



The Chair
Sydney Eastern City Planning Panel
C/- Planning Panels Secretariat
GPO Box 39
Sydney NSW 2001

12 March 2018

Re: Panel Ref 2017SCL054 - DA-506/2017 – 2 Kensington Street, Kensington

Dear Mr Scully,

We write on behalf of St Joseph's Aged Care Facility and Sisters of Our Lady of the Sacred Heart, the applicants for DA-506/2017.

We write in support of the recommendation for approval that has been made. We will also be attending the determination meeting to be held. The purpose of this submission is to seek clarification, refinement or deletion of a number of the proposed conditions of development consent. Each condition we seek reconsideration of is detailed below.

Condition 4 – Colours and material

The condition is superfluous. The materials and finishes proposed have been submitted with the Development application. The applicant would accept a condition imposing these as the palette of materials to be utilised.

Condition 7 – Section 94A Development Contributions

Please find attached a copy of a request to Council dated 2 March 2018 requesting exemption from the contribution based upon the applicants not for profit charity status. We understand that the assessment report was finalised prior to receipt of the submission and therefore not considered by Council. Deletion of the condition is requested.

Condition 13 Street Tree Protection Measures

The condition seeking protection of trees T28 and T30 appears to be an error. These trees are specifically nominated as being removed and to be replaced in the arborists assessment. These trees are in the vicinity of the new access which requires a regrading of the verge within which the trees are planted. Retaining these trees and providing access is not possible. A condition requiring the replacement of these trees would be more appropriate.

Condition 15 Traffic conditions

The driveway access is being created through a brick perimeter wall which forms part of the heritage listing of the site. The inclusion of splays would appear to be unnecessary in this instance as:

- Due to the topographic constraints, there is no public pedestrian footpath on this side of Tunstall Avenue traversing in a north - south direction,
- All vehicles enter and exit the site in a forward direction,
- A splay would conflict with the ambulance parking bay approximately 1.0m inside the boundary
- The boundary is well setback from the constructed kerb, meaning that when a vehicle preparing to enter onto the road carriageway it would be well beyond the line of the brick wall.

Deletion of this condition is requested.

Condition 21(o)

The condition is seeking a revision to the drainage line to accommodate the retention of Tree T30. As noted above in the discussion of Condition 13, tree T30 was identified for removal in the arborists report submitted.

Deletion of this section of the condition is requested.

Condition 24 Garbage Room

The application has been prepared to utilise the existing loading dock and waste collection facilities located of Tunstall Avenue to the south of the new building. This centralised waste collection and loading area will continue to service the site. Deletion of the condition is requested.

Condition 25 Waste Storage areas

There are no waste storage areas proposed within the basement. Therefore, the condition is requested to be deleted.

Condition 31 Home Building Act 1989

The Home Building Act 1989 does not apply to the development. Deletion of the condition is requested.

Condition 39 Street Tree Management

Part (a), first bullet point should be updated to include a reference to trees T28 and T30 as discussed in the comment on Condition 13 above as these street trees were identified for removal in the arborists report.

Condition 61 Tree Removal

The conditions do not appear to have included the removal of tree T12 (Coral Tree) identified in the arborists report. We request that the condition be updated to include the removal of this tree.

Condition 66 Occupation Certificate Requirements

It is requested that the condition be revised to permit the issue of an interim occupation certificate for the replacement aged care bed when they become available. This will allow the decanting of the residents from the existing accommodation into the new accommodation to allow the refurbishment of the existing buildings

Condition 49 and 50 (on page 81)

The condition numbering requires update. As printed there are two separate conditions 49 and condition 50.

Thank you for taking the time to consider this request. Should you wish to discuss any of the above matters, please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Scott Barwick". The signature is written in a cursive style with a large initial 'S' and 'B'.

Scott Barwick
Associate Director

Attachment: Letter to Council 2 March 2018



Randwick City Council
30 Frances Street
Randwick NSW 2031

Attn: Frank Ko

2 March 2018

Re: DA-506/2017 – 2 Kensington Street, Kensington

Dear Mr Ko,

We write on behalf of St Joseph's Aged Care Facility and Sisters of Our Lady of the Sacred Heart, the applicants for DA-506/2017.

The application, as you are aware, is for the replacement of the existing nursing home accommodation on the site with a new, contemporary facility.

The site at 2 Kensington Road, Kensington, is subject to the provisions of the Randwick Section 94A Development Contributions Plan 2015 (S94A Plan).

Clause 13 of Part 1 of the 94A Plan details the circumstances where development is exempt from the levy, or where exemption may be considered.

Clause 13.2.2 identifies that exemption can be considered for works undertaken by not-for-profit charities, and where there will not be an increase in the demand for public works or infrastructure.

The St Joseph's Aged Care Facility is a registered charity (refer Attachment 1), providing benefits to persons with a disability.

The new building for which consent is sought is to accommodate existing aged care nursing home beds already at the site in a contemporary facility which meets current standards.

The accommodation is nursing home style accommodation for high care residents. The facility provides on-site nursing care, meals, and supports the daily needs of the residents. The incoming residents of the new facility already occupy accommodation on the site. The new building is replacement accommodation for the current facilities, and is not significant additional accommodation on the site, with the new works proposed to add three (3) accommodation beds overall with the decommissioning of the existing nursing home beds on-site

The residents of the facility are predominantly high care or dementia patients who generate little or no demand on any public infrastructure or services. Any demand that there may be is already generated by the residents already living on the site, and this capacity is not being materially increased.

On the basis that the proposal is for the provision of a nursing home style residential care facility, operated by a registered charity, replacing existing accommodation that does not materially increase the existing on-site accommodation capacity, an exception to the S94A levy is sought.

The proponent and proposal satisfy the criteria for exception under Clause 13.2.2 of the S94A Plan, and Council's positive consideration of the request is sought.

Should you wish to discuss any of the above matters, please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Scott Barwick". The signature is written in a cursive style with a large initial 'S'.

Scott Barwick
Associate Director

St Joseph's Aged Care Facility Kensington

Charity Details	
Name	St Joseph's Aged Care Facility Kensington
Other Name	
Charity ABN	80117329861
Charity Address for Service	fabian.molyneux@olshaustralia.org.au
Charity Street Address	St Joseph'S Aged Care Facility 2 Kensington Rd Kensington NSW 2033 AUSTRALIA
Website	
E-Mail	fabian.molyneux@olshaustralia.org.au
Phone	
About the Charity	
Date Established	01/01/2006
Who the Charity Benefits	People with Disabilities
Size of Charity	Large
Financial Year End	30/06
Where the Charity Operates	
Operating State(s)	New South Wales
Operates in (Countries)	

Using the information on the Register

Information on this Register has been provided to the ACNC by the charity or transferred from the Australian Taxation Office (ATO) and the Australian Business Register (ABR). If information is not shown, this may be because the charity has not yet provided the information or because the ACNC is progressively confirming and uploading information received. The ACNC may also approve information be [withheld from the Register](#) in certain circumstances. The Register will be updated over time as we work through the information received and any applications for information to be withheld. Read more about [information on the Register](#).

St Joseph's Aged Care Facility Kensington

Registration Details	
Entity Type	Charity
Sub-Entity Type	2014 Public benevolent institution (01/01/2014) Charity to select subtype
Registration Status	Registered
Basic Religious Charity	N

Responsible Persons	
<u>Position</u>	<u>Name</u>
Director	Paul Taranto
Director	Peter McGuinn
Director	Pauline Richards
Chairperson	Robert Casamento
Director	Paul Stinson
Director	Mary Stevens
Public officer	Fabian Molyneux

Registration Status History	
<u>Effective Date</u>	<u>Status</u>
03/12/2012	Registered

SubType History		
<u>Start Date</u>	<u>End Date</u>	<u>Entity Subtypes</u>
1/01/2014		2014 Public benevolent institution
3/12/2012	31/12/2013	2012 Another purpose beneficial to the community
3/12/2012	31/12/2013	2012 Public benevolent institution (PBI)

Annual Reporting			
<u>Due Date</u>	<u>Document</u>	<u>Status</u>	<u>Date Received</u>
31/03/2014	AIS 2013	Received	17/03/2014
31/01/2015	AIS 2014	Received	24/10/2014

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St Joseph's Aged Care Facility Kensington

31/01/2016	AIS 2015	Received	03/11/2015
31/01/2017	AIS 2016	Received	27/10/2016
31/01/2018	AIS 2017	Received	26/10/2017
31/12/2018	AIS 2018		

Charity's Documents

<u>Date</u>	<u>Document Type</u>	<u>Description</u>
17/03/2014	Financial Report	St Joseph's Audited Financial Statements 2013.pdf
24/10/2014	Financial Report	Audited & Signed Fin Statements 2014.pdf
03/11/2015	Financial Report	SJACF - 2015 Financial Statements (Signed 27 10 15).pdf
27/10/2016	Financial Report	Financial Audited Statements 2016 - St Joseph's Aged Care NAPS 2972.pdf
17/03/2014	Governing document	Consitution St Joseph's Aged Care.pdf
26/10/2017	Financial Report	St Joseph's Aged Care - 2017 Financial Statements (signed).pdf

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