerton Masters Architecture	Nov 2014
MO/YC 13268	Letter regarding waste collection information	JBA Urban Planning Consultants Pty Ltd	27/10/2015
AIA-01 (Revision C)	Aboricultural Impact Assessment Report including T-02 Tree Protection and Removal Plan	Arterra Consulting Arboriculture	26/08/2015
CJT:3773490	Advice on whether Scalabrini Villages Limited is a Social Housing Provider under the State <i>Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	Thomson Geer Lawyers	27/10/2015
JBA 13268 (report reviewed and	Clause 4.6 Variation to development standard as it relates to Clause	JBA Urban Planning Consultants Pty Ltd	Oct 2015

sign off 28/10/2015)	4.3 Height of buildings (CBLEP)		
JBA 13268 (report reviewed and sign off 28/10/2015)	Clause 4.6 Variation to development standard as it relates to clause 4.4 Floor space ratio (CBLEP)	JBA Urban Planning Consultants Pty Ltd	Oct 2015
JBA 13268 (report reviewed and sign off 28/10/2015)	Clause 4.6 Variation to development standard as it relates to clause 40(4) Building height (Seniors Housing SEPP)	JBA Urban Planning Consultants Pty Ltd	Oct 2015
JBA 13268 (report reviewed and sign off 30/08/2015)	<i>State Environmental Planning Policy No. 1</i> – Variation to development standard as it relates to Clause 40(4) (Building height) of the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	JBA Urban Planning Consultants Pty Ltd	August 2015

Otherwise amended by the following documents:

<i>Drawing Ref. No.</i>	<i>Name of Plan/Document</i>	<i>Prepared by</i>	<i>Date</i>
13268	Statement of Environmental Effects and all Appendices A to W (inclusive), as revised	JBA Urban Planning Consultants	Nov 2014, or as modified by SEE dated August 2015
966 DA100 (revision 2, 31/08/2016)	Cover Page	Bickerton Masters Architecture	July 2016
966 DA101 (revision 1, 12/11/2014)	Site Analysis	Bickerton Masters Architecture	July 2016
966 DA102 (revision 3, 25/05/2016)	Existing & Demolition Site Plan	Bickerton Masters Architecture	July 2016
966 DA103 (revision 4, 06/07/2016)	Proposed Site Plan - Location	Bickerton Masters Architecture	July 2016
966 DA104 (revision 4, 06/07/2016)	Proposed Site Plan	Bickerton Masters Architecture	July 2016
DA105			
966 DA111 (revision 7, 25/06/2016)	Proposed Basement Plan	Bickerton Masters Architecture	July 2016
966 DA112 (revision 6, 06/07/2016)	Proposed Ground Floor Plan	Bickerton Masters Architecture	July 2016
966 DA113	Proposed Level 1 Plan	Bickerton Masters	July 2016

(revision 4, 25/05/2016		Architecture	
966 DA114 (revision 4, 25/06/2016	Proposed Level 2 Plan	Bickerton Masters Architecture	July 2016
966 DA115 (revision 4, 25/05/2016	Proposed Level 3 Plan	Bickerton Masters Architecture	July 2016
966 DA121 (revision 4, 25/05/2016	Proposed Roof Plan	Bickerton Masters Architecture	July 2016
966 DA201 (revision 3, 25/05/2016	Existing & Proposed Elevations	Bickerton Masters Architecture	July 2016
966 DA202 (revision 3, 25/05/2016	Existing & Proposed Elevations	Bickerton Masters Architecture	July 2016
966 DA203 (revision 3, 25/05/2016	Proposed Elevations & Sections	Bickerton Masters Architecture	July 2016
966 DA204 (revision 4, 06/07/2016	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	July 2016
966 DA205 (revision 4, 06/07/2016	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	July 2016
966 DA206 (revision 4, 06/07/2016	Proposed Elevations – Materials & Finishes	Bickerton Masters Architecture	July 2016
966 DA207 (revision 3, 06/07/2016	Proposed Elevations – Presentation	Bickerton Masters Architecture	July 2016
966 DA208 (revision 3, 06/07/2016	Proposed Elevations – Presentation	Bickerton Masters Architecture	July 2016
966 DA501 (revision 3, 25/05/2016	Landscape Area	Bickerton Masters Architecture	July 2016
966 DA503 (revision 1, 06/07/2016	Building Section	Bickerton Masters Architecture	July 2016
966 DA510 (revision 5, 06/06/2016	Planter box / Balustrade Detail	Bickerton Masters Architecture	July 2016
966 DA601 (revision 3, 25/05/2016	Bin Plan	Bickerton Masters Architecture	July 2016
966 DA801 (revision 1, 06/07/2016	External Montages Sheet 1	Bickerton Masters Architecture	July 2016
966 DA802 (revision 1, 06/07/2016	External Montages Sheet 2	Bickerton Masters Architecture	July 2016

966 DA803 (revision 1, 06/07/2016)	External Montages Sheet 3	Bickerton Masters Architecture	July 2016
966 P001 (revision 4, 25/05/2016)	Setback Plan	Bickerton Masters Architecture	July 2016
966 P005 (revision 6, 25/05/2016)	Balcony Screening to 36 Janet St	Bickerton Masters Architecture	July 2016
L-SD-01 (revision D)	Landscape Plan – Ground Floor	Arterra Landscape Architects	31/05/2016
L-SD-02 (revision B)	Landscape Section & Detail	Arterra Landscape Architects	04/03/2016
L-SD-03 (revision B)	Landscape Planting & Materials	Arterra Landscape Architects	04/03/2016
13268	Details for Common Property Boundary Fence & Waste Collection Bay Swing Gate	JBA Urban Planning	22/08/2016

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

Note 2: A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.

Note 3: The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

7. **DAGCB06 - Height**

The maximum height of the proposed development shall be as indicated in the approved plans (**as modified**) listed in Condition No. 1 (**DAGCA01**).

(Reason: Compliance)

9. **DAGCB08 - Materials & Finishes Schedule**

The development shall be constructed and finished in materials and colours as indicated in the approved Materials and Finishes plans (**as modified**) included in Condition No. 1 (**DAGCA01**).

(Reason: Visual amenity)

38. **DACCG04 - Disabled Car Parking Spaces**

Four (4) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of **2.4m wide (plus 2.4m wide shared area) x 5.4m long** in accordance with Australian Standard AS2890.6 and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: To inform of relevant access requirements for persons with a disability)

40. **DACCG09 - Ramp Width Requirements (multi-unit development)**

The internal driveway must be a minimum 5.50m wide (clear width) **in the aggregate** for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate**.

(Reason: Safety and traffic management)

116. **DAOUA06 – Deliveries/Waste Collection**

All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

The collection of waste from the Millar Street waste collection bay shall be carried out in accordance with details outlined in letter prepared by JBA Urban Planning Consultants Pty Ltd, Ref. MO/YC 13268, dated 27 October 2015, including but not limited to:

- The waste collection truck shall enter the site and park behind the **swing** gate
- The **swing** gate must be in a closed position prior to the loading of waste onto the truck
- The **swing** gate to the dock must be in a closed position at all times except for truck/vehicular access
- Trucks must enter and exit in a forward direction
- Vehicular movements utilising the Millar Street waste collection bay is limited to six (6) per week
- Waste bins must be stored at all times within the internal bin storage area as identified on the approved plans except when being transported to the approved waste collection bay for immediate removal from the site.

(Reason: Protect amenity of surrounding property)

126. **DAOUC12 - Acoustic Assessment**

All recommendations contained in the Noise Impact Assessment report prepared by *Acoustic Logic, Project No. 20140442.1, Document Ref. 20140442.1/2710A/R1/BW, dated 27 October 2014* shall be adopted, implemented, and adhered to. Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of the report shall be provided for assessment by Council prior to the commencement of works on the site or the commencement of the use.

(Reason: Noise Control and Amenity)

131. **DAOUE12 - Environmental Health & Safety - Special/Non-Standard Conditions**

Food Premises

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- NSW Food Act 2003
- NSW Food Regulation 2004
- Food Standards Australia and New Zealand - Food Standards Code 2001
- Relevant Australian Standards for Design, Construction and Fit out of Food Premises
- Mechanical ventilation - Australian Standard 1668 set.

Food Business - Notification

Prior to occupation the NSW Food Authority must be notified of food business/s as per the requirements of Food Safety Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au>>

Deliveries and Waste Collection

- All deliveries, including waste collection must not occur:
 - Prior to 8am or after 6pm Monday - Friday;
 - Saturdays or Sundays at any time.

Storage of waste

- Waste must be managed and maintained in accordance with the following:
 - Waste receptacles must be stored within the approved waste storage area only.
 - Waste receptacles must presented on the day of collection only and promptly return to the approved waste storage area following collection.
 - Waste must not exceed the maximum capacity of the bin. I.e. the lids must be capable of closing.
 - Waste receptacles are cleaned on a regular basis.
 - Waste receptacles and waste storage room maintained to a standard that does not give rise to offensive odours.

Unexpected finds

Excavation works carried out onsite should be closely monitored to ensure no signs or evidence of contamination. Where evidence of contamination is identified:

- Excavation of the site is to be stopped immediately;
- A suitably qualified environmental consultant is to be contracted to further assess the site; and
- Council is to be notified of the proposed remedial action plan.

Microbial Control - Notification

Council is to be notified of water cooling and/or warm water system/s installed on the premises. Notification must be in accordance with the requirements of the NSW Public Health Act 2010.

Prior to demolition

Hazardous Materials Survey

- Hazardous material survey is to be undertaken by a suitably qualified and experienced environmental consultant prior to commencement of demolition. Recommendations specified as a result of the survey are to be adopted and adhered to throughout demolition works.

Prior to issue of Construction Certificate

Further acoustic assessment

- A further acoustic assessment is to be undertaken to assess noise impact of mechanical plant including but not limited to car-park supply and exhaust fans, air conditioning equipment, kitchen mechanical ventilation systems and

any other mechanical plant likely to cause a noise nuisance. The assessment must specify at a minimum:

- o The operational noise of each of the above listed mechanical plant, and their ability to comply with relevant policies and legislation including but not limited to the NSW EPA Industrial Noise Policy 2000 and NSW Protection of the Environment Operations Act 1997.
- o Noise attenuation works required to assure mechanical plant operates in accordance with applicable noise legislation.
- A copy of the above required acoustic assessment is to be furnished to Council.
- All recommendations provided within the acoustic assessment are to be adopted, implemented and adhered to.

(Reasons: Environmental Health and Safety)

132. **DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly implemented or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/occupier shall employ the services of a qualified acoustic consultant to undertake an assessment of the development and complete an assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for approval prior to undertaking noise attenuation works and implementing recommendations

(Reason: Noise Control and Amenity)

133. **DACCH02 - Privacy - Balustrades**

In order to protect the privacy of adjoining premises, all glass or transparent balustrade material at Level 3 facing Mary Street and Millar Street, shall have a minimum density of 85%.

Provide a continuous and fixed planter box structure along the length of the balustrade to north-eastern Balcony to the East Wing that is accessed directly off the Dining area on Level 1, in accordance with detailing included in the approved Drawing No. DA510 (revision 5, dated 06/07/2016).

The changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

(Reason: Amenity)

134. **DAANN09 - Signs**

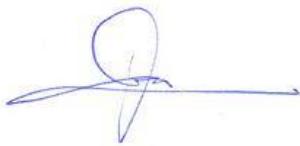
No form of sign, other than signs which is classified as being 'Exempt Development', will form part of this development consent.

The modification No. 32, included on the approved List of Modifications to Development Application sheet (file name 966 - Scalabrini Drummoyle - Section 96 Summary - Rev 9.docx.), is excluded from this development consent.

A **separate development application** for any proposed sign, which is either externally fitted or applied, must be submitted under **separate development application** for the approval of Council, prior to the erection or display of any such signs.

(Reason: Clarify the extent of the approval)

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Approved by:



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