



DATE OF DETERMINATION	15 September 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Nicole Gurran, Michael Megna and Tony Fasanella
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christies Conference Centre on Thursday, 15 September 2016, opened at 10.00 am and closed at 11.30am.

MATTER DETERMINED

2016SYE073 – Canada Bay - MOD2016/0075

17 Millar Street, Drummoyne

Residential aged care facility (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979* subject to changes in the conditions applied to the application.

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

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The modification application, as amended by the conditions of consent, does not have any material additional impact.
- The Panel has considered the concerns of objectors. As a result;
 - It has not approved the proposed men's shed;
 - It has sought specification of the details of the swinging gate in terms of form, material and size (a sliding gate in the original application) so that it maximises the privacy of residents across the road;
 - It has sought modification of the times for waste collection to exclude Saturdays, Sundays and public holidays and,
 - It has sought to exclude outdoor dining from the level 1 terrace near the dining room.
- The Panel found that the objections to the removal of a tree near the driveway and the wrap-around terrace on level 3 at the corner of Millar and Mary Streets were not well founded.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition No. 1 amended to include the list of modifications in the list of amended documents/plans and to delete the reference to the last document to the table to condition 1 relating to the waste collection bay swing gate.
- Condition No. 116 amended to include the waste collection times as being 8am to 6pm Monday to Friday and no greater than four (4) waste collections and two (2) “other” collections/deliveries with no waste collections on Saturday, Sunday or Public holidays
- New Condition No. 116A added to address the design details for the swing gate to the waste collection area as expressed in the JBA letter dated 22 August 2016. Condition to read:

Swing Gate to Waste Collection Area

In order to protect the privacy of adjoining properties, the swing gate to the waste collection area shall be installed as follows:-

- The gate shall be 1.8 metres in height; and
- Consist of a steel-framed, motorised swing gate with intercom system for access; and
- Comprise custom perforated steel infill panels with patterns or images created using perforations of various gauges; and
- The gate frame and custom infill panels shall be powder-coated in a colour to match Colorbond ‘Woodland Grey’ to ensure that the gate complements the overall building façade.

The above gate details 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)

- Condition No. 131 has been amended to delete any reference to the waste collection area
- Condition No. 133 to be amended to include the requirement for the balcony on level 1 off the dining room to not be used for outdoor dining
- Condition 134 to include the deletion of the men’s shed from the proposal.
- Agreed that the title of Condition No. 134 should be amended to read “Non-Approved Modifications”.
- The final conditions with all amendments noted above are attached to this Determination & Statement of Reasons.

PANEL MEMBERS		
John Roseth 	Sue Francis 	Nicole Gurran 

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE073 – Canada Bay - MOD2016/0075
2	PROPOSED DEVELOPMENT	Residential aged care facility
3	STREET ADDRESS	17 Millar Street, Drummoyne
4	APPLICANT/OWNER	Scalabrini Village Limited
5	TYPE OF REGIONAL DEVELOPMENT	S96(2)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 (Remediation of Land) ○ Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP • Draft environmental planning instruments: Canada Bay Local Environmental Plan 2013 • Development control plans: • City of Canada Bay Development Control Plan • Planning agreements: Nil • Regulations: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 6 September 2016 • Clause 4.6 variation request: Nil • Written submissions during public exhibition: • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ Object – Glynis Brown, Lino Caccavo, Tim Blythe on behalf of surrounding residents ○ On behalf of the applicant – Katie Formston
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council supplied electronic briefing notes
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report