

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 18 January 2018
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, Kevin Hoffman, John Brockhoff
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Megna and Angelo Tsirekas declared a conflict of interest due to the Council connection to the site of the proposed development.

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney, on 18 January 2018, opened at 10.15am and closed at 12.30pm.

MATTER DETERMINED

2017SCL013 – Canada Bay – DA2017.0023 at 8-12 Kings Road Five Dock (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 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to allow time for the applicant to submit a clause 4.6 variation request and for council to assess this document.

The Panel further 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 proposal complies with all relevant controls, with the exception of parking. As regards the provision of parking, the Panel was satisfied with the council's assessment of the cl 4.6 justification submitted by the applicant to justify the parking layout.






The Panel accepts that the clause 4.6 variation request is well founded and there is sufficient environmental grounds to justify the variation. There is considerable benefit in providing additional onsite car parking in order to minimise current parking congestion in Kings Avenue.

- The proposal provides for an important social need, that of aged accommodation.
- The proposal is in an ideal location for aged housing.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended by the council memo dated 17 January 2018 with the following further amendments.

- Condition 8 is deleted.
- Condition 22 to be amended to include the following:
The landscape plan to be changed so that two lophosteman confertus on the northwest boundary are to be replaced with two banksia intergrifolia.
- Condition 28 is deleted.
- Amend Condition 31 to include the following sentence within the condition:
The "stop sign" should not obstruct the driver's view of the footpath via the splayed walls in condition 5 herein.
- Condition 76 is amended to delete all references to demolition.
- An additional condition is imposed requiring that lifts not be used for the management of garbage disposal.
- An additional condition is imposed requiring an 800mm hedging with a mature height of 3m on the western boundary adjacent to the proposed temporary bin storage area.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Kevin Hoffman
 John Brockhoff	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL013 – Canada Bay – DA2017/0023
2	PROPOSED DEVELOPMENT	Construction of a seniors living development containing 79 self-contained apartments within 2 x 4 storey buildings over basement car parking.
3	STREET ADDRESS	8-12 Kings Road Five Dock
4	APPLICANT OWNER	Creative Planning Solutions Baptist Care NSW & ACT
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> City of Canada Bay Development Control Plan 2017 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 12 December 2017 Applicant submissions: 15 January 2018, 17 January 2018 Council memo: 17 January 2018 Clause 4.6 variation request (received at meeting): 18 January 2018 Council memo re clause 4.6 variation request (received at meeting): 18 January 2018 Written submissions during public exhibition: 29 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection: Maureen Williamson (read by Kim Holt) On behalf of the applicant – Daniel Grovers, Mike Ferner
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting: 8 June 2017 Final briefing meeting to discuss council's recommendation, 18 January 2018 at 9.30am. Attendees: <ul style="list-style-type: none"> Panel members: Carl Scully (Chair), Sue Francis, John Roseth, Kevin Hoffman, John Brockhoff Council assessment staff: Peter Giaprakas, Shannon Anderson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report