

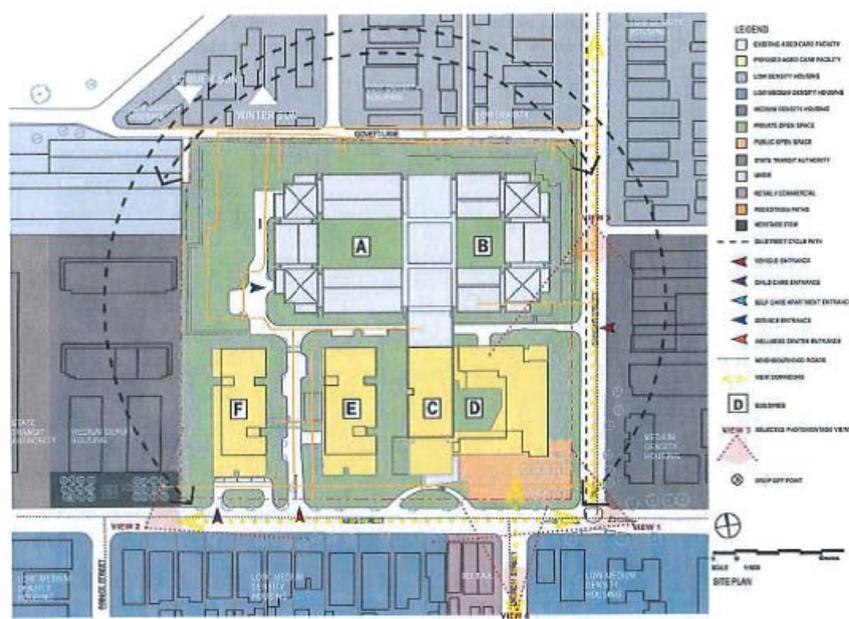
## Sydney Eastern City Planning Panel

<b>SCPP No.</b>	2018SCL026
<b>DA No:</b>	DA/132/2017/C
<b>Street Address</b>	30-36 Dangar Street Randwick
<b>Applicant</b>	Equity Development Management
<b>Owner</b>	Sir Moses Montefiore Jewish Home
<b>Number of submissions</b>	1
<b>Recommendation</b>	Approval
<b>Report By:</b>	William Jones

### 1. Executive Summary

Council is in receipt of a Section 4.55 (2) modification to DA/132/2017 seeking consent for reduction in car parking, changes to balconies in Buildings E and F, internal changes, external changes to facades, alterations to landscaping and letterbox, changes to external stairs, alteration to communal area in Building E, alteration to awnings, revised Building C level 1 courtyard, and addition of plant on the roof of Buildings E and F at the Montefiore Seniors Housing site.

The proposal seeks to modify Buildings E, F and a portion of Building C, which were approved by DA/132/2017 for expansion of the Sir Moses Montefiore Jewish Home aged care facility on 7 September 2017 by the Sydney Central Planning Panel. The original DA was prepared in accordance with the requirements of the Concept Plan approval MP09\_0188 (as modified) that applies to the site for expansion of the existing aged care facilities approved on 19 July 2011 under Part 3A of the (previous) *Environmental Planning and Assessment Act 1979* by the Planning Assessment Commission (refer to the Relevant History section of this report).



Source: Proponent's submission

Figure 1. Orientation of buildings as approved in Modification 2 of Concept Approval (MP09\_0188 MOD 2).

The Section 4.55 (2) modification application is referred to the Sydney Eastern City Planning Panel for determination given the Sydney Eastern City Planning Panel was the consent authority for the original DA. The original DA was referred to the Sydney Eastern

City Planning Panel for determination pursuant to Schedule 4A, of the (former) Environmental Planning and Assessment Act 1979 and Part 4 of the State Environmental Planning Policy (State and Regional Development) 2011, given the development had a capital investment value in excess of \$20 million.

The Section 4.55 (2) modification was publicly notified to surrounding property owners and was advertised within the local newspaper with site notification attached to the subject site in accordance with the Randwick Comprehensive Development Control Plan 2013 (RDCP). One submission was received in response to the public exhibition raising issues with the reduced number of parking spaces and lack of parking restrictions along Govett Lane.

The key issues associated with the proposal relates to the reduction in car parking spaces (from 97 as approved to 95), increased gross floor area (GFA) and decreased building separation. Another key issue is whether a modification to the Concept Plan approval - MP09\_0188 (as modified) is required to facilitate the proposed increased GFA and decreased building separation.

With regards to car parking, despite the reduced parking spaces, the development remains compliant with the parking requirements stipulated by the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (i.e. 77 parking spaces required).

The proposal involves changes to the building envelope specified by the Concept Plan approval with regards to shifting of the glass lines for the eastern façade of Building F, and east and western facades for Building E. The changes are relatively minor (i.e. by 300mm & 550mm) and will improve the amenity for occupants and not perceivably change the approved bulk of the development outside of that envisaged by the approved building envelope. The proposed modifications to the balconies were also supported by Council's Design Excellence Panel.

Importantly, the approved development consent for the Concept Plan approval requires development to be "generally in accordance with" the approved building envelopes. The proposed modifications will result in a building that is considered to be generally in accordance with the approved building envelopes as specified by the development consent, therefore a modification to the Concept Plan approval MP09\_0188 is not considered necessary.

With regards to decreased building separation, as a result of changes to the balconies the building separation between Block E and Block F has decreased from 25.5m to 24.65m and between Block E and existing Block C from 15m to 14.45m. Despite this, the building separation remains compliant with the Apartment Design Guide (requiring up to 9m building separation maximum).

The other proposed modifications do not seek to change the building envelopes and offer improved amenity and improved connectivity between the buildings.

The application was referred to Council's Design Excellence Panel (DEP) as per the requirements of *State Environmental Planning Policy 65 - Design Quality for Residential Apartment Development* (SEPP 65), who supported the proposed modifications noting the changes will not significantly alter the appearance of the approved buildings. The DEP also recommended a cross through link (from King Street to Govett Lane) however this was not enforced by Council given this matter was considered in the assessment of the original Concept Plan approval and was not required as part of the approval. It is also noted that the cross link is problematic having regards to the topography of the site

and there are security and environmental operational requirements of the Seniors housing facility that would not be met.

The application was also referred to Council's Heritage Planner given proximity to two adjacent heritage items to the west and a Heritage Conservation Area to the north. Council's Heritage Planner supports the proposed modifications noting that the proposed changes are generally in accordance with the approved building envelopes and will not affect key site lines to the heritage items or conservation area. The application was also referred to Council's Development Engineer, who supports the reduction in car parking noting that the development will remain compliant with parking rates, exceeding minimum requirements. The application was also referred to Sydney Airport (given additional roof plant is proposed albeit no increased building height) who did not raise any concerns.

The approved development will remain substantially the same development as a result of the proposed modifications in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) that is generally consistent with the Concept Plan approval in accordance with the development consent and will improve the amenity of occupants while not resulting in adverse impacts on the amenity of neighbouring properties. Therefore, the application is recommended for approval.

## **2. Site Description and Locality**

The subject site is located at 100 – 120 King Street and 30 – 36 Dangar Street, Randwick, and is legally described as Lot 202 in DP879576. The site has a total area of 29,353sqm with a 180m frontage to King Street to the south, 165m frontage to Dangar Street to the east and 174m frontage to Govett Lane to the north. The buildings subject to the proposed modifications are Buildings E, F and C. Building C is existing and buildings E and F are yet to commence construction. Buildings E and F will face King Street to the south and will occupy the south-western section of the site.

The northern portion of the site is occupied by the existing residential aged care facility (buildings A and B). Building C extends into the southern portion of the site, which otherwise comprises landscaping. Approved building D sits at the south eastern corner of the site, which is yet to commence construction. The subject site does not contain any heritage items and is not subject to a heritage conservation area.

To the north and north-west of the site is the North Randwick Heritage Conservation Area. To the west of the site is the former Tramways Repair Shop and a brick chimney stack, both listed as heritage items under the RLEP. The adjoining property to the west comprises a multi-dwelling housing development containing 93 dwellings in four buildings and associated car parking for 130 vehicles for residential and 60 for State Transit Authority use. To the east of the site on the opposite side of Dangar Street is a multi-dwelling housing development comprising 3 buildings with a total of 66 dwellings including 137 car spaces at basement level. On the opposite side of King Street to the south is low and medium density housing comprising a mixture of housing types.



Figure 2. Subject site (green) and location of approved buildings C, E and F (orange), and submission (red).

### 3. Relevant History

The following documents the relevant history of approvals on site in chronological order, which includes approvals issued under Delegated Authority, by the Sydney Central Planning Panel (now the Sydney Eastern City Planning Panel), by the Planning Assessment Commission and by the Department of Planning and Environment.

- DA/551/2002: Approved Buildings A, B & C for Stage 1 and pt. Stage 2 of the approved Master Plan comprising 277 aged care beds, synagogue, function room, day care centre & parking for 136 vehicles. Approved by delegated authority on 22 October 2002.
  - There were subsequent modifications to this DA, including changes to the building envelope, room reconfiguration, and landscape changes
- Concept Plan Approval MP09\_0188: For expansion of the exiting aged care facilities on the site for buildings D, E & F. Approved 19 July 2011 (under Part 3A of the EP&A Act) by the Planning Assessment Commission (PAC).

- Concept Plan Modification MP09\_0188 MOD 1: Modification to Condition A2 to provide correct references to the approved Environmental Assessment and Preferred Project Report documents. Approved 11 January 2012 under Part 3A of the EP&A Act by the PAC.
- Concept Plan Modification MP09\_0188 MOD 2: Modification to the built form of Building E, splitting it from a horseshoe shaped design to two buildings (E & F). It also increased the amount of Independent Living Units permissible on the site. Approved 9 August 2016 under Part 3A of the EP&A Act by the PAC.
- Concept Plan Modification MP09\_0188 MOD 3: Modification to remove the child care centre as part of Building F and replace it with two independent living units including amendments to architectural and landscape plans. Approved on 26 July 2017 under Part 3A of the EP&A Act by the PAC.
- Concept Plan Approval MP10\_0044: Stage 1 Project Application for the erection of a 5 level building, comprising retail floor space and residential aged care accommodation and support services, alterations and additions and facade upgrade of existing Building C, construction and embellishment of a public square, basement car parking and a temporary car park. Approved 19 July 2011 (under Part 3A of the EP&A Act) by the PAC.
  - Project Application Modification MP10\_0044 MOD 1: Modification to Condition A2 to provide correct references to the approved Environmental Assessment and Preferred Project Report documents. Approved on 11 January 2012 by the Department of Planning and Environment.
  - Project Application Modification MP10\_0044 MOD 2: Modification to the concurrent Project Application for Stage 1 works (MP10\_0044) for Building D and associated works within Building C. Approved on 25 October 2017 by the Department of Planning and Environment.
- DA/132/2017: Expansion of the Sir Moses Montefiore Jewish Home aged care facility including demolition of existing child care centre and car parks, construction of a 6 storey building (Building F) and a 7 storey building (Building E), containing 79 independent living units, pool and gymnasium, dining room, kitchen, communal room, 2 basement levels containing 97 car park spaces, podium garden, 3 roof top communal terraces, landscaping and associated works. Approved on 07 September 2017 by the Sydney Central Planning Panel.
  - DA/132/2017/A: Minor modification to remove Condition 5 of the conditions of consent relating to S94 contributions. Approved by delegated authority on 8 May 2018.
  - DA/132/2017/B: Minor modification to delete the requirement for undergrounding of power. Approved by delegated authority on 24 April 2018.
- DA/12/2018: The construction of temporary ground level chiller plant at the south-eastern corner of the site. Approved under delegated authority on 2 May 2018.

#### **4. The Proposed Development**

The proposed modifications include the following:

## General

- Retention of 3 existing magnolia trees on site (Trees 49, 52 and 55) along the south side of the existing road between Block A and Blocks E & F that had been approved for removal.
- Reconfiguration of the letterbox awning to provide better weather protection.
- Amendment of Conditions 1 and 31 to facilitate the proposed changes.

## Block E and Block F

- Reduction of car parking from 97 (approved) to 95 (proposed), resulting in a loss of 2 car parking spaces (3 spaces removed from previous proposal and a new space added adjacent to the turning bay).
- Widening of the balconies to Building E and on eastern side of Building F to improve occupant amenity. The specifics of the proposed modification are as follows:
  - Increase in the maximum balcony depth of Building E from:
    - a) Eastern side balcony increase variable depth by a maximum of 550mm.
    - b) Western side balcony increase variable depth by 300mm.
  - Increase in the maximum balcony depth of Building F from:
    - a) Eastern side balcony increase variable depth by a maximum of 550mm. No change to western side balcony variable depth facing the Centennial Apartments
- Provision of external columns on the northern and southern ends of the balconies.
- Re-orientation of Stair 6 to provide improved wayfinding and travel paths.
- Revision of layout of select apartments (apartments E41, E52, and F41).
- Revision of glass line for select apartments in accordance with the balcony revision.
- Minor modifications to the layout of the ground floor communal areas in Building E.
- Modification to landscaping for detention area R1A due to enlarged basin based on Engineering requirements.
- Modification to and addition of awnings to Buildings E and F to provide weather and sun protection for residents within the site.
- Deletion of stairs to private terraces on west side of Building F in favour of providing at-grade entries.
- Change to road kerb radii and footpath at the corner to the north-east of Building F to facilitate appropriate swept paths for waste collection.
- The introduction of a plant area on the roof of Buildings E and F to consolidate services and subsequent reduction in width of the lift overrun.

- Reduction in the number of solar panels on the roofs of Buildings E and F.

Assessing Officer's Comment: The proposed external changes to the buildings associated with the modified glass lines and extended balconies maintain the articulation of the original buildings as approved and will not result in adverse increased visual bulk or overshadowing. It is noted that some of the approved privacy screens have been deleted from the amended balcony designs. However, given that the building separation between Buildings E and F exceed the minimum requirements stipulated by the Apartment Design Guide in relation to visual privacy, the inclusion of the privacy screens as originally approved is not mandatory to achieve visual privacy.

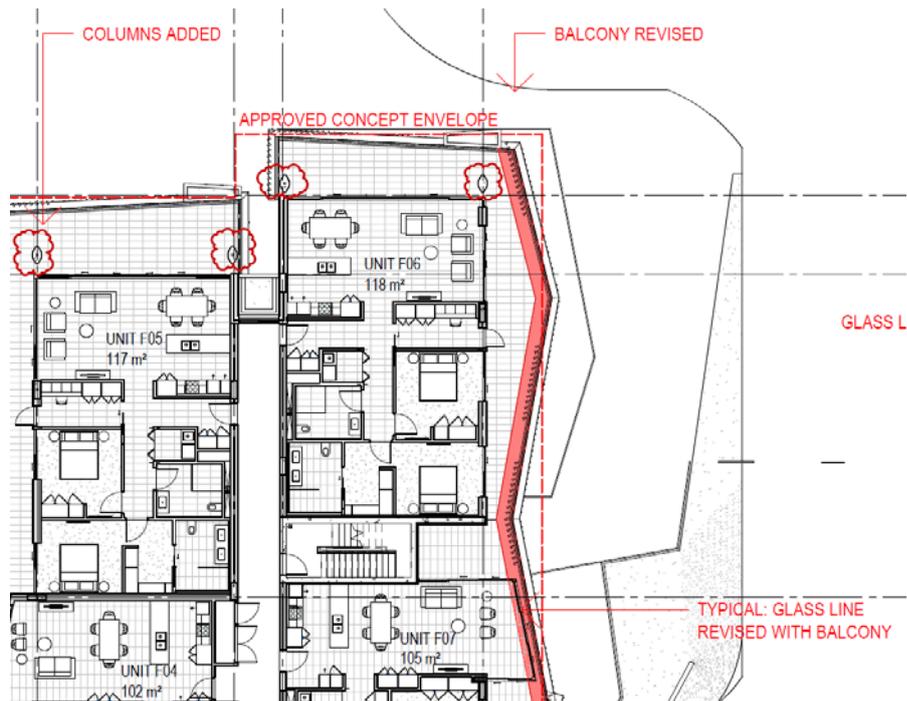


Figure 3. Insert from proposed Upper Ground Floor for Building F showing example of revised balcony and glass line in conjunction with the approved building envelope.

With regards to the plant area on the roof of Buildings E and F, this is proposed to service the photovoltaic cells on the roof and will occupy a portion of the area originally approved as part of the lift overrun. The applicant advises that the approved width of the lift overrun is not necessary and therefore it is also being reduced as part of this application. As illustrated on the submitted drawings, the plant will not exceed the approved height of the lift overrun, being RL 59500 (Block F) and RL 65730 (Block E). The additional plant is well setback from the sides of both buildings and will not result in additional visual bulk or overshadowing.

With regards to the reduced number of photovoltaic cells on the roofs, according to the applicant this was a result of the services contractor recalculating the correct numbers needed to meet BASIX requirements as per the submitted revised BASIX Certificate.

### Block C

- Modification to Building C façade and awning to facilitate the approved undercover access across the campus and to satisfy fire safety requirements.
- Revised Building C courtyard layout on level 1 communal garden including providing a setback between the planters and Building C.

Assessing Officer's Comment: Block C was approved in its entirety by DA/551/2002. However, changes were made to Block C as part of DA/132/2017, including modifications to the façade to facilitate the undercover access. Therefore, the proposed modifications to the Building C façade and awning can be proposed under a S4.55 (2) modification to DA/132/2017 and a S4.55 modification to DA/551/2002 is not necessary.

## 5. Notification/ Advertising

The subject development was advertised/notified to surrounding landowners for a period of 14 days between 14 March 2018 to 28 March 2018 in accordance with the RDCP. As a result one submission from the following property was received:

- 26 Dangar Street

Issues	Comments
Concerns with the proposed reduction in car parking.	Despite the decreased car parking spaces (from 97 to 95), the approved development remains compliant with the parking requirements stipulated by the <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</i> (77 parking spaces required).
Govett Lane is not provided with parking restrictions, which is used by Montefiore staff and reduces availability of on-street parking for surrounding residents. The reduced road width due to parking also restricts Council's garbage truck access.	Compliant off-street parking is provided by the approved development. Concerns related to Council's road networks should be directed to Council's Engineers as a separate matter for consideration.

## 6. Technical Advice: Internal and External

### 6.1 Development Engineer and Landscape Officer

The following advice is provided by Council's Development Engineer and Landscape Officer:

*A Section 4.55 (2) modification has been submitted, seeking consent for a reduction in car parking, changes to balconies in Building's E and F, internal & external changes to some buildings & facades, alterations to approved landscaping and the letterbox, changes to external stairs, alteration to the communal area for Building E, alteration to some awnings, revised Building C level 1 courtyard, and addition of plant on the roof of Buildings E and F at the subject site.*

*This report is based on the following plans and documentation:*

- *Statement of Environmental Effects by Urbis, ref SA5652, dated 27/02/18;*
- *Covering letter by Oculus Landscape Architecture dated 19/11/17;*
- *Amended Landscape Plans by Oculus, dwg's DA-L-101, rev Q, dated 03/07/18; 102, rev A; 103, rev A; 200, rev H; 500-501, rev D & 600, rev C.*

### **Car Parking Comments**

*The proposed modification will result in the loss of 2 parking spaces. Notwithstanding the loss of 2 spaces is undesirable, the proposed parking provision is still significantly in*

excess of that required by Council's RDCP 2013, (estimated at 18 spaces in excess of the RDCP).

The loss of the 2 spaces therefore is not considered significant and no objections are raised.

### **General Development Engineering Comments.**

Apart from the recommended changes to the landscape conditions documented below there are no other changes to Development Engineering conditions required.

### **Tree Management & Landscape Comments**

Both the SEE & Landscape Design Statement detail that the amendments sought are relatively minor, and would not affect the intent of the design that has already been approved, with the changes appearing to relate mostly to improving accessibility throughout the site.

**The assessing officer is advised that, for these reasons, no objections are raised to the changes that are being sought, which will require several existing conditions to be revised.**

Assessing Officer's Comment: The modified and new conditions have been included as part of the recommendation.

## **6.2 Heritage Planner**

The following advice is provided by Council's Heritage Planner:

### **The Site**

The site is bounded by King Street, Dangar Street and Govett Lane, and is occupied by a residential aged care facility. The site was originally part of the Randwick Tramway Workshops established in 1881 and in operation until 1961 when trams were removed from service. To the north and north west of the site is the North Randwick heritage conservation area. To the west of the site is the former Tramways Repair Shop and a brick chimney stack, both listed as heritage items under Randwick LEP 2012. The Randwick Heritage Study Inventory Sheet for the Repair Shop describes its significance as "an impressive industrial structure; the largest and most substantial of the workshops on the site. Its construction is associated with the expansion of the workshops in 1902 and amalgamation of steam and electric powered trams on the site." The Randwick Heritage Study Inventory Sheet for the chimney stack describes its significance as a landmark and example of industrial architecture within the Sydney metropolitan area, depicting the industrial nature of the site and previous development patterns. The Statement of Significance for the North Randwick heritage conservation area notes that the heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings.

Existing development on the site is in the form of a large block adjacent to the northern boundary of the site enclosing a larger and smaller courtyard. A "tail" projects from the courtyard block and extends towards King Street.

### **Background**

PL/52/2016 proposed to expand the existing facility through the construction of two new buildings adjacent to King Street, including a pool and gymnasium, bar, dining room,

*kitchen, function room, and a 40 place childcare centre, as well as 77 independent living units. The western most building is to vary in height up to 6 levels, while the eastern most building is to vary in height up to 7 ½ levels.*

*The original application proposed two new buildings adjacent to King Street in the south west corner of the site, comprising shared facilities as well as 79 independent living units. The western most building (Block F) was to have a 4 storey scale to King Street with the top level stepped back from the street, while the eastern most building (Block E) was to have a 3 – 4 storey scale to King Street with the upper three levels in a stepped configuration away from the street. Carparking was to be provided over three levels, generally below ground.*

*Previous Section 96 applications related to consent conditions, in order to reduce the cost of the development.*

### **Proposal**

*A Section 96 application has now been received which proposes a number of internal and external modifications. Internally, changes are proposed to the carparking layout, and layout of communal areas and apartments. Externally, increased balcony depths are proposed to the eastern and western sides of Block E and the eastern side of Block F, with associated changes to some apartment glass lines. Changes are also proposed to weather and sun protection awnings, and rooftop plant areas are to be provided to Block E and Block F.*

### **Submission**

*The original application was accompanied by a Statement of Environmental Effects which includes a section addressing Heritage Conservation. The SEE noted that while the site is adjacent to several heritage items, the proposed development will be wholly contained within the approved built form envelopes and development parameters under the Concept Plan (as modified). The SEE argues that accordingly, no adverse heritage impacts are anticipated as a result of the proposed development.*

*The current application has been accompanied by a submission which argues that the overall external appearance of the development is not considered to be substantially altered by the proposed design modification, and that there will be no adverse environmental impacts as a result of the proposed modifications.*

### **Controls**

*Clause 5.10(1) of Randwick LEP 2012 includes objectives of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

### **Comments**

*Surrounding development to the north (opposite side of Govett Land) and south (opposite side of King Street) comprises predominantly single storey development. Development to the east of the site (opposite side of Dangar Street) presents a two storey scale to the street. Development to the west of the site, adjacent to the chimney, has a scale varying between 3 and 5 storeys.*

*The proposed buildings are separated from the North Randwick heritage conservation area to the north and north west by existing development on the site. The proposed buildings are separated from the Repair Shop by existing landscaping and existing development on the site. The chimney stack is around 45m high and the 4 ½ to 6*

storey buildings will not challenge the dominance of the chimney or views to along King Street or it along the axis of Prince Street. The main views to the Repair Shop are from Govett Street to the north.

The existing development is set back from surrounding streets and is separated from its surrounding residential context by high fences, high walls and landscaping. Despite its scale, the proposed setbacks allow for considerable perimeter landscape screening. The proposed development remains generally consistent with approved building envelopes. The proposed development will not adversely impact on the fabric, setting and views of surrounding heritage items, including the Tramways Repairs Shop and chimney stack, and the adjacent heritage conservation area.

### **Recommendation**

No further heritage consent conditions are required.

## **6.3 Design Excellence Panel – SEPP 65 Design Quality of Residential Apartment Development**

The following advice is provided by Council's Design Excellence Panel:

### *PANEL COMMENTS*

*This is a Section 96 modification for alterations and modifications to an approved development. Amendments are required to the built form, apartment layout and car parking. The operational aspects remain unchanged.*

*The proposed modification is minimal and will not affect the overall fundamentals of the approved concept plan and detailed scheme. The intention of these modifications is to improve the accessibility and functionality of the site.*

*The modified scheme proposes widening balconies for building E and F to improve amenity and introducing a plant area on the roof of Building E and F. The Stair 6 is re-oriented to provide improved wayfinding and travel paths. Two car spaces are reduced from 97 to 95. The scheme also proposes a revision of internal layout of select apartments and other minor revisions and modifications.*

*The Proposal has been reviewed by a previous Panel. Council provided additional information post meeting in the form of a letter from Urbis dated 08 June 2017. This letter specifically refers to a previous Concept Plan approval by the Department of Planning and Environment (DPE) and the Planning and Assessment Commission (PAC) that did not contain any through site links.*

### *Principle 1: Context and Neighbourhood Context*

*The site is known as 'Sir Moses Montefiore Jewish Home'. The site has a total area of 29,353 square metres and is located at 30-36 Dangar Street & 100-120 King Street, Randwick. Within an established urban area, the site accommodates a range of building forms, land uses and services.*

*The land uses surrounding the site are predominantly low and medium density residential uses with a small group of neighbourhood shops towards the south, educational institutions and a bus depot towards the west.*

*The site is located about 300m south of Centennial Park, 600m east of Randwick Racecourse and within 850m of the Royal Randwick Shopping Centre. The site has good access to amenities such schools, parks, and is approximately 300m from UNSW*

*Randwick Campus. The site is surrounded by a range of educational facilities including primary schools, public schools, TAFE, University Campuses.*

*At the east of the site, buildings vary from 1 to 3 storeys in height. Along King Street buildings are generally 1 storey, up to 4 storeys at the Dangar St & King Street roundabout. At the west of the side, apartments are up to 5 storeys.*

*Principle 2: Scale and Built Form*

*No significant changes to the scale and built form are proposed.*

*Principle 3: Density*

*No significant changes to the density are proposed.*

*Principle 4: Sustainability*

*No significant changes to sustainability initiatives are proposed.*

*Principle 5: Landscape*

*Landscape plans were provided by Oculus. These indicated the extent of hard vs soft landscaped areas. Previous Panel comments, noted again at this meeting, stressed the need for residents to have good opportunities to circulate around the site, as many may be relatively confined to the site due to age and mobility issues. It was noted that landscape areas along King Street are raised as part of flood protection measures.*

*The Panel noted that it would still prefer to see a through site connection, potentially along the western side of the site, but acknowledges that the previously submitted Concept Plan was approved without this link.*

*Pavement and planting areas should be reorganized at the drive entrance to Building E should be revised to allow for smoother flow into the lobby from the driveway.*

*Principle 6: Amenity*

*Balcony areas have been enlarged along buildings E and F to provide for improved amenity at this location. These enlargements generally maintain ADG separation requirements between buildings. No balcony enlargements have been proposed on the side of Building F towards properties to the west. These are considered acceptable to the Panel.*

*Site circulation is an important issue considering that some residents may have limited mobility and will remain on the site for extended periods of time. While it may not be possible to achieve a clear circulation path around Block F a legible circulation route between the lobby and the pool terrace on the lower level should be provided.*

*Principle 7: Safety*

*No safety issues were raised.*

*Principle 8: Housing Diversity and Social Interaction*

*The project has previously been approved for this site and no significant changes have been proposed to the density or unit mix.*

*Principle 9: Aesthetics*

No issues were raised with respect at aesthetics.

#### SUMMARY AND RECOMMENDATIONS

The proposal provides for minor modifications to the exterior of the approved scheme and is supported by the Panel. While the Panel would still like to see a through site link it acknowledges the approval of the previous Concept Plan without this feature. Some improvements to the arrangement of the pavement and landscape at the entrance to Block E should be provided to ensure a smoother flow into the lobby. A clear circulation path around Block F via a legible circulation route between the lobby and the pool terrace on the lower level should be provided.

Assessing Officer's Comment: The through-site link was not enforced by Council given this matter was considered in the assessment of the original Concept Plan approval and was not required as part of this approval. It is also noted that the cross link is problematic having regards to the topography of the site and there are security and environmental operational requirements of the Seniors housing facility that would not be met.

#### 6.4 Sydney Airport Corporation Limited

The following advice is provided by Sydney Airport Corporation Limited:

*Proposed Activity: PROPERTY DEVELOPMENT*

*Location: 30-36 DANGAR STREET, RANDWICK*

*Proponent: RANDWICK CITY COUNCIL*

*Date: 12/03/2018*

*Sydney Airport received the above application from you.*

*The application sought approval for the PROPERTY DEVELOPMENT to a height of 66.0 metres Australian Height Datum (AHD).*

*In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 66.0 metres AHD.*

*The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.*

*Should you wish to exceed this height a new application must be submitted.*

***Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.***

*Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.*

*Information required by Sydney Airport prior to any approval is set out in Attachment A.*

*"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1))."*

*The height of the prescribed airspace at this location is 130 metres above AHD.  
Planning for Aircraft Noise and Public Safety Zones*

*Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).*

*Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.*

Assessing Officer's Comment: The application was referred to Sydney Airport given modification to the roof is proposed with regards to the roof plant area. The approved building height will remain unaltered as a result of the proposed modification and Sydney Airport have not required any modifications to existing conditions. Notwithstanding, existing condition No. 29 notes the following:

#### **Sydney Airport:**

The maximum height of the proposed buildings, is granted to a maximum of RL64.83 for Building E and RL58.53 for Building F, as denoted in the Sydney Airport Corporation Limited letter to Council dated 4 April 2017 (Reg No: 17/0269). Should these heights be exceeded, a new application may be required to be submitted unless written consent is obtained to exceed these heights.

SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information requirements are contained in the letter identified above.

Details demonstrating compliance shall be incorporated in the Construction Certificate drawings to the satisfaction of the Certifier.

However, the approved building height was RL 65.73 (Building E) and RL 59.5 (Building F). Sydney Airport's response to DA/132/2017/C notes no objection to the erection of the development to a maximum height of 66.0m AHD. Therefore, it is recommended to amend condition 29 to reference the latest letter provided by Sydney Airport.

## **7. Relevant Environmental Planning Instruments**

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- Randwick Local Environmental Plan 2012

## 7.1 State Environmental Planning Policy (State and Regional Development) 2011

The provisions of the SEPP (State and Regional Development) 2011 apply to the proposed development as the consent authority for the subject Section 4.55 modification to DA/132/2017 is the Sydney Eastern City Planning Panel given the original DA was classified as 'regional development' in accordance with the requirements of the SEPP and Part 2, Division 2.4 of the Environmental Planning and Assessment Act 1979 (as amended).

## 7.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council's Environmental Health Officers have reviewed the original development application and the site has been assessed as suitable for its intended purpose.

## 7.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves the modification to a residential flat building being 3 storeys and more in height. The proposal has been considered by Council's Design Excellence Panel, who did not raise any concerns with the proposed modifications (the Panel's comments are included in Section 6). The original DA was assessed in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the Apartment Design Guide (ADG) against the design criteria requirements.

As a result of the proposed modifications, the approved development will remain compliant with SEPP No. 65 and the ADG. The subject Section 4.55 modification does not warrant a new assessment other than for the changes that relate to relevant ADG criteria as provided below.

Clause	Requirement	Proposal	Compliance
Part 3: Siting the Development			
3B-2	Orientation		
	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	The proposed internal modifications to apartments E41, E52, and F41 will not result in reduced solar access to living areas.	Remains compliant.
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	No changes are proposed to the western façade of Building F, therefore there is no potential for increased overshadowing to adjoining residential properties as a result of the proposed modifications.	Remains compliant.

Clause	Requirement	Proposal	Compliance												
3D-1	Communal and Public Open Space														
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	The site contains at 51.2% of communal open space at ground (43.4%) and podium upper ground floor level (7.6%). Communal open space will not be reduced as a result of the proposed modifications.	Remains compliant.												
3E-1	Deep Soil Zones														
	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>&lt;650m<sup>2</sup></td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650-1500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>6m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup> with sig. existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum Dimensions	Deep Soil Zone (% of site area)	<650m <sup>2</sup>	-	7%	650-1500m <sup>2</sup>	3m	>1500m <sup>2</sup>	6m	>1500m <sup>2</sup> with sig. existing tree cover	6m	27% deep soil provided based on a site area of 8900sqm. Deep soil zones will not be reduced as a result of the proposed modifications.	Remains compliant.
Site area	Minimum Dimensions	Deep Soil Zone (% of site area)													
<650m <sup>2</sup>	-	7%													
650-1500m <sup>2</sup>	3m														
>1500m <sup>2</sup>	6m														
>1500m <sup>2</sup> with sig. existing tree cover	6m														
3F-1	Visual Privacy														
	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building</th> <th>Habitable rooms</th> <th>Non-habitable</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Building	Habitable rooms	Non-habitable				<p>Separation distances are generally consistent with the building envelope provided as part of the Concept Plan approval.</p> <p>As a result of the proposed modifications to the balconies, the building separation between buildings E and F has decreased from 25.5m to</p>	Remains compliant.						
Building	Habitable rooms	Non-habitable													

Clause	Requirement	Proposal	Compliance												
	<table border="1"> <tr> <td>height</td> <td>and balconies</td> <td>rooms</td> </tr> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>&gt;25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	height	and balconies	rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	>25m (9+ storeys)	12m	6m	24.65m and between Block E and existing Block C from 15m to 14.45m, which exceeds minimum building separation requirements specified by the ADG. No changes are proposed to the western façade of Building F, therefore the approved building separation to the western adjoining buildings remains unchanged.	
height	and balconies	rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
>25m (9+ storeys)	12m	6m													
Part 4: Designing the Building															
4D	Apartment Size and Layout														
	<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by</p>	Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3bedroom	90m <sup>2</sup>	The proposed internal modifications to apartments E41, E52, and F41 will not result in non-compliant apartment sizes.	Remains compliant.		
Apartment Type	Minimum Internal Area														
Studio	35m <sup>2</sup>														
1 bedroom	50m <sup>2</sup>														
2 bedroom	70m <sup>2</sup>														
3bedroom	90m <sup>2</sup>														

Clause	Requirement	Proposal	Compliance															
	5m <sup>2</sup> each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.																	
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	The proposed internal modifications to apartments E41, E52, and F41 will not result in non-compliant habitable room depths.	Remains compliant.															
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	The proposed internal modifications to apartments E41, E52, and F41 will not result in non-compliant bedroom sizes.	Remains compliant.															
4E	Private open space and balconies																	
	<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio Apt.</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bed Apt.</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bed Apt.</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bed Apt.</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio Apt.	4m <sup>2</sup>	-	1 bed Apt.	8m <sup>2</sup>	2m	2 bed Apt.	10m <sup>2</sup>	2m	3+ bed Apt.	12m <sup>2</sup>	2.4m	As a result of the increased balcony sizes (300-500mm increased size), POS will be improved for the associated apartments as a result of the proposed modifications.	Remains compliant.
Dwelling Type	Minimum Area	Minimum Depth																
Studio Apt.	4m <sup>2</sup>	-																
1 bed Apt.	8m <sup>2</sup>	2m																
2 bed Apt.	10m <sup>2</sup>	2m																
3+ bed Apt.	12m <sup>2</sup>	2.4m																

#### 7.4 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

The proposed modifications relate to an approved seniors housing development, therefore the relevant provisions of this SEPP that relate to the proposed modifications are taken into consideration.

The relevant provisions of the SEPP are addressed as follows:

Clause	Requirement	Proposal	Compliance
<b>Chapter 3 Development for seniors housing</b>			
<b>Part 3 Design requirements</b>			
<b>Division 1 general</b>			
31	Design of in-fill self-care housing		
	Consent Authority to take into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development (SLP)</i>	<p>The amenity of modified self-contained dwellings in Buildings E and F have been assessed with regard to the Apartment Design Guide (ADG). The high level of compliance with the ADG criteria and objectives ensures the development remains compliant with the intent of the SEPP, which requires level access and additional circulation requirements under Australian Standards.</p> <p>The proposed modifications will improve the amenity of occupants and pedestrian connectivity and accessibility and to other parts of the site.</p>	Remains compliant.
<b>Division 2 Design principles</b>			
33	<b>Neighbourhood amenity and streetscape</b>  The proposed development should:		
	(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and	The proposed modifications will not result in substantial changes to the fabric of the buildings, which will complement the site and the surrounding area. The proposed modifications have been assessed by Council's Design Excellence Panel (DEP) and is considered to be acceptable in regard to urban design qualities.	Remains compliant.

	<p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p>	<p>The proposed modifications have been reviewed by Council's Heritage Planner, who concluded that the buildings will continue to relate well to adjacent heritage items and the heritage conservation area, and that key visual corridors will be maintained.</p>	<p>Remains compliant.</p>
	<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p>	<p>The proposed modifications will result in the approved buildings being generally consistent with the Concept Plan approval, which will ensure reasonable neighbourhood amenity and residential character will be maintained.</p>	<p>Remains compliant.</p>
	<p>(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line, and</p>	<p>The proposed modifications will result in the approved buildings being generally consistent with the Concept Plan approval, which will ensure appropriate setbacks are maintained.</p>	<p>Remains compliant.</p>
	<p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p>	<p>The amended landscape plan has been assessed by Council's Landscape Officer, who supports the modifications noting that <i>the amendments sought are relatively minor and would not affect the intent of the design that has already been approved, with the changes appearing to relate mostly to improving</i></p>	<p>Remains compliant.</p>

		<p><i>accessibility throughout the site.</i></p> <p>The existing condition will ensure that a suitable combination of trees, shrubs and ground cover is provided to ensure an aesthetically pleasing presentation to the streets and surrounding lots.</p>	
	(f) retain, wherever reasonable, major existing trees, and	No additional trees are proposed for removal. The proposed modifications includes the retention of 3 existing magnolia trees on site (Trees 49, 52 and 55) along the south side of the existing road between Block A and Blocks E & F that had been approved for removal.	Remains compliant.
34	<b>Visual and acoustic privacy</b>		
	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	No changes to the western façade of the balconies of building F is proposed, therefore there will be no increased impacts to the adjoining property to the west as a result of the proposed modifications.	Remains compliant.
35	<b>Solar access and design for climate</b>		
	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use</p>	<p>No changes to the approved building height is proposed and the increased balconies and modified glass lines will not result in additional adverse bulk and overshadowing.</p> <p>The modified internal layouts of some apartments will not result in a reduction in solar access, or natural ventilation.</p>	Remains compliant.

	of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.		
36	<b>Stormwater</b>		
	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practicable, on-site stormwater detention or re-use for second quality water uses.</p>	Standard conditions are provided as part of the approved development consent to ensure the development complies with Council's stormwater management requirements.	Remains compliant.
38	<b>Accessibility</b>		
	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	The principal entries to the development will remain clearly identifiable. Proposed modifications include improved pedestrian connectivity through provision of awnings, at grade entries to private terraces, and reorientated stair to improve wayfinding.	Remains compliant.
<b>Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability</b>			
41	Standards for hostels and self-contained dwellings		
	(1) A consent authority must not consent to a development application unless the proposed development complies with	Specific conditions are provided as part of the approved development consent to ensure compliance with the	Remains compliant.

	the standards specified in Schedule 3 for such development.	standards stated under Schedule 3 of the SEPP.	
<b>Part 7 Development standards that cannot be used as grounds to refuse consent</b>			
<b>Division 4 Self-contained dwellings</b>			
50	<p><b>Standards that cannot be used to refuse development consent for residential care facilities</b></p> <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of self-contained dwelling on any of the following grounds:</p>	Addressed below.	
	(a) building height:	The proposed development responds to envelopes and development parameters set by the concept plan approval MP09_0188 (as modified). As such, the guidelines within Clause 50 which relate the matters that cannot be used to refuse a DA (rather than minimum standards) are not strictly relevant.	N/A
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	See note above.	N/A
	(c) landscaped area: if a minimum of 30% of the site is landscaped area	More than 30% of the site comprises landscaped area.	Remains compliant.
	(d) Deep soil zones: minimum 15%	More than 15% of the site comprises deep soil zones.	Remains compliant.
	(e) Solar access: at least 70% receive 3 hours of solar access	72% of the approved units will receive three hours of solar access.	Remains compliant.
	(f) Private open space:		

	<ul style="list-style-type: none"> <li>- min of 15sqm for ground level apartments</li> <li>- min of 10sqm above ground level</li> </ul>	POS will be increased as a result of the proposed modifications.	Remains compliant.
	(h) Parking: 0.5 space for each bedroom	77 required and 95 spaces will be provided as a result of the proposed reduction.	Remains compliant.

### **7.5 State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004**

SEPP: BASIX applies to the proposed development. A revised BASIX Certificate was submitted with the subject application demonstrating compliance with water, thermal comfort and energy targets. A modified condition will reference with revised BASIX Certificate to ensure compliance with the SEPP: BASIX.

### **7.6 Randwick Local Environmental Plan 2012**

The subject site is zoned R3 Medium Density Residential under the Randwick Local Environmental Plan 2012 (RLEP). The proposed modifications are ancillary to the approved seniors housing development, which is permissible in the zone. The proposed modifications will result in a development that will promote the aims of the RLEP in relation to the aesthetic character, sustainability, environmental qualities and social amenity of the locality.

It is noted that the RLEP controls relating to Floor Space Ratio and Height of Buildings does not apply to the development given the Concept Plan approval MP09\_0188 (as modified) provides the building envelopes. The proposed modifications will result in a development that is generally consistent with the Concept Plan approval in accordance with the approved development consent, and is therefore supported.

### **7.7 Policy Controls**

The following policy controls apply in the assessment of the proposed development and are elaborated upon in the section below:

- **Randwick Comprehensive Development Control Plan 2013**

This RDCP provides guidance for development applications to supplement the provisions of the RLEP. Whilst the RLEP provisions for height of buildings and floor space ratio are not applicable due to the Concept Plan approval for the development, there are General Controls in part B of the RDCP that remain relevant to the application, providing guidance in achieving a good planning outcome.

The relevant general controls include: Part B1 Design, B2 Heritage, B3 Ecologically sustainable Development, B4 Landscaping and biodiversity, Part B5 Preservation of trees and vegetation B6 Recycling and waste management, B7 Transport, Traffic, parking and access, and B8 Water management.

In relation to the considerations that remain in the RDCP that are relevant to the subject modifications, these are largely assessed as acceptable and where necessary have been the subject of technical officers' comments and conditions recommended for inclusion in the determination.

## 8. Environmental Assessment

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report for details. The proposal satisfies the objectives and development standards of the RDCP.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the <i>Environmental Planning and Assessment Regulation 2000</i> have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in the body of this report. The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The subject site is suitable for the proposed modifications, which are ancillary to an approved seniors housing development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submission has been addressed in the body of this report.
Section 4.15(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable ecological, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

## 9. Section 4.55 Assessment

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979 (the Act), as amended, the Consent Authority may only agree to a modification of an existing Development Consent if the following criteria has been complied with: -

- a) it is satisfied that the development to which the consent as modified relates is *substantially the same development* as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- a) it has consulted with any relevant public authorities or approval bodies, and
- b) it has notified the application & considered any submissions made concerning the proposed modification

### 1. *Substantially the Same Development*

The proposed modifications are not considered to result in a development that will fundamentally alter the originally approved development, and is therefore considered to be substantially the same development.

## **2. Consultation with Other Approval Bodies or Public Authorities**

The development is not integrated development or development where the concurrence of another public authority is required.

## **3. Notification and Consideration of Submissions:**

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the RDCP. One submission was received as a result of the notification process and the concerns raised in the submission have been considered in the body of this report (refer to "Notification / Advertising" section of this report).

## **10. Relationship to City Plan**

The relationship with the City Plan is as follows:

**Outcome 4:** Excellence in urban design.

**Direction 4a:** Improved design and sustainability across all development.

## **11. Conclusion:**

That the Section 4.55 (2) modification to DA/132/2017 seeking consent for reduction in car parking, changes to balconies in Building E and F, internal changes, external changes to some facades, alterations to landscaping and letterbox, changes to external stairs, alteration to communal area in Building E, alteration to some awnings, revised Building C level 1 courtyard, and addition of plant on the roof of Buildings E and F, at the Montefiore Seniors Housing site located at 30-36 Dangar Street, Randwick, be approved (subject to new and modified conditions) for the following reasons:

- The proposal satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.
- The proposal remains substantially the same development in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended.
- The proposal remains compliant with the requirements of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- The proposal remains compliant with the requirements of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.
- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal will not result in adverse amenity impacts to surrounding residential and non-residential land uses.

## **12. Recommendation**

That the Sydney Central Regional Planning Panel, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/132/2017/C for reduction in car parking, changes to balconies in Buildings E and F, internal changes, external changes to facades, alterations to landscaping and letterbox, changes to external stairs, alteration to communal area in Building E, alteration to awnings, revised Building C level 1 courtyard, and addition of plant on the roof of Buildings E and F, at the Montefiore Seniors Housing site located at 30-36 Dangar Street Randwick, subject to the following new and modified conditions:

- **Amend Condition 1 to read:**

**Approved Plans & Supporting Documentation**

The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA0000 Issue 2	Jackson Teece	13/02/2017	13 June 2017
DA0100 Issue 2		13/02/2017	13 June 2017
DA0103 Issue 2		13/02/2017	13 June 2017
DA1201 Issue 2		13/02/2017	13 June 2017
DA1202 Issue 2		13/02/2017	13 June 2017
DA1203 Issue 2		13/02/2017	13 June 2017
DA1204 Issue 2		13/02/2017	13 June 2017
DA1205 Issue 2		13/02/2017	13 June 2017
DA1206 Issue 2		13/02/2017	13 June 2017
DA1207 Issue 2		13/02/2017	13 June 2017
DA1208 Issue 2		13/02/2017	13 June 2017
DA1209 Issue 2		13/02/2017	13 June 2017
DA1210 Issue 2		13/02/2017	13 June 2017
DA3202 Issue 2		13/02/2017	13 June 2017
DA3203 Issue 2		13/02/2017	13 June 2017
DA4201 Issue 2		13/02/2017	13 June 2017
DA4202 Issue 2		13/02/2017	13 June 2017
DA9030 Issue 1		29/05/17	13 June 2017
DA9031 Issue 1		29/05/17	13 June 2017

DA – L-101 Rev L	Oculus	19/05/17	13 June 2017
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BASIX Certificate No.	Dated	Received
769823M_02	21 July 2017	21 July 2017

**EXCEPT where amended by:**

- **Council in red on the approved plans; and/or**
- **Other conditions of this consent; and/or**
- **the following Section 4.55 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 plans and detailed in the Section 4.55 application:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA0103 Issue 4	Jackson Teece	23/11/2017
DA1201 Issue 3		15/11/2017
DA1202 Issue 6		03/04/2018
DA1203 Issue 7		03/07/2018
DA1204 Issue 6		03/05/2018
DA1205 Issue 6		03/05/2018
DA1206 Issue 6		03/05/2018
DA1207 Issue 6		03/05/2018
DA1208 Issue 6		03/05/2018
DA1209 Issue 6		03/05/2018
DA1210 Issue 3		15/11/2017
DA3202 Issue 4		03/05/2018
DA1101 Issue 1		15/11/2017
DA1102 Issue 1		15/11/2017
DA-L-103 Rev A	Oculus	03/07/2018
DA-L-101 Rev Q		03/07/2018
DA-L-102 Rev C		06/03/2018
DA-L-200 Rev H		07/11/2017
DA-L-501 Rev F		23/04/2018

BASIX Certificate No.	Dated	Received
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769823M_03	23 November 2017	28 February 2018
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- **Amend Condition 29 to read:**

**Sydney Airport:**

29. The maximum height of the proposed buildings, is granted to a maximum of RL 66.0 for Building E and Building F, as denoted in the Sydney Airport Corporation Limited letter to Council dated 9 April 2018 (Reg No: 18/0208). Should these heights be exceeded, a new application may be required to be submitted unless written consent is obtained to exceed these heights.

SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information requirements are contained in the letter identified above.

Details demonstrating compliance shall be incorporated in the Construction Certificate drawings to the satisfaction of the Certifier.

- **Amend Condition 31 to read:**

**Landscape Plans**

31. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Amended Landscape Plans by Oculus, dwg's DA-L-101 – 600, that were submitted with the S96(2) package, ref SA5652, dated 27 February 2018; under the Landscape Design Statement by Oculus, dated 19 November 2017, subject to the following additional amendments being added:

- a) The 'proposed boundary trees' shown on the Landscape Detail Plan West, dwg DA-L-101, across the length of the King Street frontage, must be located wholly within the subject site, and are to be positioned in a formal arrangement, selecting a species that will develop a clear trunk with no lower growing foliage, so as to facilitate passive surveillance between the public domain and subject site;
- b) Careful species selection for those garden areas adjacent ground floor courtyards to ensure sufficient solar access;
- c) Certification that all advanced replacement trees (100L and above) have been sourced and supplied by a registered Nursery that adheres to the AS 2303;
- d) It must be demonstrated that there will be appropriate species selection for all planting over podium to ensure there is sufficient soil volume to sustain them for their life term;
- e) The plant schedule and planting plans must nominate the exact location and quantity of only those species that will be used and where, and are to be shown at their mature size;
- f) Additional notation showing soil and mulch details, irrigation and lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

- **Amend Condition 32 to read:**

### **Tree Protection Measures**

32. In order to ensure the retention of T49, 52, 55-60 & 63, as recommended in the Arboricultural Impact Assessment by Warwick Varley of Allied Tree Consultancy, ref D2968, dated 14/01/17 ("the Arborist Report"), as well as in section 4.1 of the S96(2) application, in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
  - b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and the recommendations contained in part 9 of the "Arborist Report".
  - c. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
  - d. Prior to entering the site, all staff must firstly perform a site induction where they will be briefed on all requirements relating to the recommendations of the Arborist Report, Tree Protection Measures/Specification and conditions of consent, so as to ensure preservation of these trees.
  - e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar with their TPZ's can only be performed in accordance with section 8.2, Protection Specification, and 9.4 of the Arborists Report, either by; or; under the direct supervision of, the Project Arborist.
  - f. Any excavations related to footings must be performed in accordance with Section 8.1 of the Arborists Report.
  - g. Any changes to existing ground levels or surface conditions must be performed in accordance with Section 8.4 of the Arborists Report.
  - h. Each of these trees must be physically protected in accordance with Section 9.6, and as illustrated in Plan 2, Appendix B of the Arborists Report.
  - i. Within their TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, or any other activities listed in Section 8.5 – 8.10 of the Arborists Report, with all Site Management Plans needing to acknowledge this requirement.
  - j. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools), only by the Project Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible. Roots are not to be left exposed to the atmosphere.

- k. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

- **Amend Condition 92 to read:**

- **Tree Removal**

- 92. Approval is granted for removal of the following trees from within the subject site in order to accommodate the works in these same areas as shown, subject to full implementation of the approved, amended Landscape Plans:
  - a) T1-20, 25-48, 50-51, 53-54 & 61-62 as identified in Part 9.2 of the Arboricultural Impact Assessment by Warwick Varley of Allied Tree Consultancy, ref D2968, dated 14/01/17.