

14 November 2016

**Our Ref:** P15-235 (MW)

**The General Manager**  
Sutherland Shire Council  
Locked Bag 17,  
SUTHERLAND NSW 1499

**Attention: Slavco Bujaroski**

Dear Slavco,

**RE: RESPONSE TO ASSESSMENT REPORT FOR DEVELOPMENT APPLICATION (DA)  
16/0994 (JRPP: 2016SYE087) FOR DEVELOPMENT AT 31-39 STURT ROAD, AND 2-4 & 2A  
LOCKSLEY STREET, CRONULLA**

We refer to the Assessment Report for the abovementioned DA that has been forwarded to the Joint Regional Planning Panel (JRPP) for determination on the 16 November 2016 (JRPP Reference: 2016SYE087). The report currently recommends refusal of the application as a result of various concerns identified by Council.

In our opinion, the reasons for refusal are not justified and the DA can be approved in its current form. Specifically, the concerns and reasons for refusal were responded to during the assessment process which were addressed through the submission of amended plans and information. However, to reiterate our position, we provide the following response in relation to each of the "major issues" that Council identified:

#### **Compatibility with the Context**

The existing "context" and "character" is made up of one (1) and two (2) storey detached dwellings and **the existing residential aged care facility** which is currently operating on the site. The proposed extension of this facility is thus compatible within this context. Design responses and how the development is compatible are summarised as follows:

- As viewed from **Sturt Road**, the proposal presents as a two (2) storey built form which was also acknowledged by the Architectural Review Assessment Panel (ARAP). Accordingly, the development is consistent with the two (2) storey character of the surrounding area, and is "*low scale in appearance and will fit well into the streetscape*", as concluded by the ARAP. The proposal is below the height limit under the Seniors SEPP at this elevation.
- The lower ground level adjacent to **Sturt Road** will not be visible from the public domain given the proposed fencing and landscaping treatments. This will only be seen if a

person was to leave the footpath and peer over the fencing/landscaping. This built form element is consistent with the existing facility, which forms part of the character of the area.

- The building fronting **Sturt Road** includes articulation and variation in materials and finishes to assist in mimicking the design of 'dwelling houses'. The upper levels also include glass elements to provide opportunities to view through the building.
- Further to the above, as the development is for the expansion of an aged care facility, which is permissible under the Seniors SEPP as well as the SLEP, it is not practical to provide a built form fronting Sturt Road that includes physical breaks and separation, as a detached dwelling houses would. To do so would jeopardise the functionality of such a facility and the purpose for which it is built.
- The development provides two (2) separate built forms fronting **Locksley Street**, which is consistent with the existing dwellings located on the site. The amended plans submitted improve the relationship to the public domain, by increasing the front setback and incorporating additional landscaping. This built form element is less dense and visually obtrusive than compliant dwelling houses in this location. In fact, the building is lower in height than the existing dwelling situated at 4 Locksley Street.
- The landscaping proposed contributes positively to the streetscape and presentation of the site.

## Building Density and Landscaped Area

### Development Standards

Council have **incorrectly** stated that the 'standards that cannot be used to refuse development consent' under clause 48 of the Seniors SEPP require a clause 4.6 variation request submitted should these controls be exceeded. To clarify, these are not development standards, rather they are standards that cannot be used to refuse consent; if they are exceeded one must provide a merit based assessment as to their suitability, and a clause 4.6 variation is not required. It is noted that by approving DA 13/0940 for the Links Building the existing development was under the 25m<sup>2</sup>/bed landscaping requirement (i.e. 21m<sup>2</sup>/bed approved) and Council did not (correctly) require a clause 4.6/SEPP 1 variation prior to its approval. This approach has also been consistently applied by the JRPP, with some recent examples outlined below for residential aged care facilities that exceeded the requirements under this clause:

- (i) 1034-1036 Old Princes Highway, Engadine Sutherland Council (2012SYE005):
  - Height approved: 22.6m/6 storeys (8m SEPP control).
- (ii) 99R Caldarra Avenue, Engadine–Sutherland Shire Council–Sydney East JRPP (2010SYE079).
  - Height approved: 22.6m/6 storeys (8m SEPP control).
- (iii) 6-8 Cranbrook Road, Bellevue Hill–Woollahra Municipal Council–Sydney East JRPP (2014SYE145).
  - Height approved: 9.35m (8m SEPP control);
  - FSR approved: 1.08:1 (1:1 SEPP control); and
  - Landscaped Area approved: 19.7m<sup>2</sup>/bed (25m<sup>2</sup> SEPP Control).

- (iv) 170-176 Sailors Bay Rd & 47-51 Baringa Rd, Northbridge-Willoughby Council- Sydney East JRPP (2010SYE075)
  - Height approved: 9.5m (8m SEPP control);
  - FSR approved: 1.24:1 (1:1 SEPP control); and
  - Landscaped Area approved: 22.7m<sup>2</sup>/bed (25m<sup>2</sup> SEPP Control).
- (v) 2 Laguna St, Vaucluse-Woollahra Municipal Council- Sydney East JRPP (2012SYE091)
  - Height approved: 18.4m (8m SEPP control); and
  - FSR approved: 1.81:1 (1:1 SEPP control).

Accordingly, a clause 4.6 variation (formerly known as SEPP 1) is not required for clause 48 of the Seniors SEPP. It is to be noted that the current position adopted by Council is inconsistent with Council's previous understanding of this clause of the Seniors SEPP as demonstrated above.

### **Building Density**

Despite the proposal exceeding the FSR of 1:1 under clause 48 of the SEPP, the proposal is considered to have an appropriate building density (i.e. 1.12:1) in the circumstances for the following reasons:

- The majority of the bulk and mass of the development is situated centrally on the site, away from the boundaries to adjoining properties, as well as below ground level.
- The floor space attributed to the exceedance of the 1:1 control does not have an adverse impact to the surrounding properties or the public domain as it is largely situated downslope from Sturt Road, at the lower level, and is not overly visible.
- The site adjoins an existing golf course on the northern boundary, and there is no view from any residential property towards the development from the north.
- In a hypothetical scenario where GFA was removed centrally from the site and from below ground (at Sturt Road) to achieve strict compliance with the FSR control the bulk and scale of the development as viewed would not change.

### **Landscaped Area**

Despite being under the specified minimum of 25m<sup>2</sup>/aged care bed (i.e. proposed 19.2m<sup>2</sup>/bed including the external decks), the landscaped area provisions are considered appropriate for the following reasons:

- The site has a significant slope from Sturt Road (south) towards the golf course (north), and falls approximately 11m-12m. This steeply sloping site makes it difficult to provide additional landscaping which would be practical to use for the residents.
- The average age of the users of the facility is 88 years. In the applicant's experience, most of the residents spend the majority of their time indoors utilising the communal areas. Additional outdoor space would not necessarily be beneficial to the intended users of the facility.

- The facility has been designed to maximise outlook opportunities from communal areas towards the landscaped areas provided and the golf course. In addition, external communal decks have been situated throughout the development for increased outdoor space. This all contributes to the sense of being outdoors and is considered a suitable alternative given the site constraints and age of the residents.
- The landscaping proposed has been provided around the edges of the site, and will contribute to the landscape setting within the street. Despite Council's claims, the landscaping within the front setback to Sturt Road will be visible to the public domain and will contribute to the streetscape character once matured.
- The existing facility currently does not provide the minimum landscaped area as required under the SEPP (i.e. 21m<sup>2</sup>/bed), and yet provides a high quality residential environment enjoyed by the residents.

## Building Height

Despite exceeding the 8m requirement under the Seniors SEPP, the height proposed (i.e. up to 10.2m in the middle of the site) is considered suitable for the following reasons:

- The breach of the height standard is largely attributed to the steeply sloping nature of the site. With the exception of the Links Building, the development is under the height standard where the development is viewed from the public domain.
- The height of the Links building is considered appropriate and does not have any adverse impacts because of its non-compliance with the height standards under clause 40 of the Seniors SEPP. Whilst this building could technically comply with the height standard, given the lack of physical impacts and the fact it is consistent with the existing height of the Links building already constructed (i.e. the standard has already been varied to the same degree for this particular site), it provides a better planning outcome given it allows for additional aged care beds that receive high levels of amenity. There is no benefit in complying with the standard in this location and there would be no public benefit.
- The Links building will be screened by existing vegetation when viewed from the golf course and will not have any visual impact from surrounding residential properties (see **Annexure 1**).
- It could be argued that the one (1) storey development standard for (Clause 40(4)(c)) does not apply to the development as there is no traditional 'rear boundary'. The northern boundary can be described as a side boundary. We however submitted a without prejudice clause 4.6 variation as part of the DA to be consistent with the previous DA.
- Council have previously accepted the breach of the height standards for this particular site, with an approved 9.1m height under DA 13/0940. The proposed expansion of the existing building continues the similar design approach.
- The upper level fronting Sturt Road results in the presentation of a two-storey building along this frontage, and is below the height standard at this elevation. This frontage screens the remainder of the development as viewed from Sturt Road.

## Views

- Except for 20 Sturt Road, all properties retain some views to the north, including views of the water and Sydney CBD skyline.

- The views that are lost from the upper level of the development, are affected by a portion of the building that is under the 8m standard under the SEPP, and is also well below Council's 8.5m standard under the SLEP. The areas that breach the standard are located downslope from Sturt Road, and do not contribute to the loss of any views from surrounding residential properties. Compliance with the standard where it does breach would not necessarily improve the views to the north.
- Compliant dwellings on the site have the potential to create the same or possibly worse view impacts as the proposed development.
- The upper level of the building has been redesigned to reduce the potential loss of views from the affected properties. Further reductions to the floor plate would reduce the number of beds on this level, and would result in it not meeting the minimum servicing requirements to justify this additional level.
- The proposal is consistent with the Planning Principles established under *Tenacity*.

### Traffic and Parking

Council's engineer raised concerns relating to the manoeuvrability of vehicles within the car park. McLaren Traffic Engineering have reviewed the comments made by Council and the basement configuration of the proposed development and make the following conclusion:

*"The car parking spaces are for staff only, representing low turnover parking. The manoeuvring of up to 5 points is considered acceptable in this instance as the minor inconvenience is accepted by staff vehicles only and does not result in congestion or safety issues due to the small size of the car parking areas and the low turnover of car parking spaces."*

The report is provided at **Annexure 2**, which also includes additional swept path diagrams.

It is considered that the proposed development is supportable, and should not be refused for the reasons outlined in Council's assessment report.

Yours Sincerely,



**Juliet Grant**  
EXECUTIVE DIRECTOR

(attachment)

CC: [jrppenquiry@jrpp.nsw.gov.au](mailto:jrppenquiry@jrpp.nsw.gov.au)

[Kim.Holt@planning.nsw.gov.au](mailto:Kim.Holt@planning.nsw.gov.au)

ANNEXURE 1-Views towards the site from the adjoining golf course









## ANNEXURE 2-Advice prepared by McLaren Traffic Engineering





## M<sup>C</sup>LAREN TRAFFIC ENGINEERING

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Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

14th November 2016

Reference: 16049.03FA

Morrison Design Partnership  
Suite 302, 69 Christie Street  
St Leonards NSW 2065  
Attention: Vee Chin

### **RESPONSE TO SUTHERLAND SHIRE COUNCIL'S ASSESSMENT REPORT TO THE JOINT REGIONAL PLANNING PANEL (JRPP) FOR THE PROPOSED EXTENSIONS TO THE EXISTING RESIDENTIAL AGED CARE FACILITY AT 31-37 STURT ROAD, CRONULLA**

Dear Vee,

Reference is made to your request to Sutherland Shire Council's assessment report for the Joint Regional Planning Panel (JRPP). Council has commented that:

*"The proposed vehicle manoeuvring within the northern and southern basement levels will require excessive turns to access the parking spaces and should not be supported given that this is a new facility able to be designed to achieve acceptable manoeuvring."*

To the contrary, the on-site manoeuvring for staff car parking spaces is within the acceptable number of manoeuvres as per Australian Standard 2890.1:2004. The relevant swept paths are provided in **Annexure A** for reference.

The vehicle manoeuvring has been tested using AutoCAD Vehicle Tracking, using the Australian Standard 85<sup>th</sup> percentile vehicle as the design vehicle. The on-site manoeuvring is shown for the most affected car parking spaces. The manoeuvring for some car parking spaces are achieved with a total of 3 to 5 manoeuvres. AS2890.1:2004 recognises that "A reduction in aisle width from 6.2m to 5.8m has been allowed...this concession which is designed to be of assistance where space is limited, recognises that such developments will have low turnover and users generally prepared to accept some inconvenience when entering or leaving the parking space. Tests have shown that most vehicles larger than the B85 vehicle will need to make a 3-point turn if the manoeuvring space is the minimum allowable. Some very large vehicles may need to make a 5-point turn."

The car parking spaces are for staff only, representing low turnover parking. The manoeuvring of up to 5 points is considered acceptable in this instance as the minor inconvenience is accepted by staff vehicles only and does not result in congestion or safety issues due to the small size of the car parking areas and the low turnover of car parking spaces.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

**McLaren Traffic Engineering**



**Craig McLaren**

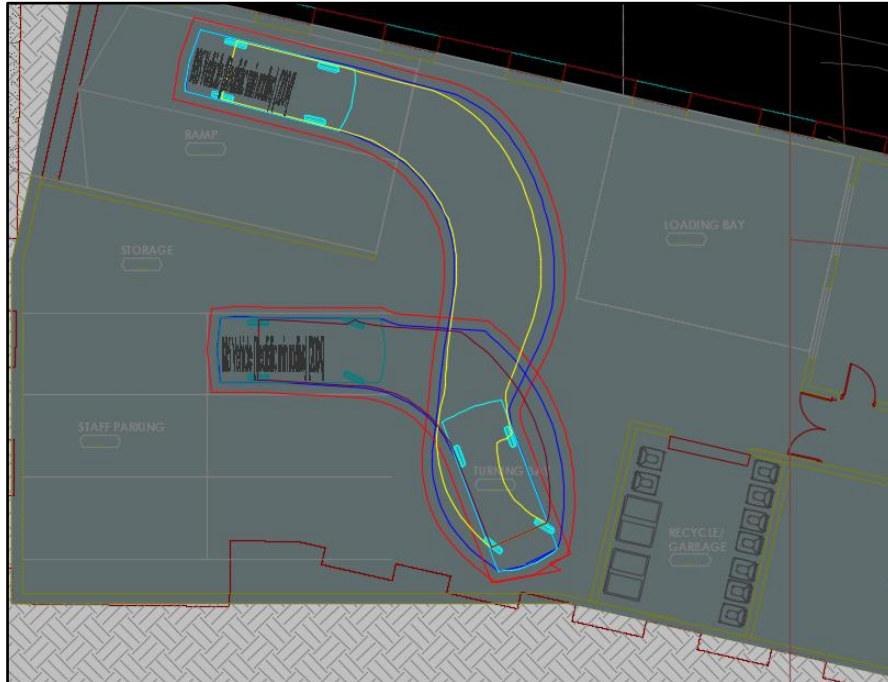
**Director**

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]

RMS Accredited Level 3 Road Safety Auditor

RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)

**ANNEXURE A: SWEEP PATHS (SHEET 1 OF 6)**



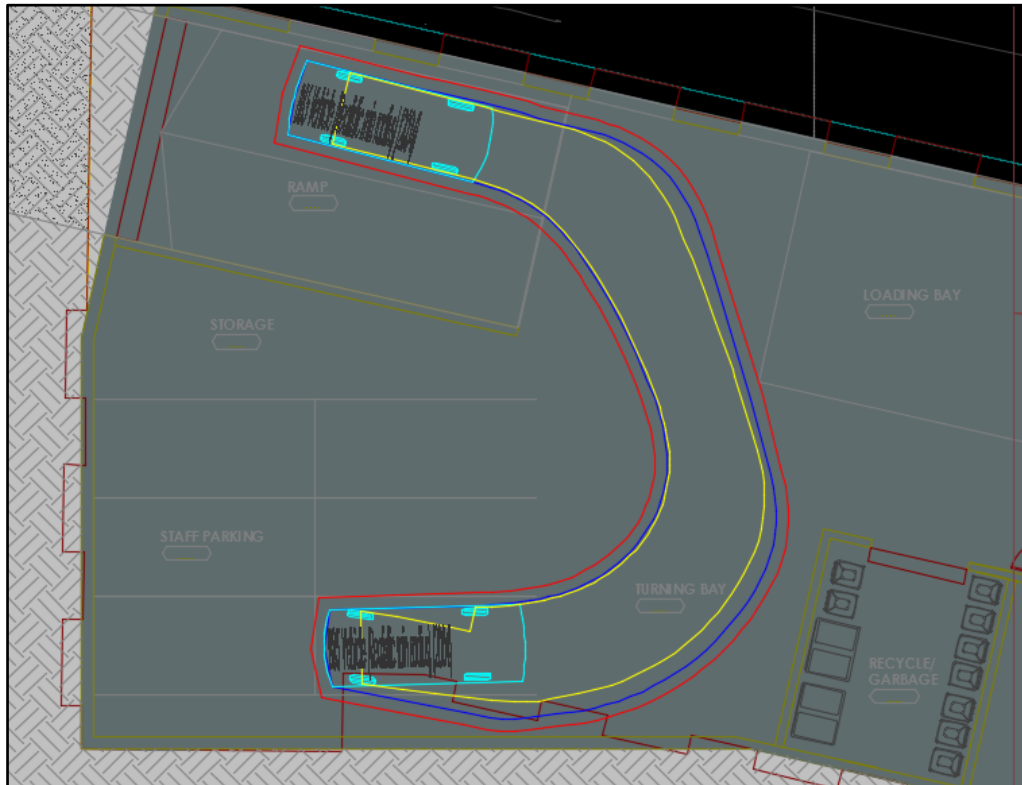
**B85 Entry & Exit (Space 1 & 2) of southern car park**  
2 manoeuvres entry; 3 manoeuvres exit  
5km/h  
Successful

**ANNEXURE A: SWEEP PATHS (SHEET 2 OF 6)**



**B85 Entry & Exit (Space 3 & 4) of southern car park  
3 manoeuvres entry; 2 manoeuvres exit  
5km/h  
Successful**

**ANNEXURE A: SWEEP PATHS (SHEET 3 OF 6)**

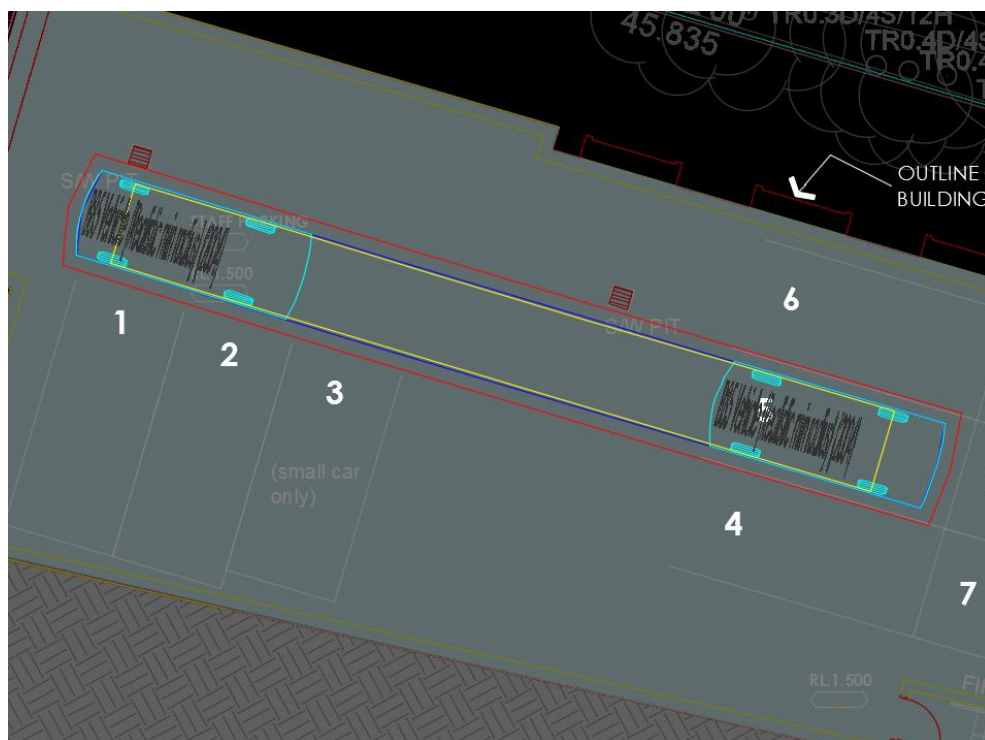
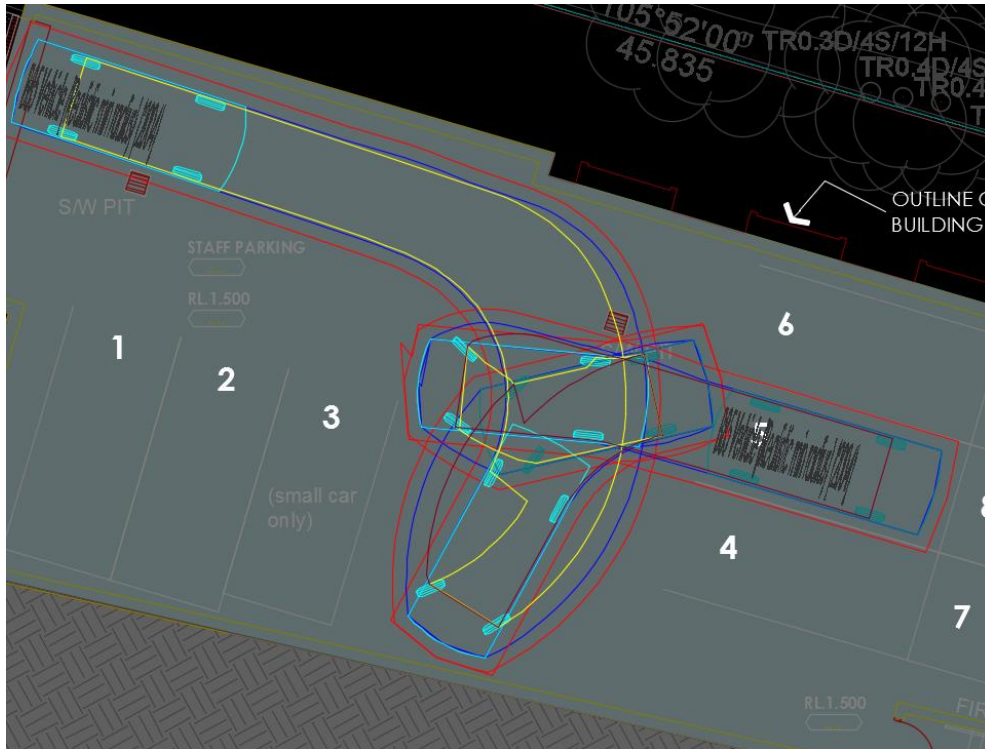


**B85 Entry & Exit (Space 5 & 6) of southern car park**  
**1 manoeuvres entry; 2 manoeuvres exit**  
**5km/h**  
**Successful**



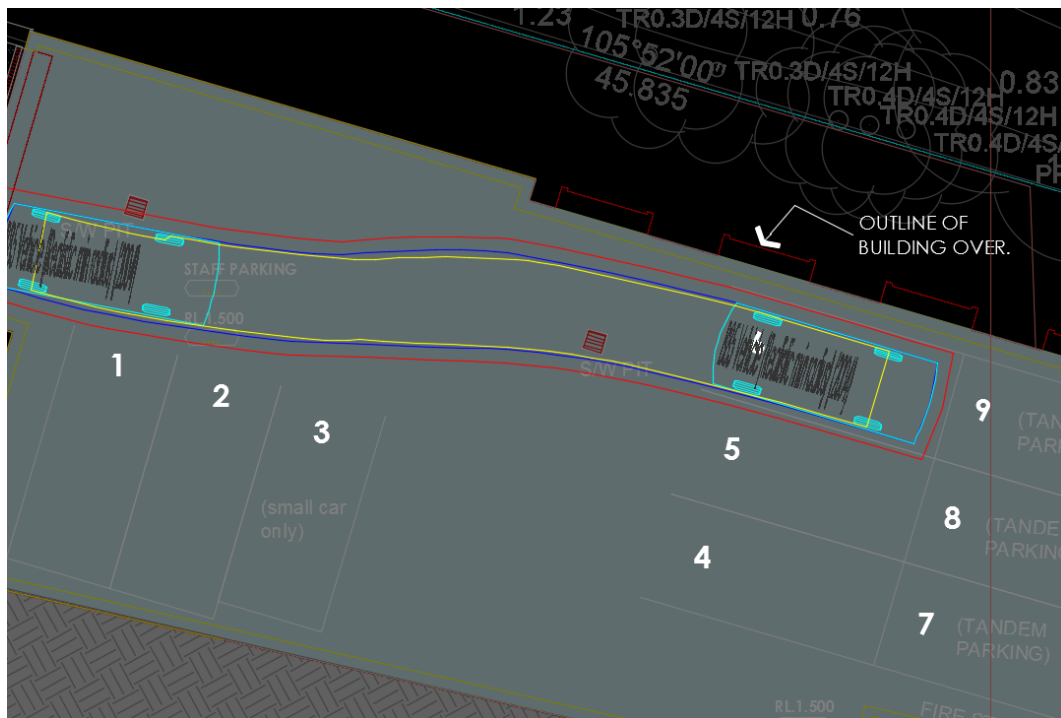
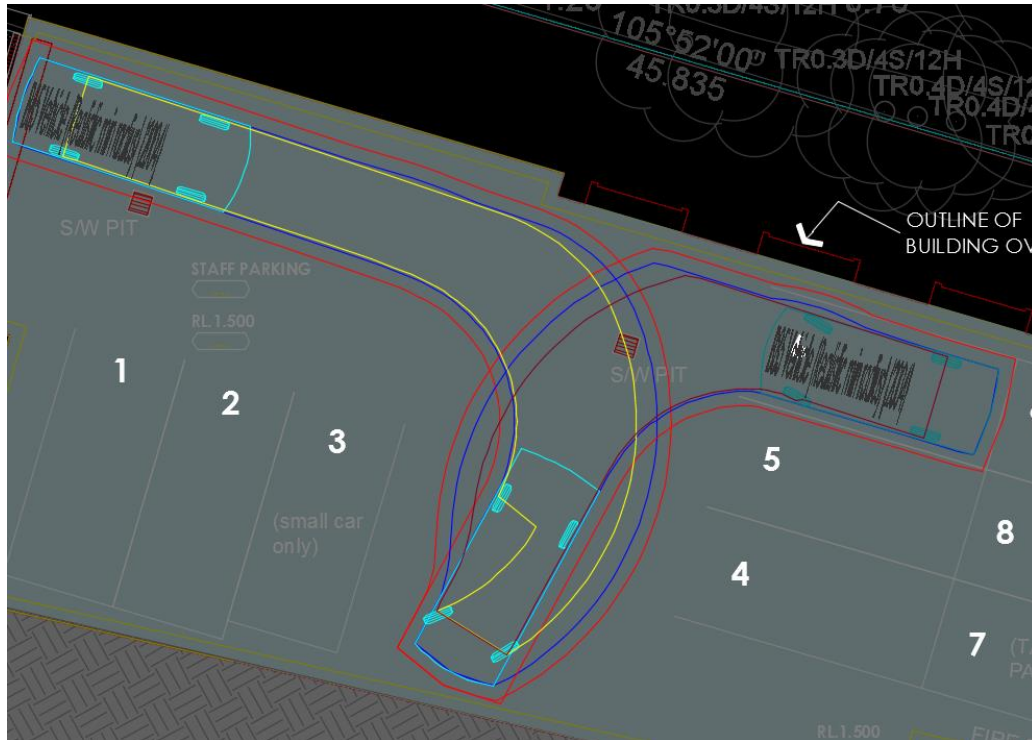


**ANNEXURE A: SWEEP PATHS (SHEET 5 OF 6)**



**B85 Entry & Exit (Space 5 & 8) of northern car park**  
4 manoeuvres entry; 1 manoeuvres exit  
5km/h  
Successful

**ANNEXURE A: SWEEP PATHS (SHEET 6 OF 6)**



**B85 Entry & Exit (Space 6 & 9) of northern car park**  
2 manoeuvres entry; 1 manoeuvres exit  
5km/h  
Successful