

SITE COMPATIBILITY CERTIFICATE REQUEST

SummitCare Randwick

11-19 Frenchmans Road, Randwick

Proposed seniors housing development involving demolition of existing structures and nursing home, construction of a new building for an 86-bed residential aged care facility and 2 independent living units vertical village building with basement levels under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

For:

Frenchmans Lodge Properties Pty Ltd

Submitted to:

NSW Department of Planning, Industry and Environment

Date:

November 2020

2020.0033

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1. INTRODUCTION

This report constitutes a Site Compatibility Certificate (SCC) Request report for the demolition of existing structures and nursing home, construction of a new building for an 86-bed residential aged care facility and 2 independent units building with basement levels and operation of a “vertical village seniors housing” under Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP).

This SCC is submitted to:

NSW Department of Planning, Industry and Environment

Address of land affected:

11-19 Frenchmans Road, Randwick NSW - Lot 10 DP 845575, Lot 3 DP 13779 and Lot 4 DP 13779

This Report has been prepared on behalf of Frenchmans Lodge Properties Pty Ltd being a company of SummitCare who are the owner of the land by Higgins Planning (HP) who is the applicant.

This Report provides:

- A description of the site and locality;
- A description of the proposed development;
- An assessment of relevant environmental planning considerations under the Seniors Housing SEPP, including consideration of relevant planning instruments, environmental impacts, site suitability and the public interest; and
- Conclusions on the merits of the proposed development on which the SCC can be supported.

1.1 CONSULTATION WITH COUNCIL

The applicant has undertaken a preliminary consultation process concerning the proposed “vertical village” seniors housing development over the past 6 months with Randwick City Council (RCC). The applicant’s consultation with RCC has included via Teams video conferencing: A Design Excellence Panel meeting on 6 April 2020; and a pre-lodgement meeting on 6 May 2020.

1.1.1 Design Excellence Panel Meeting

On 6 April 2020, the applicant’s architects presented a preliminary design for the proposal to Council’s Design Excellence Panel (DEP). Based on feedback received from the DEP, the design has been amended and an independent Urban Design Peer Review has been undertaken as included in **Appendix Y**.

1.1.2 Pre-lodgement meeting

On 6 May 2020, the applicant met with Council staff to discuss a preliminary design for the proposed development in a pre-lodgement meeting.

As a result of the feedback from this meeting the applicant’s design team have prepared additional drawings, undertaken additional site investigations and sought independent advice from an urban designer.

1.2 REPORT STRUCTURE

This report has a number of Parts including:

- Part 1 – Introduction and Background;
- Part 2 – Regional and Local Context;
- Part 3 – Detailed Description of the Proposed Development including relevant operational considerations;
- Part 4 – Assessment against the applicable controls; and
- Part 5 – Conclusion.

1.3 APPLICANT'S CONSULTING REPORTS AND DRAWINGS

This report is supported by a number of investigations, concept drawings and assessments undertaken by the applicant's team of consulting specialists who have prepared information which forms the appendices to this report. Table 1 summarises the documents referenced in each appendix and the associated responsible author:

Table 1: Specialists Documents and Appendices References

Appendix Reference	Document	Responsible Author
Appendix A	Site Survey and Survey of distance and gradients	Veris
Appendix B	Architectural Drawings and Design Statement	Boffa Robertson Group
Appendix C	Transport Impact Assessment Report	GTA Consultants
Appendix D	Demolition, Construction and Operational Waste Management Plans	Elephants Foot
Appendix E	Landscape Report and Concept Plans	Arcadia
Appendix F	BCA Report NCC 2019 Section J report	BCA Logic ADP Consulting Engineering
Appendix G	Access Report	Morris Goding Access Consulting
Appendix H	QS Cost Report	Centurion Quantity Surveying
Appendix I	Civil Engineering Drawing: Bulk Earthworks, Stormwater Management Drawings and Sedimentation and Erosion Control Plan, Stormwater and Water Quality Report	Henry & Hymas
Appendix J	Preliminary Site Investigation Report	Consulting Earth Sciences
Appendix K	Geotechnical Report and Acid Sulphate Soils Assessment	Consulting Earth Sciences
Appendix L	BASIX Certificate and Stamped Plans	Efficient Living
Appendix M	Infrastructure Report	ADP Consulting Engineering
Appendix N	Social Impact Comment	Judith Stubbs and Associates
Appendix O	Acoustic Report	ADP Consulting Engineers
Appendix P	Lighting Statement	ADP Consulting Engineers
Appendix Q	Clause 4.6 Variations	Higgins Planning
Appendix R	Social Housing Provider Letter	Home Ground Real Estate Sydney
Appendix S	SummitCare Plan of Management	Centurion Project Management on behalf of SummitCare
Appendix T	Arborist Report	Naturally Trees
Appendix U	Clause 26 Assessment Report	Judith Stubbs and Associates
Appendix V	Crime Prevention Through Environmental Design Report	Harris Crime Prevention Services
Appendix W	Needs Assessment	Location IQ
Appendix X	Statement of Heritage Impact	Weir Phillips Heritage & Planning
Appendix Y	Urban Design Peer Review	Matthew Pullinger Architect

2. THE SITE

2.1 SITE ANALYSIS

The proposed development site will be known as 11-19 Frenchmans Road, Randwick when complete and amalgamates three existing portions of land. When amalgamated the overall site will have an area of 2,709.4 square metres by survey (refer to **Appendix A**).

The architectural drawing set includes drawing No. DA02 Site Analysis Revision 6 dated 2 November 2020 (refer to **Appendix B**) which includes a complete summary table which responds to each of the criteria under Clause 30 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). The following information is to read in conjunction with this drawing and is the applicant's written site analysis statement which contains information about the site and its surrounds as described in subclauses 30(3) and 30(4) of the Seniors Housing SEPP, and responds to the design principles detailed in Clause 30 as follows:

2.1.1 Existing Site

The existing "nursing home" operated by SummitCare located at 11-15 Frenchmans Road and legally known as Lot 10 in DP 845575 will be amalgamated into the proposed development site which is proposed to include 17 and 19 Frenchmans Road.

The portion of the site known as 11-15 Frenchmans Road has a frontage of some 50.225m to Frenchmans Road, a frontage of 21.09m to McLennan Avenue, and a site area of 2,053 square metres. The site topography can be described as having its tallest point at the Frenchmans Road frontage in the vicinity of an existing tree being RL 78.13, and lowest point at the McLennan Avenue frontage being RL75.06. The site survey contained in **Appendix A** includes RLs and contours to demonstrate the existing topography.

The site survey in **Appendix A** includes a north point which has been used to assist with orientation of all architectural, landscape and engineering drawings in this SCC. The site survey includes information about the location of existing services. The site does not have any existing easements. The site survey includes information about the location, height and spread of all established trees on the site and nearby adjoining properties. The species of all trees impacted by the proposal have been assessed in the arborist report included in **Appendix T**. The site survey includes details of existing buildings and structures located on the site, locations of property boundaries and fences, along with pedestrian and vehicles access driveways.

The microclimates and prevailing winds of the site have been included on drawing No. DA02 included in **Appendix B**. The architectural drawings in **Appendix B** includes information about existing views to and from the site and existing shadow diagrams including the extent of existing overshadowing by neighbouring structures.

The existing site development at 11-15 and 17 Frenchmans Road has long been approved to be used for the purposes of a “nursing home” known as Summitcare Randwick. Council has previously granted approvals associated with for the existing building, which was converted from a private hospital over 50 years ago, and numerous approvals have been granted since for extensions including alterations and additions described in consents as “the existing nursing home”.

The land at 11-17 Frenchmans Road is zoned R3 Medium Density Residential, on which the existing nursing home is located is a permitted form of development in the R3 zone where a “nursing home” is a type of “seniors housing” as described in Clause 10 of State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item of located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).

The existing nursing home buildings are constructed of masonry, with a maximum of 3-levels, and have an approved capacity of 98 beds (refer to this total number of existing beds in DA182/2007 in which Council granted approval for “upgrade existing residential care facility and reduce number of beds from 98 to 81”). This Development Consent was not commenced, rather the Council delegated assessment report refers to the approved number of beds in the nursing home). The existing nursing home operates with 94 licensed beds licensed to operate in the nursing home, which includes the existing 1-level former dwelling house building currently used for administration purposes associated with the existing “nursing home”.

The existing buildings on the site at 11-15 Frenchmans Road have been assessed by Council with an existing approved Floor Space Ratio (FSR) of 0.9:1.

The existing nursing home building presents as a 2-level building to Frenchmans Road, and has a variable setback of between approximately 6m and 11m from Frenchmans Road, in addition between the existing building and the Frenchmans Road frontage is a large tree which is some 18m in height (refer to site survey at **Appendix A**) and is identified as “tree 7” in the arborist report included at **Appendix T**.

The site at 11-15 Frenchmans Road along its western boundary with the property boundary of 9 Frenchmans Road is 29.87m in width, in addition the width of the land along its western boundary extends 4.865m and 25.01m with the property boundary of 27 McLennan Avenue. This portion of the building has a setback along its western boundary with 27 McLennan Avenue of between approximately 1m and 4.8m and 3 metal sheds intrude into this setback.

The existing nursing home building 3-level portion is setback approximately from its northern side common boundary to 27 and 29 McLennan Avenue of between approximately 3.5m and 6.2m.

The western portion of the site fronting Frenchmans Road includes the existing 1-level “former” detached dwelling house which is currently being used for administrative purposes of the existing nursing home and is setback between approximately 6.5m and 7m. This building is setback approximately 1m from its western boundary and approximately 9m from the northern boundary with 8 Astolat Street.

The existing nursing home building presents as a 3-level building to McLennan Avenue with a setback between approximately 0.8m and 4.8m from McLennan Avenue. The eastern common boundary of this portion of the site at 11-15 Frenchmans Road with 25 McLennan Avenue and the land at 17 Frenchmans Road is 52.875m in width. Therefore, the site at its widest point is 52.875m.

The setback of the 3-level portion of the nursing home building along its eastern boundary with 25 McLennan Avenue is currently approximately 1.8m with a set of stairs intruding by approximately 1m.

Photos 1 – 5 below demonstrate the existing buildings on site at 11-15 Frenchmans Road, 17 Frenchmans Road and 19 Frenchmans Road.



Photo 1: View of existing nursing home pedestrian and driveway entrance at 11-15 Frenchmans Road

An access driveway from Frenchmans Road is located between the existing nursing home and 1-level former dwelling house buildings. In addition, an existing access driveway is available adjacent to the pedestrian entrance of the existing nursing home. Finally, an access driveway to the loading dock area from McLellan Avenue.



Photo 2: View of detached former dwelling house and existing driveway at 11 Frenchmans Road



Photo 3: View of McLennan Avenue frontage of 3-level existing nursing home and access driveway to loading dock area

The proposal seeks to amalgamate the site with an existing 2-level building at 17 Frenchmans Road, is legally known as Lot 3 DP 13779, which has a frontage of 13.71m to Frenchmans Road and is currently used for administrative purposes. This land has an existing access driveway along its eastern boundary and an area of 341.5 square metres. This building has a setback of approximately between 3m and 5m from Frenchmans Road and is setback from its rear boundary with 25 McLennan Avenue of between approximately 4.2m and 5.4m. This site is currently zoned R3 Medium Density Residential, is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item or located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP). The existing site development at 17 Frenchmans Road has an existing Floor Space Ratio (FSR) of 1.16:1.



Photo 4: View of 2-level building at 17 Frenchmans Road

The proposal also seeks to amalgamate the land at 19 Frenchmans Road, which is legally known as Lot 4 DP 13779 with a site area of 309.8 square metres and frontage of 12.27m to Frenchmans Road. This property contains a single level building currently used as a dwelling house with an access driveway along its western boundary to Frenchmans Road. This building has a setback of approximately between 3m and 6m from Frenchmans Road and is setback from its rear boundary with 23 McLennan Avenue of between approximately 4.2m and 5.4m with a garage having a zero setback along the rear boundary. This site is currently zoned R3 Medium Density Residential, is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item or located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 5: View of existing 1-level detached dwelling house at 19 Frenchmans Road and existing driveways servicing 17 and 19 Frenchmans Road

The site is located approximately 150 metres to the east of the intersection of Frenchmans Road with Avoca Street.

The site is located in a well-established urban area of the Sydney Metropolitan region, with access to existing water, sewer, electricity, telecommunications and gas services which will be adapted and augmented by the proposal.

The site is located within the suburb of Randwick, which is a well-established suburb within the Randwick City Local Government Area (LGA). Randwick is located some 8.7 kilometres to the south-east of the Sydney CBD via road. The site is located within 1.5 kilometres of Centennial Park being the major regional open space serving the Eastern suburbs, and 800m to Randwick Peace Park and playground. The site does not adjoin any bushland or environmentally sensitive land.

The site having frontage to Frenchmans Road is exposed to a noise traffic, which has been assessed in the acoustic report included in **Appendix O**, with recommendations concerning attenuation measures proposed which can be implemented as part of the detailed design phase on the project. The site is not impacted by the ANEF contour mapping of flight paths issued by Sydney Airport.

Please see **Figure 1** below for site aerial context of the amalgamated 11-15, 17 and 19 Frenchmans Road.

Source: SiX

This is an aerial photograph of Sydney, Australia, with a grid of street names overlaid. The map shows the city's layout, including the harbor, various districts, and parks. A red flag is positioned in the lower right quadrant, near the Centennial Parklands and the area around Moore Park and the Sydney Cricket Ground. The flag is located near the intersection of the area around Moore Park and the Sydney Cricket Ground, specifically near the Centennial Parklands and the area around Moore Park and the Sydney Cricket Ground.

Source: SiX

2.1.2 Legal Description

As detailed previously, the site is legally known as Lots 3 & 4 in Deposited Plan No. 13779, and Lot 10 in Deposited Plan No. 845575 and will be known as 11-19 Frenchmans Road, Randwick. Refer to the detailed site survey at **Appendix A**. The overall combined site area is 2,709.7 square metres by survey.

2.1.3 Site Topography

The site is overall generally flat, with its highest point at the south-western edge to Frenchmans Road near the existing large tree being RL78.13 and lowest point being its frontage to McLennan Avenue at RL75.06 as shown in survey included at **Appendix A**. This is a crossfall of some 3.02m. The topography of the site along the frontage to Frenchmans Road falls to the east to RL 76.36, which is some 1.72m.

2.1.4 Neighbouring Development

In addition to the information included in Section 2.1 of this report, the following information also responds to the requirements in Clause 30 of the Seniors Housing SEPP. The architectural drawing set includes drawing No. DA02 Site Analysis Revision 6 dated 2 November 2020 (refer to **Appendix B**) which includes a complete summary table which responds to each of the criteria under Clause 30 of the Seniors Housing SEPP. The following information is to read in conjunction with this drawing and is the applicant's written site analysis statement which contains information about the site surrounds as described in subclause 30(4) of the Seniors Housing SEPP, and responds to the design principles detailed in Clause 30 as follows:

The subject site is bounded by McLennan Avenue to a portion of the site's northern boundary. In addition, the northern boundary of the subject site shares its common boundary with the property known as 23 McLennan Avenue which contains a 1 part 2-level detached dwelling house. This building is setback a minimum of approximately 5m from its rear boundary with 19 Frenchmans Road.

This site is currently zoned R3 Medium Density Residential, "seniors housing" is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is listed as a heritage item of located and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 6: View of existing 1 part 2 level detached dwelling house at 23 McLellan Avenue and existing driveway

The property at 25 McLennan Avenue contains a 1 part 2-level detached dwelling house and inground pool, with this house setback a minimum of 5m from its rear common boundary with 17 Frenchmans Road. The property at 25 McLennan Street shares its western common boundary with the portion of the subject site which fronts McLennan Street. It is noted that the existing 2-level dwelling on 25 McLennan Street is setback approximately 1m from the common boundary.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 7: View of existing 1 part 2 level detached dwelling house at 25 McLellan Avenue and existing setback to nursing home

To the east, along the eastern boundary of 19 Frenchmans Road is the property known as 21 Frenchmans Road, which contains a 3-level attached dwelling house. This dwelling has a zero setback to the common boundary and does not contain any windows. To the west of 21 Frenchmans Road is 23 Frenchmans Road which is a 3-level attached dwelling. Both of these dwellings have a setback of some 7m to Frenchmans Road and street frontage to McLennan Street which presents as 2 x double garages with a zero setback.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 8: View of existing 3-level attached dwelling houses at 21 and 23 Frenchmans Road

The properties to the west of 23 Frenchmans Road, is the property known as 25-27 Frenchmans Road which contains a residential flat building which presents as 4-levels to Frenchmans Road. This building is setback approximately 8m from Frenchmans Road and approximately 8m from McLennan Avenue.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 9: View of existing 4-level residential flat building at 25-27 Frenchmans Road

To the west, along the site's western boundary is the land known as 9 Frenchmans Road which contains a 1-level detached dwelling house. This building is setback approximately 2m from the western common boundary with the site. This building is setback approximately 5m from Frenchmans Road.

This site is currently zoned R3 Medium Density Residential, "seniors housing" is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 10: View of existing 1-level detached dwelling house at 9 Frenchmans Road

The property to the west of 9 Frenchmans Road is the property known as 7 Frenchmans Road which contains a 1-level detached dwelling house. This building is setback approximately 5m from Frenchmans Road.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 11: View of existing 1-level detached dwelling house at 7 Frenchmans Road

The property to the west of 7 Frenchmans Road is the property known as 3 Frenchmans Road which presents as a 4-level residential flat building. This building is setback approximately 5.5m with its street frontage dominated by garages and associated driveways.

This site is currently zoned R3 Medium Density Residential, permits “seniors housing” and the current site development in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 12: View of existing 4-level residential flat building at 3 Frenchmans Road

The building on the property at 8 Astolat Street along the northern common boundary of the site, contains a 2-level detached dwelling house which is setback a minimum of approximately 5m. This building is setback approximately 5m from Frenchmans Road. This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).

The building at 27 and 29 McLennan Street along the northern and western common boundary with the site contains a 1 part 2-level semi-detached dwelling which is setback some 8m from the northern boundary and a minimum of approximately 3m from the western boundary. This building is setback approximately 5m from Frenchmans Road. This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).

The properties opposite the subject site 4, 6, 8, 10, and 12 Frenchmans Road, west of Chapel Street have been developed for 2 and 3 level terrace houses located within a heritage conservation area, of which 10 Frenchmans Road operates as a registered boarding house. These properties are currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and are not listed as heritage items under the Randwick Local Environmental Plan 2012 (RLEP).

The properties opposite at 14 and 16 Frenchmans Road, east of Chapel Street have been developed as single storey attached dwelling houses. The property at 14 Frenchmans Road includes a single storey outbuilding at the corner of Frenchmans Road with Chapel Street which has a setback of some 0.5m to Frenchmans Road with a 1.8m high creeper vine growing on the fence immediately adjacent to the outbuilding. No windows are located in the outbuilding facing towards Frenchmans Road. The front door of the dwelling at 14 Frenchmans Road is obscured from Frenchmans Road by the creeper vine growing on the fence and this dwelling is setback some 3m from the street frontage. The principal private open space for 14 Frenchmans Road is in the rear yard area which fronts Chapel Street. The property at 16 Frenchmans Road is setback some 4m from Frenchmans Road with a part masonry and timber inserts front fence which is approximately 1.5m high. The principal private open space for 16 Frenchmans Road is in the rear yard area with an accessway to Chapel Street. These properties are currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and are not listed as a heritage item and are not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 13: View of existing 1-level semi-detached dwellings at 14-16 Frenchmans Road

The property at 18 Frenchmans Road has been developed for a single storey detached dwelling house with a part masonry and timber inserts front fence which is approximately 1.5m high. The dwelling is setback a minimum of approximately 5m from Frenchmans Road. This dwelling house has a rear private yard area which can be described as its principal open space.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 14: View of existing 1-level detached dwelling at 18 Frenchmans Road

The frontage of the property at 20 Frenchmans Road has been developed for two strata subdivided 2-storey townhouses with a masonry front fence which is approximately 1.5m high, as part of a strata subdivided townhouse development which has frontage to Chapel Street. Townhouse 1 is setback a minimum of approximately 6m from Frenchmans Road. The areas between the building setback and Frenchmans Road frontages of townhouses 1 and 2 appear to be the principal private open space to each property and include paved areas.

This site is currently zoned R3 Medium Density Residential, “seniors housing” is permitted in the R3 zone, permits a 12m Height of Building and Floor Space Ratio of 0.9:1 and is not listed as a heritage item and is not located within a heritage conservation area under the Randwick Local Environmental Plan 2012 (RLEP).



Photo 15: View of existing 2-level townhouses 1 and 2 at 20 Frenchmans Road

2.2 STRATEGIC PLANNING CONTEXT

An analysis of the locality's broader strategic framework has been completed to understand the role that the State Government intends for the Randwick LGA and provides an analysis of the potential future role of the site within this suburb, given its location within close proximity to the Randwick strategic centre, and Health and Education Collaboration Precinct in Randwick.

2.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities, March 2018

In March 2018, the Greater Sydney Commission (GSC) released the *Greater Sydney Region Plan (GSRP) – A Metropolis of Three Cities*. The GSRP sets the 40-year vision and 20-year plan for all Greater Sydney. The GSRP outlines how Greater Sydney will manage growth and change and guide infrastructure delivery and is to be implemented at a local level by District Plans.

It identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

The GSRP includes objectives associated with overarching goals associated with “Infrastructure and collaboration”, “Liveability”, “Productivity”, and “Sustainability”. The GSRP advises in part:

There are major opportunities to respond to the challenges and adapt to the changes. Targeted growth and investment can rebalance and improve opportunities for all who live in Greater Sydney. In this context, A Metropolis of Three Cities aims to align infrastructure and growth to restructure economic activity and access across the three cities:

In particular, the Eastern Harbour CBD which focuses on the existing urban areas surrounding the Sydney CBD of the metropolitan area. The Eastern City District includes the existing LGAs of Bayside, Burwood, City of Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra.

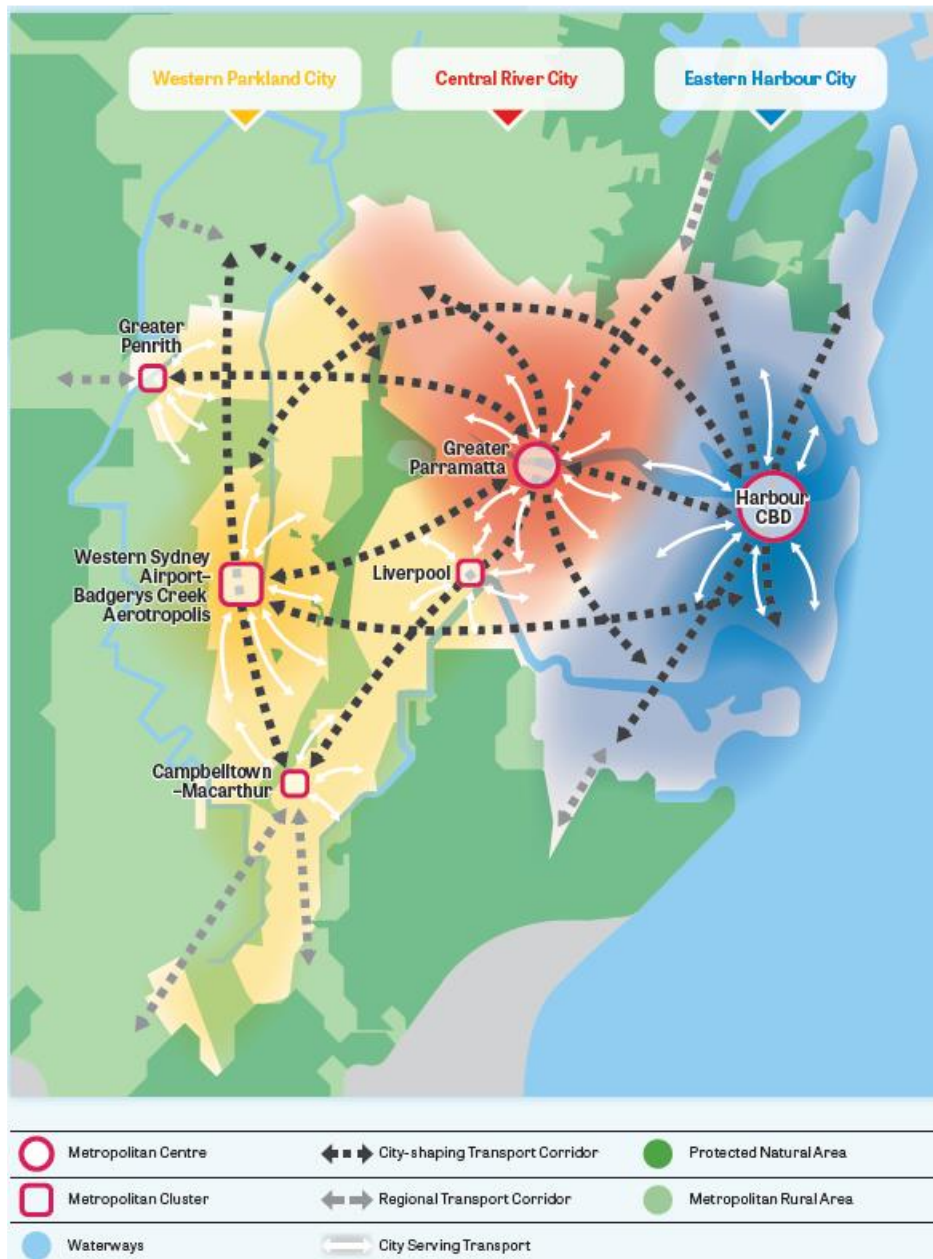


Figure 3: Extract from the GSRP p.7 “A Metropolis of 3 Cities”

Source: GSRP - GSC

The Eastern Harbour City focuses on the well-established, well-served and highly accessible urban areas around the rail network and the now operational light rail corridor to Randwick. The GSRP states at p. 20:

The Eastern Harbour City has significant rail projects underway to increase its global competitiveness, boost business-to-business connections and attract skilled workers with faster commuting times. The Sydney Metro Northwest links Rouse Hill to Chatswood, Sydney Metro City & Southwest connects Chatswood to Sydenham-Bankstown and Sydney Metro West will provide faster and more frequent trips to and from Greater Parramatta. The CBD and South East Light Rail connects the Harbour CBD to the Randwick health and education precinct.

The Eastern Economic Corridor from Macquarie Park to Sydney Airport is the State's greatest economic asset – contributing two-thirds of NSW's economic growth in the 2015-16 financial year. It will build on its credentials and leverage its strong financial, professional, health, education and innovation sectors.

The Harbour CBD will focus on innovation and global competitiveness to underpin its continued growth. It will extend its capabilities with an emerging Innovation Corridor on its western edge comprising universities, a major teaching hospital, international innovation companies and fastgrowing start-ups.

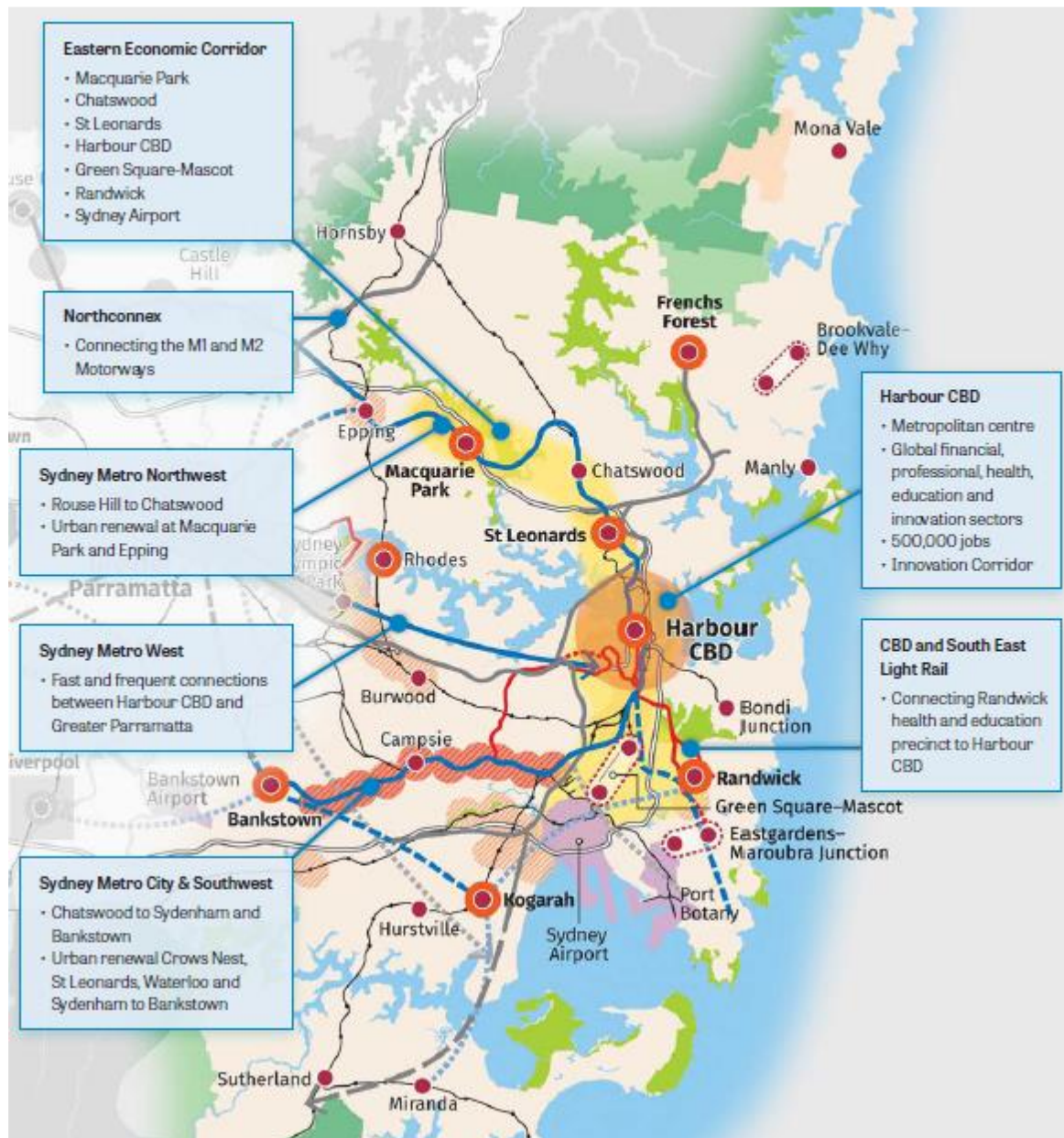


Figure 4: Extract from the GSRP p.21 “A Metropolis of 3 Cities – Harbour City”

Source: GSRP - GSC

There is specific reference within the GSRP to “Randwick” as a targeted location for a “health and education precinct” collaboration area to better connect into the “Eastern Economic Corridor” by increasing dwelling densities and jobs growth. In addition, Randwick is the highest order centre in eastern Sydney being a strategic centre with a health and education precinct. The site on Frenchmans Road is located within 800m of Randwick strategic centre.

The GSRP includes reference to the preparation of Housing Strategies at page 64, with specific reference to seniors and aged-care housing (highlighted in underlining):

Principles for housing strategies

Housing strategies are to be prepared by councils for a local government area or district and be given effect through amendments to local environmental plans. To deliver co-ordinated outcomes the development of housing strategies is to be aligned with councils' community strategic planning and inform council infrastructure investments and service programs.

Housing strategies need to identify:

- *where in their local government area the 0–5 and 6–10 year housing targets (when agreed) would most appropriately be applied to align with existing and proposed improvements to local infrastructure and open space improvements (refer to Objective 12 and Objective 31)*
- *the right locations for growth, including areas that are unsuitable for significant change in the short to medium term*
- *capacity to contribute to the District's 20-year strategic housing target.*

Housing strategies play an important role in planning for more liveable neighbourhoods and meeting housing demand by responding to:

- ***Housing need:*** *the projected housing need and demographic characteristics of the existing and growing community, including different cultural, socio-economic and age groups and the availability of a range of housing types, tenures and price points.*
- ***Diversity:*** *including a mix of dwelling types, a mix of sizes, universal design (refer to Objective 6), seniors and aged-care housing, student accommodation, group homes, and boarding houses.*
- ***Market preferences:*** *market demand considerations that drive the take-up of housing, including local housing preferences*
- ***Alignment of infrastructure:*** *opportunities to optimise transport infrastructure enabling access to jobs, health, education and recreation facilities, that align with State and local government infrastructure priorities (refer to 'More housing in the right locations').*
- ***Displacement:*** *managing potential impacts of growth on existing communities such as displacement by understanding the location and volume of affordable rental housing stock.*
- ***Amenity:*** *opportunities that improve amenity including recreation, the public realm, increase walkable and cycle friendly connections to centres (refer to Objective 12).*
- ***Engagement:*** *engaging the community on a range of options and neighbourhood priorities that can be integrated with new housing and benefit existing and future communities.*
- ***Efficiency:*** *opportunities for innovations in waste management, water and energy provision by determining the nature of growth, location and demand for utilities.*

At page 113 under Objective 21, the GSRP acknowledges the role that residential aged care contributes towards health care:

Health care is provided through a comprehensive network of services across Greater Sydney ranging from large principal referral hospitals providing highly complex emergency and planned services, through to care in people's homes and community health centres. It includes ambulance services, local hospitals, population health and preventative services, mental health services, primary care including general practice, allied health services, pharmacy, dental care and residential aged care. There is a wide range and diversity of services delivered by different levels of government as well as the private and not-for-profit sectors.

Integration across all services is pivotal to efficient and effective delivery of health care. The acute hospital system on its own cannot meet the changing needs of the community where people are living longer, often with chronic and complex healthcare needs, including mental illnesses. The challenge is to develop models of care, partnerships across the health sector, funding streams, new workforce models and eHealth 31 solutions to create the connected healthcare system that is needed now and for the future.

According to the plan, there is an emerging requirement from the state and local governments to optimise infrastructure and business investment, employment and liveability outcomes of the Eastern Harbour City which aims to create Infrastructure and collaboration areas:

Collaboration Areas include health and education precincts at Camperdown-Ultimo, Randwick and Kogarah with collaboration roles at St Leonards, Macquarie Park and Frenchs Forest.

Further collaboration to address planning complexities and identify ways to support growth will be undertaken at the Australian Nuclear Science and Technology Organisation innovation precinct and the Bankstown Airport and Milperra industrial area.

This will lead to a significant level of growth and transformation in the city specially within its established “strategic centres” which includes Randwick.

The GSRP advises at page 119 in relation to “Strategic Centres”:

Strategic Centres

...strategic centres, expectations for all are similar. They include:

- *high levels of private sector investment*
- *flexibility, so that the private sector can choose where and when to invest*
- *co-location of a wide mix of land uses, including residential*
- *high levels of amenity and walkability and being cycle friendly*
- *areas identified for commercial uses, and where appropriate, commercial cores.*

The NSW Government will enhance public transport access to strategic centres as part of the 30-minute city – that is 30-minute access by public transport to the nearest strategic centre seven days a week to improve both productivity and liveability.

In recognition of the differing opportunities and scale of the strategic centres, the NSW Government will prioritise infrastructure investment to:

- *unlock significant private sector investment*
- *attract businesses and provide a range of services*
- *improve the attractiveness of the centres as a place to live, work and enjoy and provide community services*
- *allow continued expansion to increase the number of jobs close to where people live.*

The Greater Sydney Commission will explore opportunities to enhance initiatives that deliver jobs and investment in strategic centres.

The proposal is consistent with the expectations stated in the GSRP for the Randwick Strategic Centre.

2.2.2 Eastern City District Plan

Randwick is located approximately 3.5km south-east of the Sydney CBD and is a nominated health and education precinct. The District Plan states in relation to Randwick:

In the Eastern City District, the following have been identified as places where the Greater Sydney Commission will chair collaboration processes:

...

- **Randwick health and education precinct**, led by the Commission, will bring together Randwick City Council, the University of NSW Kensington Campus, Prince of Wales public and private hospitals, the Royal Hospital for Women and Sydney Children's Hospital.



Figure 5: Extract from the District Plan p 11 which includes Randwick – “Structure Plan for the Eastern City District”
Source: GSC

As identified in the Eastern City District Plan (see extract from the District Plan in the following figure), Randwick is a ‘strategic centre’, and the site is located within its 800m walking catchment.



Figure 6: Extract from the District Plan p 50 which includes Randwick – “Figure 13 – Eastern City District - centres”
Source: GSC

The plan recommends providing additional residential developments within a five-minute walk of a centre focused on local transport or within a 10-minute walk of a centre with city-shaping or city-serving public transport (including Randwick as a strategic centre), to create walkable local and strategic centres. According to the plan, specific attributes include proximity to transport interchanges and strategic centres that can support walkable neighbourhoods with access to jobs, schools and open space and opportunities to optimise existing infrastructure. These factors make local areas suitable for housing supply beyond 10 years.

As per the plan ‘Strategic centres are focal points for jobs and housing, and include public transport and transport interchanges, they are an important part of a 30-minute city’.

Randwick is located within 30 minutes from the Sydney CBD Metropolitan cluster with a concentration of jobs, health/education facilities and community activities. The centre is well served by local transport (bus services) and is located within approx. 10 minutes walking catchment of the Randwick light rail station. Randwick provides comprehensive access to the necessary day-to-day goods and services, community and/or social facilities for the surrounding neighbourhood.

The plan has also identified approximately 5-10-minute walking catchment around the centres (Figure 8) to be determined for a place-based approach with housing, retail and commercial growth opportunities including Randwick Strategic Centre.

The District Plan requires Council to prepare a Local Strategic Planning Statement as the first step to give effect to the Plan.

2.2.3 Randwick Local Strategic Planning Statement – Vision 2040

The Randwick Local Strategic Planning Statement (Randwick LSPS) outlines the framework for land use planning and decision making across the LGA to 2040. The Randwick LSPS sets projected demographic trends and implications for land use planning, particularly housing demand and delivery across the city. The Randwick LSPS was finalised and officially published on the NSW Planning Portal in March 2020. The LSPS outlines the relationship between housing, jobs, infrastructure and open space and guides land use changes.

The Randwick LSPS does not specifically address “seniors housing” but does advise at the beginning of “Planning Priority 1: Provide diverse housing options close to transport, services and facilities”:

*Randwick City’s population is expected to grow to 180,150 or an additional 33,900 people by 2036. Council’s Housing Strategy has identified that housing this population growth will require an estimated 14,600 additional new dwellings across the LGA by 2036. These new dwellings will need to provide for a range of households, including families with children, **households with elderly members** and lone person households.*

Planning Priority 1 of the Randwick LSPS is to provide diverse housing options close to employment, services and facilities. The LSPS identifies that to meet the needs of its growing aged population, housing will need to be accessible, well designed, close to services and located in areas free from the hazards of bushfire, sea level rise and erosion (see page 26). The Housing Strategy reinforces these needs and notes that Council will ensure that new housing stock is adaptable and suitable for its growing aged population through the provision of adaptable housing, smaller housing types and retirement villages and care facilities that provide critical care for Randwick City’s older population and allows residents to ‘age in place’.

The proposal is located in an accessible area, close to services and transport. The proposal is a redevelopment of an existing RACF, with improvements in design that will enhance amenity for residents.

Planning Priority 1 also states on page 26:

Housing strategy

Council has prepared a Housing Strategy to establish the strategic framework for residential growth within Randwick City over the next 20 years. The Strategy links Council's vision for housing with the housing objectives and targets of the NSW Government and Greater Sydney Commission strategic plans, including the Greater Sydney Region Plan and Eastern City District Plan, to support the A Metropolis of Three Cities, where most residents live within 30 minutes (walking or public transport) of their jobs, education and health facilities, services and great places.

How the proposal responds to the Randwick draft Housing Strategy is addressed in the next section of this report.

Planning Priority 2 of the Randwick LSPS is to 'increase the supply of affordable rental housing stock to retain and strengthen our local community'. Along with a suite measures to deliver more affordable rental housing through the LGA, Council notes that more affordable rental housing is required to allow people to stay in the community as they move through different life stages.

The proposal provides the amount of supported resident RACF beds as per the ratio required for the South East Sydney region.

The proposal will also designate one of the two ILUs as affordable with an estimated rent approximately 80% of local market median, which would be affordable to some low income and moderate-income households as per the Greater Sydney benchmark. Through the provision of supported resident RACF beds and the one designated affordable ILU, the development will provide affordable accommodation to some very low, low and moderate income households, ideally from the local area allowing them to remain in the community as they age.

2.2.4 Randwick Draft Housing Strategy – Vision 2040

The Randwick City Housing Strategy responds to the 20-year vision for land use planning for the LGA as set out in the LSPS and establishes the strategic framework for residential growth.

As of June 2020, Randwick City Council had endorsed its Draft Housing Strategy to be submitted to the Department of Planning, Industry and Environment, at the time of writing it remained a "draft". Council has placed on its webpages the Draft Housing Strategy as adopted.

The Randwick City Housing Strategy provides a housing vision for the LGA:

Housing in our City will meet the housing needs of our diverse community by providing a mix of housing types and sizes located in and around our town centres and suburbs. New housing will be of a high-quality design and contribute to our desired future character. Affordable housing will be delivered to cater to the specific housing needs of lower to middle income residents.

There is an acknowledgement in the Draft Housing Strategy at page 30:

The aged population of Randwick City is projected to increase by 2036, in line with national trends. The Housing Strategy reports that people aged 85+ and 75-84 are forecast to grow significantly between 2016 and 2036, accounting for increases of 74% and 67% respectively.

The Draft Housing Strategy reinforces the need identified in the Randwick LSPS, and notes that Council will ensure that new housing stock is adaptable and suitable for its growing aged population through the provision of adaptable housing, smaller housing types and retirement villages and care facilities that provide critical care for Randwick City's older population and allows residents to 'age in place'. In addition, the Draft Housing Strategy advises at page 26 in relation to 2.3.4 "Seniors Housing SEPP":

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) was introduced as planning policy response to facilitate the delivery of seniors housing and retirement care facilities to meet projected need across Greater Sydney. Under the Seniors Housing SEPP, a site compatibility certificate application can be made to the Department of Planning and Environment to enable development for the purposes of seniors housing. A Site Compatibility Certificate enables a Seniors Housing development to be proposed on land that is used for the purposes of an existing registered club. The key issue with the site compatibility certificate process is that it can result in a loss of private open space used by the community.

A site compatibility certificate has been approved by the Department of Planning and Environment for the former Maroubra RSL Memorial Bowling Club for 56 self-contained units and 108 residential aged care facility beds.

The site redevelopment as proposed will not result in the loss of publicly or privately accessible open space used by the community, rather the proposal seeks the renewal of existing seniors housing to be available to meet the growing demand in the community.

2.2.5 Randwick Draft Local Character Statement

Between 13 May and 10 June 2020, council placed on formal public exhibition a number of Local Character Statements to link with the draft Housing Strategy.

The site is identified in the Randwick Local Character Area #04 (LCA #04) mapping included in the draft Randwick Local Character Statement.

The "environmental indicators density map" on page 13 includes "pink" shading at the frontage of the site along Frenchmans Road. The existing street tree at the frontage of the site is to be retained in the redevelopment, based on the TPZs and arboricultural method statement included in the Arboricultural Impact Appraisal and Method Statement included at **Appendix T** (Arborist Report) have been implemented in the architectural, engineering and landscape concept design drawings.

The "lot areas above 1000sqm" map on page 16 identifies the site. And the "Mixed use and commercial (yellow and beige)" map on page 17 identifies the site.

Importantly, the "4+ multi storey flats" fronting Frenchmans Road are acknowledged on the map at page 17 of the draft Local Character Statement at 3 and 25 Frenchmans Road located within 30m either side of the site.

The Peer Review undertaken by Matthew Pullinger at **Appendix Y**, includes responses to the Randwick LCA character principles listed at page 25, and advises:

Further to this understanding of the immediate local context, reference has been made to Randwick City Council's Local Strategic Planning Statement (LSPS) and the relevant draft Local Character Statement (LCS) for this part of the wider local government area.

The draft Randwick Local Character Statement highlights a number of attributes that contribute to define the existing urban character, and which are similar to those set out in the Guidelines. These include the relationship between street patterns and topography, the presence of sandstone as a familiar building material and the importance of mature existing street trees.

A recurring theme of the LSPS and LCS is the need for future development to recognise, incorporate and build upon the positive attributes of local context.

Appreciating and valuing these features has influenced the detailed design of the proposal in a number of ways which are discussed in the remainder of this report.

In addition, the proposed development seeks to improvement within installing “pram ramp gradients” to make these accessible for all users in public domain as detailed in the Clause 26 Assessment Report and associated engineering drawings included at **Appendix U**, all of which will improve pedestrian safety and improve access to transport throughout the area as sought by the Randwick LCA character principles.

As such, the proposed development is considered to be consistent with the Randwick LCA.

In summary, the proposed renewal of the existing seniors housing development is well justified on the following basis:

1. Connectivity via Existing Pedestrian pathways, Cycling and Transport Networks

The site is within easy accessible walking distance (173m refer to site survey and gradient analysis at **Appendix A** and Clause 26 Assessment at **Appendix U**) of an existing bus stop which is serviced by bus networks which connect to the Randwick strategic centre.

Main bus routes include 357, 314, 317 and 317 as direct connections to Randwick strategic centre and walking distance of the subject site.

The subject site is located within an 800m walking catchment of Randwick Strategic Centre and the local buses. A number of bus stops are between 100 and 200m walking catchment of the site. The site is within 900m of the light rail station in Randwick at the eastern end of High Street near the intersection with Avoca Street.

The estimated time from the subject site to the Sydney CBD is some 15-20 minutes which provides an opportunity for the subject site to support the GSRP 30-minute city as per the strategic aims and objectives.

2. Open Space Networks

The subject site is located within close proximity to high quality local and regional open spaces and green infrastructure including Queens Park and Centennial Park just over 800m from the site.

3. Local Community Facilities

The subject site is located within 800m walking catchment of Randwick strategic centre as the main destination for services and social infrastructure in the area of the subject site, there are various educational, health and community facilities which support the existing residents in Randwick as well as the potential future growth in the area.

A range of social infrastructure including local library, community and medical centres are located within 400m walking catchment of the subject site which enhances social and networks in the neighbourhood.

4. Housing Diversity and Accommodating Needs

The site is capable of accommodating a well-designed, vertical village, which includes 1 affordable housing independent living unit and up to 20% concessional places for residents in the RACF as part of the renewal of the seniors housing development of the site.

Given the high quality network of access to services, open spaces, community hubs and facilities in the local area, there is an opportunity for the local context including the subject site to provide a better living experience and encourage a greater level of recreational activities and social connections through capitalising on the renewal of the existing nursing home facility.

The aim of the future development on the subject site is to utilise the potential and opportunities present in the local area to increase housing choice and quality of supply particularly for aging population.

The site location affords convenient access to day to day facilities, local transport and high quality green open space environment, along with the proposed design will support aging in place close to major centres, family and social networks, which aligns with the strategic principles for the future growth of Randwick LGA.

Due to the current and future strategic transformation happening in the Randwick strategic centre to contribute to the health and education collaboration area of the GSRP and its centres to deliver a 30-minute city for the greater Sydney, there is an opportunity for centres including Randwick to accommodate the future potential growth. Good connectivity to strategic centres, local public transport nodes and appropriate level of local facilities are the major strength of Randwick to accommodate a greater level of development to achieve the objectives of transit-oriented centres (30-minute city) and enhance walkability.

5. The site is large, unencumbered and well situated, with the ability to efficiently accommodate high-quality seniors housing without unacceptable adverse impacts upon adjacent properties.

As presented by Boffa Robertson at the Design Excellence Panel meeting held on 13 June 2019, who have been assisted by the peer review undertaken collaboratively with Matthew Pullinger Urban Design and Architecture, the site has several attributes which make it suitable for the proposed seniors housing renewal development.

The current Randwick Local Environmental Plan 2012 controls predicate increased residential density development within and around the “Randwick strategic centre” given the B2 zoning is assigned to the existing Randwick centre under the Randwick Local Environmental Plan 2012 and the R3 Medium Density zone of the subject site. Given the Randwick Local Environmental Plan 2012 has already introduced the R3 Medium density residential zones within the 400-800m walking catchment of the Randwick strategic centre and this includes the subject site. The height of building controls within the 800m walking catchment provides a range of heights from 1-level to 4-level existing buildings and 12m for the R3 Medium-density residential zone compared to the maximum height of 15m of the B2 Local Centre zone and the nearby hospital land edges maximum height of 30m.

The design team analysis demonstrates that the orientation of the site and the scale of perimeter development should consider redistribution of the taller building elements away from the northern edges towards the southern frontage of the site along Frenchmans Road so as to match existing characteristic elements of the streetscape and built forms along Frenchmans Road within to the north of the site and mitigate impacts on existing and future building to the south.

The design responds to the metropolitan, subregional and local strategic targets to increase the supply of housing choice within proximity to existing transport infrastructure and accompanying neighbourhood shop facilities.

The accompanying Architectural Design Report in **Appendix B** demonstrates how the development responds to its strategic context and local character.

Given the strategic planning undertaken by the State Government, the site is ideally located for the proposed urban renewal with an increase in affordable and diverse housing via the proposed seniors housing development.

The following section of this report details the proposed development.

3. DESCRIPTION OF THE PROPOSED REDEVELOPMENT

3.1 OVERVIEW OF THE PROPOSAL

The proposal seeks approval for the demolition of all existing structures and site preparation works, construction and operation of a “seniors housing” development involving an 78-room residential aged care facility (RACF) and 2 independent living units (ILUs) in a vertical village building over two basement levels under Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

3.2 PROPOSED SENIORS HOUSING REDEVELOPMENT IN DETAIL

The renewal of the existing site development involves:

- Site preparation and bulk earthworks;
- Construction of 1 electrical substation;
- Construction and operation of a residential aged care facility building over 2 basement levels, under *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and which will contain:
 - Lower basement level:
 - Bulk storage and storage rooms, workshop and plant room;
 - Fire Hydrant and sprinkler pump room;
 - Basement level:
 - Parking for a total of 18 car spaces inclusive of disabled parking, with access from Frenchmans Road;
 - Ambulance bay, loading dock, kitchen, staff room, hairdresser / spa, theatre / multipurpose meeting room, gym, laundry, water closets, storage, plant rooms, garbage collection and waste holding area;
 - 4 level 78-room residential care facility building for high care and dementia care residents, to accommodate 86 beds. The Residential Aged Care Facility (RACF) has been designed to include:
 - Ground level in-house café with indoor and outdoor seating for residents and their visitors (this in-house café will be owned and operated by SummitCare as an ancillary activity to support the seniors housing development);
 - In-house nursing stations for care amenities and facilities on each level;
 - Communal dining and living areas on each level;
 - Multi-function meeting space;
 - Administration rooms;

- Physiotherapy room;
- Consulting rooms;
- Hairdressing salon;
- Reception and lobby area;
- Administration, manager and staff rooms;
- Strategically located lounge and dining areas for residents to enjoy outlooks to the landscaped gardens and terraces;
- Nurse stations at each level;
- On-site facilities for provision of catering with full commercial kitchen and refrigeration/storerooms;
- On-site linen services;
- Plant areas;
- Storage areas;
- Staff amenities;
- 2 x Lift access to each level of the building for all occupants and users;
- On level 4:
 - 2 independent living units to accommodate 2 x 1-bedroom units with individual private open space;
 - Roof terrace open space with pergola and planter boxes for landscaping, accessible to all residents;
 - Separate roof plant area with screening, distanced away from proposed rooms and the units to protect both visual and acoustic amenity;
- Perimeter landscaped gardens set at ground level and private communal courtyards on ground floor level to accommodate formal settings, outdoor seating, gardens extending towards the site boundaries while at the same time fencing and retaining walls within the boundaries of the site to provide a secure and safe environment for occupants; and
- The proposal will also involve consolidating 3 allotments into 1 allotment of land.

Details of the proposed development are demonstrated in the architectural drawings found in **Appendix B**. In addition, landscape concept plans have been prepared and can be found at **Appendix E**.

3.3 ARCHITECTURE AND URBAN DESIGN

The design process undertaken by Boffa Robertson as the lead architects has had consideration to the existing context and incorporated the feedback from the Randwick Design Excellence Panel (DEP). Boffa Robertson has worked with the owners to consider potential improvements in the current facility for over 15 years. Indeed, Council has granted a number of approvals of this period of time, not all of which have been implemented as the landowners decided rather than minor capital improvements the overall site facility needed to consider complete renewal. Thus, the proposal seeks approval for the renewal of the existing seniors housing development, which is over 50 years old, into a new modern seniors housing development.



Figure 7: Architectural render extracted from cover sheet – Frenchmans Road frontage

Source: Boffa Robertson Group

Please refer to the Design Statement prepared by the lead architects at Boffa Robertson Group at **Appendix B**, which includes detailed analysis of the proposal against the design principles outlined by the DEP.

In addition, the Boffa Robertson Group architects have worked with architect and urban designer Matthew Pullinger to consider more of the fine grain urban design considerations. A peer review statement has been prepared by Matthew Pullinger which can be found at **Appendix Y**. This peer review has also addressed the provision of Clause 31 of *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004* (Seniors Housing SEPP) and responds to each of the 5 key issues when designing a seniors housing development included in the *Seniors Living Policy: Urban Design Guideline for Infill Development*: 1. responding to context; 2. Site planning and design; 3. Impacts on streetscape; 4. Impacts on neighbours; and 5. Internal site amenity. In particular, the peer review advises at page 7:

Although the proposal represents an increase in building height when compared with the existing aged care facility, this additional height is anticipated by the relevant development standards and in any case, the proposal modulates the built form in a number of critical ways to minimise impacts of apparent bulk and scale.

From Frenchmans Road, the upper-most level of the proposal is set well back from the primary street frontage and is further configured within a traditional hipped roof form familiar to the local area.

Similarly, on McLennan Avenue, the proposed building form has been scaled to be contribute to the streetscape as a two-storey form with a hipped roof in order to reflect the prevailing scale and form of the existing lower-scale dwellings along this street.

In combination with these attributes of the proposed building form, the increased side setbacks are key to the maintenance of neighbours' privacy, amenity and the minimisation of associated impacts.

The following table provides a comparison between the existing site development and the proposal:

Table 2: Comparison Table of existing and proposed RACF

	Existing Seniors Housing RACF 11-17 Frenchmans Road, Randwick	Proposed Seniors Housing RACF and ILUs 11-19 Frenchmans Road, Randwick
Site Area	2,056 sqm	2,709.7 sqm
Floor Space Ratio	0.9:1 (refer to delegated assessment report dated 27 September 2010 for DA838/2010 for existing building FSR)	1.397:1
Building Height	9.3m	
Number of storeys	3	4
Number of beds	98 beds (refer to delegated assessment report dated 9 November 2006 for DA182/2007 for existing RACF building beds – it should be noted this DA was not acted upon which sought to reduced beds to 81 but not alter existing FSR/GFA)	86 beds in new RACF and 2 x 1-bedroom ILUs
Number of existing lots	3	1
Number of units	0	2
Affordable housing units	0	1
Number of driveways at Frenchmans Road frontage	5	1
Number of driveways at McLennan Avenue frontage	1	0
Setback of RACF building (11-15) from Frenchmans Road	Between 6m and 11m	Between 2.01m and 7.405m (level 4 recessed by 2m)
Setback of admin building (17) from Frenchmans Road	Between 3m and 5m	Between 2.01m and 7.405m (level 4 recessed by 2m)
Setback of RACF from McLennan Avenue	Between 0.8m and 4.8m	Between 2.65m and 2.75m (level 3 recess by 4.865m and 8.235m)
Car parking location	At-grade with access from Frenchmans Road	Basement level with access from Frenchmans Road
Loading dock location	At-grade with access from McLennan Avenue	Basement level with access from Frenchmans Road

3.4 ABOUT SUMMITCARE

SummitCare currently operates 10 residential care facilities (sometimes referred to as nursing homes), which provide services to more than 1,100 people in the community of New South Wales.

SummitCare was established in 1966 and their team have been operating in the aged care industry for over 50 years. These existing facilities offer a full range of services from high care, dementia care, extras services such as disabled services, palliative care, respite care and day respite care facilities. Details about SummitCare and their existing facilities can be found at the following link:

<https://www.summitcare.com.au/residential-aged-care>

SummitCare seek to provide a superior designed seniors housing development in a “vertical village” format in Randwick to provide increased opportunities for older members of the community to seek access to the high standards of care and allowing residents to age in place. Up to 20% of places will be made available for concessional residents as assisted beds with the residential care facility component.

An example of the standard of living sought to be achieved at Randwick by SummitCare is that which can be found at the existing residential aged care facility constructed and operated by SummitCare at Baulkham Hills which opened as a new residential aged care facility designed and developed by SummitCare in 2018.

<https://www.summitcare.com.au/residential-care/baulkham-hills>

3.5 NEEDS ASSESSMENT

When SummitCare were considering the redevelopment of this site, they undertook a due diligence which involved seeking demographic information from the team at Location IQ in 2015 and 2016. SummitCare’s own “Needs Assessment” which identified that new and renewed “residential care facilities” within the Randwick City Local Government Area (LGA) were needed.

For SummitCare this project is required in this location to assist with the ageing population’s needs and provision of renewed bed places. Currently SummitCare operate on Frenchmans Road (which currently supports 20% concessional beds) and have identified based on residential and family feedback that future residents and occupants seek access to single bedrooms with en-suite facilities which the existing nursing home does not provide and would take time to adapt. As such, not only to support existing residents preferences and future needs in the LGA, SummitCare now propose an integrated model for the community of Randwick and the wider LGA with the combination of a residential aged care facility (RACF) and independent living units (ILUs) in a vertical village format as permitted under the current legislation.

SummitCare’s proposal seeks the inclusion of 20% of beds as concessional beds to support the social housing needs of all persons in the local community. Based on SummitCare’s initial assessment of the demand for future seniors housing and their feedback from their existing residents, it was determined that any future seniors housing should consider a design model where both a residential aged care facility and independent living units with assistance and support on-site should be considered. In addition, SummitCare also wished to maintain a proportion of beds and a unit for residents who need support for housing in an affordable model. Therefore, SummitCare explored a “vertical village” format in order to seek a comparable number of beds with the existing nursing home but in an improved design, and undertook an urban design analysis with Matthew Pullinger assisting Boffa Robertson to consider the building envelope bulk and scale (as detailed previously in this report).

In July 2020, Location IQ prepared a “Aged Care & Independent Living Need Assessment” to consider in detail the future demand for aged care facilities and the future demand for independent living facilities and what impact this proposal would have initially and into the future. A copy of this Needs Assessment is included at **Appendix W**. The Needs Assessment indicates there is significant capacity to accommodate the renewal of the existing nursing home at 11-19 Frenchmans Road:

Supportability of Aged Care Facilities

i. Based on the information outlined in this assessment, there is significant capacity for existing and additional aged care facilities within the Randwick catchment both now and over the long term. There is strong potential for aged care facilities at the subject site, based on the following:

- **Site Location:** *the high-profile location of the site in close proximity to key retail, community and health facilities would be a key attractor, as well as the desirable nature of the eastern suburbs for prospective residents.*
- **Significant and Growing Demand:** *population growth, as well as the trend of ageing population is likely to add significantly to demand for aged care facilities, with a projected undersupply of some 2,275 places by 2036.*
- **Vacancy Rate:** *a review of unused places across New South Wales highlights a low level of vacancy in the South East Sydney.*
- **Existing Performance:** *given SummitCare are preparing to reinvest heavily into the subject site, this would generally indicate strong internal outlook for the future prospects of the facility and proposed development.*
- **Existing Supply:** *aged care facilities within the catchment area are limited in number (particularly in and around the suburb of Randwick) and characterised by relatively low vacancy rates.*
- **Quality of Competing Facilities:** *a review of competing aged care facilities indicates that several are tired or old and are likely to require refurbishments/upgrades.*
- **Proposed Developments:** *there is currently only two planned aged care developments across the defined catchment area. As outlined previously in Section 3.6, these developments will result in a net addition of 132 aged care beds, leading to a total provision of some 2,789 beds from 2026.*
- **Existing and Planned Site Composition:** *the redeveloped subject site is likely to provide a point of difference as one of the most modern, best-in-class facilities in the region.*
- **Retention:** *an enhanced, quality aged care facility would expand the reach of the subject site and promote the area as an idyllic location, thereby reducing the level of leakage occurring to competing facilities beyond the catchment area and Randwick LGA.*

ii. Based on the previous demand assessment in Section 3 of this report, at least 2,407 additional places could likely to be supported across the catchment area by 2036, not taking into consideration cannibalisation, leakage and changing penetration rates. This increased demand is projected to be met with an increase in supply of just 132 places in the short to medium term. Even assuming the market was currently at equilibrium (rather than the actual undersupply), a net additional 1,710 places will be demanded across the catchment area over the period to 2036.

iii. Overall, it is considered that there is strong need and demand to support the proposed aged care redevelopment at the subject site to ensure a quality offer is provided to meet the demand of changing demographics.

The Needs Assessment considers the proximity of the proposed “vertical village” seniors housing development in relation to existing seniors housing development and those approved/under construction and has advised:

Impacts

i. Impacts on other aged care facilities throughout the area would be well within the normal competitive range of less than 15%. Projected impacts from the proposed development would not threaten the viability or continued operation of any facility. Further, there would be no depletion or dilution in the range of services which are available to local residents.

ii. The redevelopment of the subject aged care facility of 90 beds in the catchment area would actually represent a slightly decreased provision of 4 beds across the catchment area. In this sense it would not impact on any other facilities by way of increased capacity. Considering the subject development is an existing facility, current residents are likely to simply be ‘transferred’ to the new facility.

iii. Further, demand for aged care facilities within the catchment area is projected to grow by some 85 aged care beds per year. In this respect, the entire Randwick development would represent around one year of aged care demand even if no places were currently provided on site.

In addition, Location IQ considered the Net Community Benefits that the proposal will introduce with the renewal of the existing senior housing in the “Executive Summary”:

Net Community Benefits

i. It is the conclusion of this report that a substantial net community benefit would result from the development of the proposed SummitCare aged care and retirement living development at Randwick. Offsetting insignificant trading impacts on some existing facilities, there are very substantial positive impacts including the following:

- **Enhanced Range:** significant improvement in the range/quality of facilities that would be available to local residents in terms of services, choice and amenity.
- **Amenity & Vibrancy:** the proposed development would provide improved amenity, design and aesthetic for the local residents by way of a new and modern development. The revitalisation of the old and under-utilised site also improves enjoyment of private or public areas. Additional customer flows and vibrancy created through the precinct would positively impact on the other retail and non-retail facilities within the area.
- **Best in Class:** the project will be a best-in-class facility for the local area and be at the forefront of development within the sector.
- **Retention of Residents & Visitors:** the provision of enhanced facilities to an undersupplied catchment and high vacancy rates would result in the retention of residents (and visitors) currently relocating or frequenting other facilities beyond the region.

- **Employment, Income & Economic Activity:** the local community will experience direct impacts and benefits originating from construction and operation of the proposed development, including the creation of some 263 jobs as well as additional economic activity (revenue, cross-flows, visitation etc).

- **Third Place:** the development would provide the local community with additional facilities that would serve as a ‘third place’, or informal settings where people can meet or be comfortably alone while still engaging socially with the community. This provides additional opportunity for social integration and increases prospects of more seamless interactions between the community, which is important for health and wellbeing.

- **Community Aspirations:** the development also aligns with broader aspirations for the community, responding to core issues and reflecting a new positive vision/narrative for the area in several ways, including challenges presented in the Randwick City Plan:

“We continue to plan for an increasing number of older people, as indicated in our national demographic trends, and tackle social and income inequalities as part of a whole of government approach. The provision of health and wellbeing information and access to community services by those in need of social support are also key areas of focus.”

ii. It is concluded that the combination of the substantial positive community and economic impacts serve to more than offset any minor trading impacts that may be anticipated from the redevelopment of the subject site.

The applicant wishes to advise that the timeframe associated with the project to be operational is not likely to occur until 2023, given the proposal is yet to achieve a suitable approval, has not undertaken any marketing and its construction stage is likely to take at least 18-24 months.

Therefore, the proposed vertical village is a suitable outcome for the site as it will not result in an adverse impact on existing seniors housing developments and will provide for an outcome which supports the demand into the future.

The Social Impact Comment at **Appendix N** includes information to assist with the evaluation of the need for the proposed seniors housing development as well.

3.6 VEGETATION AND LANDSCAPING

All trees, both within the subject site and those which may be impacted outside of the subject site, have been assessed, as contained within the report included at **Appendix T**.

The design of the proposed development includes setbacks to accommodate the required TPZs to retain existing trees and create new landscape tree plantings zones along Frenchmans Road and McLennan Avenue, the application is accompanied by Landscape Concept Drawings, refer to **Appendix E**.

3.7 STORMWATER MANAGEMENT

The proposed development includes a concept drainage design to connect to Council’s system along with improvements to the current site to include WSUD measures and associated modelling the proposed development, in accordance with Council’s requirements. As such, the proposed development can manage its stormwater discharge appropriately. Refer to the stormwater management design concept drawings at **Appendix I**.

3.8 TRAFFIC, ACCESS AND PARKING

3.8.1 Pedestrian and disabled access

The proposed development includes pedestrian and disabled access along Frenchmans Road frontage and its McLennan Avenue frontage into and throughout the site and throughout each level of the “vertical village” buildings via lifts. Disabled access requirements of the Australian Standard required under the BCA have been considered for the “vertical village”, as detailed in the BCA report and Access Report included respectively in **Appendices F and G** in this report.

3.8.2 Vehicle access and parking

One driveway is proposed off Frenchmans Road to the basement level car parking and servicing as shown in the appended architectural drawings. The proposed redevelopment has been assessed and is summarised in Table 3 as requiring:

Table 3: Summary of Parking Requirements

Use	Seniors Housing SEPP rates	Proposal	Required
RACF	1 space per 10 beds for visitors	86 beds	8.6 spaces
	1 space per 2 staff	16 staff	8 spaces
ILUs	0.5 space per bedroom	2 x 1-bedroom units	1 space
	1 space per 5 dwellings		0.4 space
Total			18 spaces

The basement has been designed to accommodate 18 car parking spaces (inclusive of 1 disabled parking spaces) and 1 ambulance bay. In addition, the design includes a separate “minibus / loading bay / waste management service dock” suitable in size to accommodate SummitCare’s appointed contractors trucks and largest mini bus at 8.8m long. 2 bicycle parking spaces and 1 motorcycle parking space are also allocated. The application includes a Transport Impact Assessment at **Appendix C**. This report advises:

Based on the analysis and discussions presented within this report, the following conclusions are made:

1. A development application is to be lodged to redevelop an existing 94-bed Residential Aged Care Facility development on a site of 2,710 square metres located between Frenchmans Road and McLennan Avenue in Randwick, with an 88-bed facility.
2. The proposal generates a SEPP Seniors and Transport for NSW Guide parking requirement of 20 parking spaces, including 19 car spaces and one ambulance bay. The proposed parking provision of 20 spaces, including 18 car spaces, one ambulance bay and one service vehicle bay, is considered appropriate to accommodate the anticipated demand generated by the proposal.
3. The site is required to provide for two bicycle parking spaces and one motorcycle space.
4. The proposed parking and loading layout are considered generally consistent with the dimensional requirements as set out in the Australian/New Zealand Standard for Parking Facilities.
5. The site is expected to generate up to 18 vehicle movements in the weekday peak hours, which is no net change compared to the existing facility (19 vehicle movements).
6. Therefore, the proposal would have no additional impact on the surrounding road network and can be supported from a traffic and transport perspective.

3.9 SITE MANAGEMENT

The proposed residential aged care facility and independent living units in the overall vertical village will be owned, operated and managed by the applicant SummitCare with assistance from HomeGround for the affordable housing ILU, refer to **Appendix R**. No subdivision is proposed for the land or the proposed ILUs. As residents will be located within the residential aged care facility on a permanent basis as their home in the later stages of ageing, this will operate 24 hours a day, 7 days a week (as is the current circumstances of the existing nursing home).

3.9.1 Staffing and Site Management

The residential aged care facility will employ a total of 16 staff in full-time, part-time and casual roles. Shift rotations will be staggered to ensure that change over periods minimise the movement of cars in the basement, ensure availability for staff to park and any associated impacts. This arrangement for staggered shift changes over periods is in operation at existing SummitCare facilities and management practices work to ensure that no unacceptable impacts occur to adjoining properties.

To assist with site management a preliminary Plan of Management has been prepared by SummitCare to assist with building management processes along with components such as how SummitCare staff will be responsible for moving waste from the RACF and ILUs to the collection point in the basement level. Refer to **Appendix S**.

3.9.2 Waste Management

A construction waste management plan and an operational waste management plan are included in **Appendix D**. A waste management room is proposed in the ground floor level and basement level under each building, and waste collection is proposed with private contractors using the designated dock off in the basement level via the driveway from Frenchmans Road. Staff will be responsible for transferring waste from the “nursing home” operational levels of the building to the storage room and waste collection area. A detailed construction management plan can be supplied once the formal tendering process has been undertaken post development consent by the appointed builder and prior to the issue of a Construction Certificate.

3.9.3 Security and Access Control

The proposed development will be fitted with access controls including secure doors with electronic key access at all access points including both the pedestrian and disabled access points and the vehicle access point. CCTV and site security services will be implemented. Refer to the Crime Prevention through Environmental Design (CPTED) measures discussed in the CPTED Report at **Appendix V**.

3.10 CIVIL WORKS

This proposal seeks approval for the civil design details associated with the disabled access improvements to the ramp as detailed in the engineering design concept drawings contained within **Appendix I**.

3.11 UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES

The site has access to connections to existing utility service infrastructure including water, sewer, gas, electricity and telecommunications which will be installed, upgraded and augmented, as required. An Infrastructure Report has been prepared which is included at **Appendix M**.

3.12 MULTIPLE CONSTRUCTION CERTIFICATES AND OCCUPATION CERTIFICATES

Given the proposed development involves renewal of the existing site development, the applicant intends to stage construction works due to the scale of the development and to enable each component of the proposed seniors housing development to be constructed prior to residents occupying at a safe time following construction. For example, demolition works, site preparation, bulk earthworks and basement levels construction to ground floor slab will likely be undertaken in its own Construction Certificate. Then works would commence on the superstructure in a separate Construction Certificate, followed by internal fit outs occurring within the residential aged care facility while other components of the construction phase such as line marking, external landscaping and so on are being completed concurrently, this process requires practical completion for the residential aged care facility while building works external continues.

Therefore, the applicant requests Council not recommend the imposition of conditions which restrict the issue of separate construction certificates and associated occupation certificates for each component of the construction phase. A detailed Construction Management Plan can be prepared once the tendering process has been concluded and upon a principal contractor being awarded the project for the construction phase.

4. ENVIRONMENTAL ASSESSMENT

4.1 COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The application does not trigger a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

4.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The following sections of this report provides an assessment against the relevant provisions of the EP&A Act:

4.2.1 Section 2.12 of the EP&A Act – District and Regional Planning Panels

Pursuant to Section 2.12 of the EP&A Act, the Minister by Order as published, constituted the District Panel to determine a DA which is regional development as outlined in Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, where:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* greater than \$30 million which is referred to the Planning Panel by the applicant after 120 days*

* *Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

The proposed development involves a CIV with a value of greater than \$30 million (refer to QS CIV at **Appendix H** which indicates \$34,748,234). Therefore, the proposal as submitted triggers the determining authority as the District Panel.

4.2.2 Section 2.17 of the EP&A Act – Local Planning Panels

Pursuant to Section 2.17 of the EP&A Act, the Minister by Order as published, constituted the Local Planning Panels (IHAPs) to determine a DA which meets certain “Referral criteria”. As the District Panel is the determining authority, the local planning panel will not be involved with this process. For completeness the referral criteria include:

Table 4: Summary of IHAP criteria

Summary of IHAP Development Application Criteria	
Conflict of interest	<p>Development for which the applicant or landowner is:</p> <ul style="list-style-type: none"> the council a councillor a member of staff who is principally involved in the exercise of council's functions under the EP&A Act a member of Parliament or a relative of one of the above.
Contentious development	<ul style="list-style-type: none"> council's approved submission policy triggers a referral or for schedules 1 and 2 only — DA that receives 10 or more unique objections or for schedule 3 only — DA that receives 25 or more unique objections.
Departure from development standards	<p>Development that contravenes a development standard imposed by a planning instrument by:</p> <ul style="list-style-type: none"> more than 10% or non-numerical development standards or for schedule 3 only — more than 25% for dwelling houses, dual occupancies and attached dwellings.
Sensitive development	<ul style="list-style-type: none"> designated development for schedule 1 only — Residential Flat Building, 3 or more storeys in height for schedules 2 and 3 only — Residential Flat Building, 4 or more storeys in height demolition of a heritage item development for the purposes of new premises that will require: <ul style="list-style-type: none"> a club licence or a hotel (general bar) licence or an on-premises licence for public entertainment venues development for the purpose of sex services premises and restricted premises <p>DAs for which the developer has offered to enter into a planning agreement.</p>

4.2.3 Section 3.28 of the EP&A Act – Inconsistency between instruments

A DA will be submitted to Randwick City Council (RCC) seeking approval for a form of “seniors housing” as described in Clause 10 under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). Pursuant to Section 3.28 of the EP&A Act, the provisions of the Seniors Housing SEPP prevail over any requirement in any local environmental plan. In addition, it should be noted that the proposal does not trigger the provisions of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) as the proposal involves 2 ILUs under the Seniors Housing SEPP.

4.2.4 Section 4.13 of the EP&A Act – Consultation and Concurrence

Pursuant to Section 4.13 of the EP&A Act, several consultations and concurrences can be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed development does not involve works which require a concurrence under the provisions of the Infrastructure SEPP.

4.2.5 Section 4.13B of the EP&A Act - Concurrence

Pursuant to Section 4.13B of the EP&A Act, a number of concurrences may be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed development will require a referral under the provisions of the Infrastructure SEPP to the energy provider, but this is not a concurrence. The Infrastructure Report included in Appendix M addresses energy supply to the proposed site renewal. Pursuant to Section 4.13B of the EP&A Act, no concurrence is required for the proposed development.

4.2.6 Section 4.15 of the EP&A Act - Evaluation

This section provides a preliminary assessment of the relevant environmental planning issues associated with the proposed redevelopment in accordance with Section 4.15(1) of the EP&A Act, which states:

4.15 Evaluation *(cf previous s 79C)*

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.2.7 Section 4.15(1)(a)(i) – Environmental Planning Instruments

The following environmental planning instruments have been considered in the assessment and preparation of this application:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);*
and
- *Randwick Local Environmental Plan 2012 (RLEP).*

4.2.8 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) was developed to encourage the development of high-quality accommodation which is in keeping with the local neighbourhood for our ageing population and for people who have disabilities. The name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective on 12 October 2007.

A DA will be submitted under the Seniors Housing SEPP for a proposed “senior housing” development as defined under Clause 3, particularly given the provisions of Clauses 10, 13 and Clause 45, detailed as follows.

4.2.8.1 Type of Seniors Housing Proposed under the SEPP

The proposed form of development is considered to include “seniors housing” under the terms of the Senior Housing SEPP which states under Clause 3 “Interpretation”:

seniors housing—see clause 10.

Clause 10 of the Seniors Housing SEPP states:

10 Seniors housing

*In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) **a combination of these,***

but does not include a hospital.

Note.

The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following—

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows—

- (a) Class 3, 9a or 9c in relation to residential care facilities,*
- (b) Class 1b or 3 in relation to hostels,*
- (c) Class 1a or 2 in relation to self-contained dwellings.*

The proposal includes a component in the form of *(a) a residential care facility* and *(c) a group of self-contained dwellings*.

The proposal includes a component within Building A as a “residential care facility”, where the Senior Housing SEPP interpretation at Clause 3 states:

residential care facility—see clause 11.

The provisions of Clause 11 under the Seniors Housing SEPP state:

11 Residential care facilities

In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
 - (b) personal care or nursing care, or both, and*
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
- not being a dwelling, hostel, hospital or psychiatric facility.*

Note. *The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.*

The proposed development involves a “residential care facility”, will include all of the items at (a) to (c), and will be licensed in accordance with the *Aged Care Act 1997 (Cth)* as administered by the Commonwealth when operational.

In addition, the proposal includes “self-contained dwellings” in the form of two independent living units (ILUs) which are consistent with the provisions of Clause 13 of the Seniors Housing SEPP, as follows:

13 Self-contained dwellings

(1) General term: “self-contained dwelling” In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

and

(3) Example: “serviced self-care housing” In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

4.2.8.2 Permissibility under the Seniors Housing SEPP

The provisions of the Senior Housing SEPP outline when “seniors housing” is permitted, despite the list of permitted uses listed under the R3 Medium Density Residential zone of the Randwick Local Environmental Plan 2012 based on the following assessment.

It should be noted in Section 4.2.14.2 of this report that the “land use table” for the R3 Medium Density Residential zone under the *Randwick Local Environmental Plan 2012* does list “seniors housing” as a permissible use, however this proposal is submitted under the Seniors Housing SEPP and therefore having consideration to the provisions of Section 3.28 of the EP&A Act as discussed previously, the Seniors Housing SEPP prevails over any local environmental plan.

The provisions of Clause 4(1) under the Seniors Housing SEPP are triggered, as “dwelling houses” and “residential flat buildings” are permitted in the “R3 Medium Density Residential” under the *Randwick Local Environmental Plan 2008* applicable to the land, see below.

4 Land to which Policy applies

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) residential flat buildings,

(iii) hospitals,

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries,
or

(b) the land is being used for the purposes of an existing registered club.

The proposed development is to be located on land which permits development for the purposes of “dwelling-houses” and “residential flat buildings”. Therefore as, “dwelling houses” and “residential flat buildings” are permitted in the zone, the subject site can be described as “land zoned primarily for urban purposes” which is consistent with the provisions of Clause 4 of the Senior Housing SEPP.

The intention of the Seniors Housing SEPP is to apply to land which is zoned for urban purposes which the subject site triggers. It is noted that the provisions of Clause 4(1) use a distinction between “*land zoned for urban purposes or land that adjoins land zoned for urban purposes*”. Notwithstanding that the land adjoins land zoned for urban purposes, the subject site is zoned **for urban purposes** and therefore, the provisions that apply to the category of seniors housing on “land zoned for purposes” will apply. Any provisions applying to seniors housing on “land that adjoins land zoned for urban purposes” will not apply.

The provisions of Clause 4(2) to (11) have also been considered as follows:

(2) Land that is not zoned primarily for urban purposes

For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument:

- (a) a zone that is identified as principally for rural uses,*
- (b) a zone that is identified as principally for urban investigation,*
- (c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).*

The subject site does not trigger the provisions of Clause 4(2) as detailed above.

(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.

The subject site is not located within the Local Government Area of Warringah Shire Council for which this clause applies to certain lands.

- (1) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.*

The provisions of this subclause are noted.

(4) Land that adjoins land zoned primarily for urban purposes

For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

The above provisions do not apply, see commentary above.

- (5) Application of Policy to land zoned for special uses and existing registered clubs***
For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

- (a) land on which development for the purposes of special uses is permitted, or*
- (b) land that is being used for the purposes of an existing registered club,*
as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

The subject site is not zoned for special uses or an existing registered club.

(6) Land to which Policy does not apply

This Policy does not apply to:

- (a) land described in Schedule 1 (Environmentally sensitive land), or*
- (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
- (c) (Repealed)*
- (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
- (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

The subject site does not trigger any of the above matters.

- (7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:*
 - (a) the land is identified under State Environmental Planning Policy No 71—Coastal Protection, or*
 - (b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:*
 - (i) private open space, or*
 - (ii) open space where dwellings or dwelling-houses are permitted.*

The subject site is not considered to trigger any of the matters under subclause 7.

(8) (Repealed)

(9) Application of Policy to certain land in Sutherland Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked "Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive" in Schedule 7 to Sutherland Shire Local Environmental Plan 2000 is taken to be land that is zoned primarily for urban purposes.

Note. *Clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006 continues the application of Sutherland Shire Local Environmental Plan 2000 to the land referred to in this subclause.*

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

- (10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.*

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

(11) Subclause (6) does not apply in relation to:

- (a) the land referred to in subclause (9), or
- (b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
- (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under Sutherland Shire Local Environmental Plan 2006:
 - (i) Zone 4—Local Housing,
 - (ii) Zone 5—Multiple Dwelling A,
 - (iii) Zone 6—Multiple Dwelling B,
 - (iv) Zone 7—Mixed Use—Kirrawee,
 - (v) Zone 8—Urban Centre,
 - (vi) Zone 9—Local Centre,
 - (vii) Zone 10—Neighbourhood Centre.

(12), (13) (Repealed)

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

4.2.8.3 Vertical Village form of Development under the Seniors Housing SEPP

This application proposes a “vertical village” under the provisions of Clause 45 of the Seniors Housing SEPP. Clause 45 of the Seniors Housing SEPP states:

45 Vertical villages

(1) Application of clause *This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.*

The R3 Medium Density Residential zone under the *Randwick Local Environmental Plan 2012* enables the site to be developed for “residential flat buildings” as a specifically listed permitted form of development (as detailed in Section 4.2.13.2 of this report). Also as discussed above, the provisions of the Seniors Housing SEPP apply to the land. Therefore, Clause 45 of the Seniors Housing SEPP applies to the land.

(2) Granting of consent with bonus floor space *Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.*

Note.

For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

This application seeks a bonus of 0.5:1 Floor Space Ratio to be added to the gross floor area component of the floor space ratio permitted 0.9:1 Floor Space Ratio (FSR) as shown for the site in the FSR mapping of the *Randwick Local Environmental Plan 2012*. Refer to the extract of the *Randwick Local Environmental Plan 2012* FSR mapping which is shown in Figure 13 in Section 4.2.14.4 of this report.

(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.

The provisions of Seniors Housing SEPP prevail over the *Randwick Local Environmental Plan 2012*. To assist Randwick City Council in the assessment of this matter associated with FSR, a Clause 4.6 variation request is included at **Appendix Q**.

(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.

The gross floor area (GFA) calculations shown in the architectural drawings included in **Appendix B**, demonstrate the floor space used to deliver on-site support services have been excluded.

4A Land to which Policy applies—heritage conservation areas in Greater Sydney Region

(1) This Policy does not apply to land in the Greater Sydney Region if an environmental planning instrument identifies the land as being within a heritage conservation area.

(2) This Policy continues to apply to development on land referred to in subclause (1) if—

(a) the relevant development application was lodged before the commencement of this clause, or

(b) the relevant development application was lodged after the commencement of this clause but the development application relies on a site compatibility certificate and the application for that certificate was lodged before the commencement of this clause.

(3) A site compatibility certificate may be issued for land referred to in subclause (1) after the commencement of this clause if the application for that certificate was lodged before the commencement of this clause.

(3A) This clause does not apply to land in the North Sydney local government area.

(4) This clause ceases to have effect on 1 July 2021.

The site is not located within a heritage conservation area under the *Randwick Local Environmental Plan 2012*. Therefore, the Seniors Housing SEPP applies to the site.

(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.

The GFA used in subclause (4) above is not greater than 50% of the overall GFA and complies with this subclause.

(6) Requirements relating to affordable places and on-site support services A consent authority may only grant consent to a development application as referred to in subclause (2) if—

(a) the consent authority is satisfied, on written evidence, that—

(i) the proposed development will deliver on-site support services for its residents, and

The proposed development includes a commercial kitchen and on-site support services as defined in Clause 45 below, for residents of the entire site including: 3 meals a day provided on a communal basis (please note the roof terrace of building has been designed to accommodate communal eating and gathering for the entire site development) or to a resident's dwelling; in addition a number of the floor spaces have been designed on the ground floor level and lower basement level of the building for personal care related services including physiotherapy room, consultation rooms and hairdresser; the Plan of Management details SummitCare's commitment to the provision of home nursing visits for those who request this service; and the Plan of Management details SummitCare's commitment to provide assistance with housework for those residents of the units who request this service. As such, the proposal includes the provision of on-site support services consistent with Clause 45(6)(a)(i) above.

(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and

The proposal will allocate at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for affordable housing places, which equates to 1 unit.

(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.

The architectural design included in **Appendix B** can demonstrate with the annotation "AH" the designation of at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for an affordable housing place.

(7) Grounds on which consent cannot be refused A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).

This report includes information to assess the proposal against the provisions of Clauses 40(4)(a), 48(a) and 50(a) in the following sections. The provisions of Clause 49(a) are not relevant as the proposal does not involve a "hostel".

(8) Conditions on grants of development consent A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.

The applicant has noted the provisions of Clause 45(8) of the Seniors Housing SEPP. It should be noted this application does seek any form of subdivision.

(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.

Please refer to the in-principal preliminary offer issued by Home Ground Real Estate Sydney (Home Ground) as the Social Housing provider nominated by SummitCare for this project contained in **Appendix R**, which advises they are a "not for profit real estate agency providing property management services to landlords and tenants." Home Ground are a "social enterprise of Bridge Housing Limited, a registered Tier 1 community housing provider". This will support 1 ILU.

(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

The applicant has noted the provisions of Clause 45(10) of the Seniors Housing SEPP.

*(11) **Clause does not apply to certain heritage affected land** Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the [Heritage Act 1977](#) applies.*

The land is not identified as being affected by any local or State heritage item and is not located within a heritage conservation area.

*(12) **Definitions** In this clause—*

***affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident—*

(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

<i>Very low income household</i>	<i>less than 50%</i>
<i>Low income household</i>	<i>50% or more but less than 80%</i>
<i>Moderate income household</i>	<i>80–120%</i>

(b) who is to pay rent that does not exceed a benchmark of 30% of the resident’s actual household income.

***on-site support services**, in relation to residents of seniors housing, means—*

- (a) 3 meals a day provided on a communal basis or to a resident’s dwelling, and*
- (b) personal care, and*
- (c) home nursing visits, and*
- (d) assistance with housework.*

The above definitions in Clause 45(12) are noted by the applicant.

4.2.8.4 Chapter 3 Development for Seniors Housing

The following provisions of “Chapter 3 Development for seniors housing” under the Seniors Housing SEPP have also been considered as follows.

Part 1 General

14 Objective of Chapter

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

Noted. The proposed seniors housing redevelopment including the residential care facility development component along with the Independent Living Units represents an opportunity for seniors that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

15 What Chapter does

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

Due to the trigger under the provisions of Clause 4(1) making the subject site “land zoned primarily for urban purposes”, the proposed development seeks to rely upon the provisions of Clause 15(a) as the land is zoned primarily for urban purposes and the proposed development being a “residential care facility” and “a group of self-contained dwellings”.

16 Development consent required

Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.

This proposal has been prepared to seek a determination by the District Panel, as the consent authority, due to the Capital Investment Value (CIV) exceeding \$30 million. Refer to **Appendix H** for a CIV prepared by a QS.

17 Development on land adjoining land zoned primarily for urban purposes

- (1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*
 - (a) a hostel,*
 - (b) a residential care facility,*
 - (c) serviced self-care housing.*

As detailed above, the subject site is land primarily zoned for urban purposes and therefore Clause 17 does not apply.

- (2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:*
 - (a) for people with a disability, or*
 - (b) in combination with a residential care facility, or*
 - (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).*

Note. Clause 13 (3) defines **serviced self-care housing** as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community-based care packages, this does not constitute reasonable access to services.

The proposal does involve “self-care housing” and therefore the provisions do apply. The proposal has been designed “in combination with a residential care facility” as demonstrated in the seniors housing building. The proposed development seeks the inclusion of on-site services and facilities for “serviced self-care housing” for the ILUs consistent with Clause 42 (which will be specifically addressed later in this assessment).

18 Restrictions on occupation of seniors housing allowed under this Chapter

(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The applicant understands this requirement and the proposed development is considered to comply.

(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:

- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and
- (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

The applicant understands that conditions to implement the provisions of Clause 18 of the Seniors Housing SEPP will be recommended for imposition.

19 Use of seniors housing in commercial zones

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

The ground floor level fronting Frenchmans Road and the lower level basement have been designed to provide for on-site support services. The ground floor level does include rooms for potential residents’ rooms. The proposed development is not on land located in a commercial zone, however the RLEP R3 zone does permit “neighbourhood shops” and also permits “residential flat buildings”, and the design is consistent with the provisions of Clause 19 of the Seniors Housing SEPP.

20 (Repealed)

21 Subdivision

Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.

Note. *Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former Sutherland Shire Local Environmental Plan 2000 (which continues to apply to the land by virtue of clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006).*

Noted. This application does not propose any form of subdivision.

22 Fire sprinkler systems in residential care facilities for seniors

Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.

Please refer to **Appendix F** for a BCA report assessment of the development with respect to the National Construction Code.

23 Development on land used for the purposes of an existing registered club

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:

- (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and*
- (b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.*

Note. *The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures.*

(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following:

- (a) any separate pedestrian access points for the club and the residential areas of the proposed development,*
- (b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.*

Note. *See also clause 34 in relation to noise minimisation design principles.*

The proposed development does not trigger the provisions of Clause 23 of the Seniors Housing SEPP as it is not proposed on land used by an existing registered club.

Part 1A Site compatibility certificates

24 Site compatibility certificates required for certain development applications

(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:

- (a) the development is proposed to be carried out on any of the following land to which this Policy applies:*

(i) land that adjoins land zoned primarily for urban purposes,

As discussed in detail under 4.2.8.2 of this report in reference to Clause 4 of the Seniors Housing SEPP, the subject site is zoned R3 Medium Density Residential which permits “dwelling houses”, “seniors housing” and “residential flat buildings” under the Randwick Local Environmental Plan 2012 (RLEP), and is therefore zoned for urban purposes. The land to the south of the site on the southern side of Frenchmans Road is zoned the same as the subject site, R3 Medium Density Residential under the RLEP. The land along the immediate northern, eastern and western boundaries of the site, that is adjoining, are zoned R3 Medium Density Residential under the RLEP, permits “residential flat buildings” and “seniors housing” and is zoned primarily for urban purposes.

(ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),

The land is not zoned for special uses.

(iii) land that is used for the purposes of an existing registered club, or

The land is not used for the purposes of an existing registered club.

(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.

As detailed previously in this Report, a Development Application (DA) will be submitted to RCC with a floor space ratio which requires the consent authority to grant consent under Clause 45 of the Seniors Housing SEPP, as the proposal seeks the bonus 0.5:1 Floor Space Ratio.

(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

“Seniors Housing” is listed specifically as a permitted use in the R3 Medium Density Residential zone of the Randwick Local Environmental Plan 2012. The DA will be submitted to RCC under the provisions of the Seniors Housing SEPP.

(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:

(a) the site of the proposed development is suitable for more intensive development, and

The proposed development is suitable for more intensive development for a “vertical village” with the bonus FSR 0.5:1 with the issue of a Site Compatibility Certificate in addition to the base FSR in Clause 4.4 of the RLEP of 0.9:1, given:

- The design provides for an improved public domain with specific improvements as detailed in the Clause 26 Report included at **Appendix U**, along with improved street frontages with a new landscaped setting to be created;

- The design of the buildings results in a better urban design outcome without resulting in unacceptable streetscape presentations and does not propose to unacceptably alter the existing site topography while creating a sense of address to each frontage, appropriate proportion and access to the proposed seniors housing to create an active street frontage to Frenchmans Road and McLennan Avenue in character with the existing and desired streetscape character;
- The design despite the breach of the FSR control, the proposal has been designed to provide for a high-quality urban form as detailed in the Architectural Design Report at **Appendix B**;
- The design includes a transition within the building, which has shifted bulk away from the common boundaries to minimize overshadowing and maintain privacy as discussed in the peer review included in **Appendix Y**;
- The design is accompanied by Shadow Diagrams in the Architectural Drawings at **Appendix B** which analyses and demonstrate suitable amenity can be maintained to adjoining properties and within the development:
 - The proposed design and the solar access to adjoining properties will not be adversely affected by the shadow cast associated with the FSR compared to complying with Clause 4.4 FSR 1:1 under the RLEP;
 - The shadow diagrams delineate at hourly intervals between 9am to 3pm on 21 June (winter solstice) indicate that the design will cast a minor amount of additional shadowing on Frenchmans Road;
 - Based on these diagrams in the architectural drawings, the shadow analysis demonstrates that the minor breach of the FSR control will not result in an unacceptable impact on the amount of solar access available to the south and within the proposed seniors housing development;
 - The design will adequately maintain privacy for residents of existing and future dwellings and promotes privacy for the existing and future residents which is consistent with the objectives of the FSR control in Clause 4.4 FSR of the RLEP;
 - The design will maintain an appropriate visual relationship and correlation with its context as detailed in this report at Section 2, the architectural design report at **Appendix B**;
 - The design provides for building envelopes and articulation in each building façade to modulate the overall design and leaves generous spaces between boundaries and each building which is consistent with the desired future character and nearby approved development, and in combination with the above objectives being achieved is overall consistent with objectives of Clause 4.4 FSR of the RLEP (see Section 4.2.15 of this Report);
- The proposed development will not result in an unacceptable adverse impact in terms of loss of solar access, loss of privacy or loss of views to or from adjoining properties;
- The proposed development is of a compatible design with its context and is of a scale and density as envisaged with the future character of the area as demonstrated in the peer review urban design statement prepared by Matthew Pullinger included at **Appendix Y**;
- Therefore, strict compliance with the development standard is unreasonable and unnecessary as the development will still achieve the environmental and planning objectives of Clause 4.4 FSR of the RLEP;

- The non-compliance with the FSR does not result in a building that will be out of scale with surrounding future development. Removing the non-compliance would not significantly alter the perceived FSR of the buildings as viewed from the public domain or from other surrounding development;
- The FSR of the proposed development is consistent with surrounding desired future character in the R3 zone;
- The proposed development is considered to be compatible with the streetscape along Frenchmans Road and from McLennan Avenue;
- The proposed development will provide a direct public benefit in the provision of 20% concessional places, 10% affordable ILU and improved public domain access connections;
- The scale of the desired future surrounding development has been considered carefully and the proposed development is considered to be compatible;
- There is no discernible difference in the environmental impacts between a seniors housing development that strictly complies with the RLEP FSR control in terms of:

- Visual and acoustic privacy impacts

The non-compliant FSR does not generate any privacy impacts over or above those that exist with a fully compliant FSR. This is the same for acoustic privacy;

- Visual impacts

There is a nominal difference in visual impacts between the proposed building and a complying building. When viewed from Frenchmans Road as demonstrated in the perspective views; and

- Strict compliance with the development standard is unnecessary as the proposal will still achieve the environmental and planning objectives of Clause 4.4 FSR of the RLEP.
- Strict compliance is unreasonable as no environmental or planning purpose would be served by enforcing the development standard and would not bring about a good planning outcome, given the demand for suitable seniors housing development as detailed in the Needs Assessment included in **Appendix W**;
- The Needs Assessment demonstrates that there are no existing Site Compatibility Certificate (SCC) sites within 1km of this site. The nearest SCC involves the Catholic Healthcare site at Maroubra 5.5kms away, and the Our Lady of the Sacred Heart site in Kensington 3.3kms from the site. The Needs Assessment has also considered the impact the proposal will have on existing seniors housing developments within the primary and secondary catchments and advises the proposal will not result in unacceptable impacts on existing facilities and that there is a net undersupply of aged care places in the catchment area;
- The design will not create any unreasonable overshadowing, result in loss of privacy or create an adverse visual impact upon the streetscape or the environment given the areas of non-compliance is in a portion of the site which does not dominate the streetscape; and
- The scale of the desired future surrounding development has been considered carefully and the design is considered to be compatible.

(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).

Please see assessment in relation to Clause 25(5) criteria below.

Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.

(3) Nothing in this clause:

(a) prevents a consent authority from:

(i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or

(ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or

(b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.

Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.

(4) (Repealed)

Given the proposal seeks a bonus FSR under Clause 45 of the Seniors Housing SEPP, so too the provisions of Clause 24(1)(b) above are triggered. The provisions of Clause 25 of the Seniors Housing SEPP have been considered below. The provisions of Clause 25 of the Seniors Housing SEPP have been considered in detail as follows.

25 Application for site compatibility certificate

(1) An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General:

(a) by the owner of the land on which the development is proposed to be carried out, or

(b) by any other person, with the consent of the owner of that land.

This Report has been prepared by HP on behalf of SummitCare who own the land under its entity Frenchmans Lodge Properties Pty Ltd. A copy of the landowner's consent to making this application is provided under separate cover.

(2) An application must be:

(a) in writing, and

(b) in the form (if any) approved by the Director-General from time to time, and

(c) accompanied by such documents and information as the Director-General may require.

Note. Clause 262A of the Environmental Planning and Assessment Regulation 2000 provides for the maximum fee for an application for a site compatibility certificate.

This SCC application has been lodged online using the DPIE portal for SCC applications. This SCC report provides significant detail how the SCC is appropriate in this location and is supported by the documents in Appendices A to Y being the same assessment and supporting documents which will be submitted with a DA.

*(3) Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the **relevant General Manager**) within the period of 7 days after the application is made.*

The applicant has noted this requirement.

(4) Subject to subclause (5), the Director-General:

- (a) may determine the application by issuing a certificate or refusing to do so, and*
- (b) if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).*

Noted.

(5) The Director-General must not issue a site compatibility certificate unless the Director-General:

- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*

Noted.

- (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

This Report and its Appendices details information which has assessed the proposed development's impacts on its existing natural environment and existing and approved uses in the vicinity of the proposed development. Please refer to **Appendices J and K** for information on the applicant's contamination investigations, geotechnical details and acid sulphate soil assessment.

The Contamination Investigation Report at **Appendix J** advises on page 4 of the Executive Summary:

The desk top assessment of the site history indicated that the site had to have been impacted through historic filling associated with previous development, and construction and demolition works associated with the development of the site and use as a hospital.

The site walkover assessment identified the following potential sources of contamination: a hydraulic elevator, a chemical storage area and a grease trap. No evidence of bulk petroleum fuel storage was observed.

Limited intrusive investigation did not detect contaminant concentrations in excess of the conservative Tier 1 screening criteria for assessment of risk to human health or the environment. Fill materials was encountered in all locations investigated, up to 1.5m depth.

Based on the Preliminary Site Investigation there is insufficient information to determine that the site is suitable for the proposed development, or if remediation management of contamination is required. Further investigation to refine the preliminary Conceptual Site Model is recommended.

As the site is currently being operated as a nursing home and contains existing structures, to be able to undertake the further contamination investigations including gaining access to under the existing structures to test any fill and follow the recommended targeted investigations would require the demolition of the existing site development, it should be noted that demolition works and site preparation works form part of this application of which site preparation works would include these further investigations.

As detailed previously in this report at Section 3.12 “Multiple Construction Certificates and Occupation Certificates”, the staging of the construction program would need to be planned by the appointed principal contract which would involve the demolition works and once the existing structures have been removed then access for the further investigations recommended could be undertaken. As such, the applicant seeks approval for the required demolition works and then the site preparation works so as then these further contamination investigations as recommended can be completed. The imposition of deferred commencement condition / s would restrict the ability to undertake the demolition works to gain access to the portions of the site.

It should be observed by Council that the proposal involves excavation works for the basement levels, which generally extend to the location of the existing building footprints. Therefore, prior to excavation works commencing the further investigations could be completed to identify soli categories for excavated materials leaving the site accordingly. The same would apply to the remainder of the site outside the building footprint. This is the appropriate stage of the construction program at which the further investigations can be completed and reported, along with any required measures resulting and can be outlined in a detailed Construction Management Plan.

The Randwick Local Environmental Plan 2012 Acid Sulphate Soils Mapping has been consulted and indicates the land is not subject to acid sulphate soils. The site is not subject to flooding, bushfire risk, or other risk factors.

(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,

The proposed development will not adversely impact on its natural environment and existing and approved uses of land in its vicinity.

As detailed in the Needs Assessment included at **Appendix W**, the Needs Assessment has detailed the distances between the subject site (on which there is the existing nursing home) to nearby RACFs and ILUs. No existing Site Compatibility Certificate property is located within 1km of the subject site. In addition, the proposed redevelopment has had regard to the existing supply of RACF beds in the primary and secondary catchments and this proposal will not have an adverse impact. Rather, the Needs Assessment demonstrates that the proposal will renew the supply of seniors housing beds to a far improved quality so as to meet this demand in the LGA.

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

The applicant has undertaken a number of investigations which demonstrate the proposal will ensure that services and infrastructure are available to meet the demands arising from the proposal and does not adversely impact the supply of infrastructure and services. The proposed development includes an assessment of the existing infrastructure available to the site including electrical infrastructure, telecommunications, water and sewer infrastructure, and gas infrastructure, as detailed in the Services Infrastructure Report contained in **Appendix M**. This report details the additional infrastructure requirements of the proposed redevelopment and that there is capacity to augment and include new infrastructure to support the intended design outcome without adversely impacting on the locality.

The applicant operates an existing residential aged care facility / nursing home on the site which needs to improve the typology of accommodation to meet the market demand for individual rooms with individual private en-suites rather than the current multi resident rooms. As such, SummitCare's proposal will provide improved aged care facilities within the local government area without adversely impacting on existing aged care services currently available.

A Social Impact Comment has assessed the proposed redevelopment and is included at **Appendix N**, which states in the "Executive Summary" under the heading "Overview of Impacts of the proposal on page 4:

The proposal is estimated to result in a -0.08% decrease in the population of Randwick suburb, a change that is not expected to impact services in the local area. The proposal will not significantly alter the dwelling mix in the locality.

...

The operator has advised that 20% of beds (14 beds) will be concessional, meeting the minimum supported ratio for South East Sydney Region of 19.5%. The operator has also advised that one of the two Independent Living Units (ILUs) will be designated as affordable, and offered for rent of \$380 per week (approximately an 80% discount for a median bedsitter / one bedroom unit in the Randwick LGA).

The quality of housing and the facility will be an improvement to the existing facility, as the facility will be newly constructed and will be purpose built to better cater to the needs of residents and include a range of enhanced on-site services and facilities for residents.

The provision of services within the new facility will be a public benefit to the extent that residents in the locality, who are currently users of community-based services, enter the facility.

The proposal responds to the Randwick City Council LSPS and Housing Strategy through the provision of accessible, well-located and well-designed facility that will meet the needs of the local ageing population and provision of some affordable accommodation (14 supported resident RACF beds and one ILU) for very low, low and moderate income households.

And the impacts of the proposed development will be mitigated by:

Proposed mitigations of negative impacts or enhancement of positive impacts

Overall, the development will make a positive contribution in the areas of housing supply, quality, mix, accessibility and affordability. The redevelopment of the existing facility will improve indoor and outdoor amenity for residents. Importantly, the development enables older people with higher support needs to age in place within their community to the extent that residents of the facility come from those living in the locality.

The proposed development has been assessed in accordance with Clause 26 of the Senior Housing SEPP included in **Appendix U** with consideration of access to existing retail, community, medical and transport services including access to those services, which indicates in Section 2.3 “Access to bus stops in Frenchmans Road” that minor improvements to the gradient of the existing “pedestrian ramps” (or sometimes referred to as “pram ramps”) in the public footpaths in Avoca Street are currently non-compliant to the bus stops, and require adjustment to comply with the Australian Standard. The applicant is prepared to adjust the required “pram ramps” as a public benefit beyond the boundaries of the site redevelopment, at no cost to Council to correct the non-compliances. The distance to the Randwick bound bus stop is 173m, and the return bus stop is 140m which comply with the distance requirement of Clause 26 of the Seniors Housing SEPP.

In addition, at Section 2.5 “Access to services and facilities in Randwick CBD from bus stops in Belmore Road, Randwick” in the Clause 26 assessment at **Appendix U**, indicates the relevant services and are available and the shops are available with pathways which comply, except once again it will be required to provide complying ramps at the crossing of the lane west of and adjacent to, Alison Park at the intersection with Alison Road. The applicant is prepared to adjust the required “pram ramps” as a public benefit beyond the boundaries of the site redevelopment, at no cost to Council to correct the non-compliances.

The applicant has included within the Quantity Surveyors (QS Cost Report at **Appendix H**) Elemental Cost Summary a financial allocation of in excess of \$1,078,000 for external works to improve existing pathways and infrastructure external to the site.

(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,

The subject site is not zoned open space or special uses.

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,

The design team at Boffa Robertson have prepared an Architectural Design Report at **Appendix B**, which details how the bulk, scale, built form and local context character have been considered in the design development of the proposed seniors housing. This report demonstrates that the existing height controls required a process to redistribution of building bulk in order to protect the existing amenity of adjoining properties.

This report at Section 2 has considered in detail the local context and character of the proposal. As demonstrated in the architectural drawings, the proposed redevelopment seeks to ensure any impact from new overshadowing onto properties to the south impacts generally Frenchmans Road roadway, with minor changes to the front yards of the residential properties at 14, 16, 18 and 20 Frenchmans Road (which have been described previously in this report).

In addition, using a the combination of increased setbacks compared to existing setbacks to windows of bedrooms along the northern, eastern and western elevations include design treatments including overlooking with the inclusion of screens and “eyelid” windows enables minor improvement in visual privacy amenity between properties.

The bulk, scale, character and building envelope of the proposal have been considered in detail in the peer review included in **Appendix Y**, where the building envelope has been shifted towards the Frenchmans Road frontage away from the McLennan Avenue frontage and properties at 23 and 25 McLennan Avenue as recommended by the RCC DEP. This Report includes an assessment of the proposed development’s height of building in “Section 4.2.15.3 Clause 4.3 of the Randwick Local Environmental Plan 2012” and the Clause 4.6 variation request included at **Appendix Q**.

In addition, this Report includes an assessment of the proposed development’s floor space ratio (and associated gross floor area) at Section 4.2.15.4 Clause 4.4 of the Randwick Local Environmental Plan 2012” and the Clause 4.6 variation request included at **Appendix Q**.

As such, the applicant and their appointed design team have carefully considered the impacts that the bulk, scale, built form and character of the proposed development to ensure it will be compatible with the existing uses, approved uses and future uses of land in the vicinity of the development.

(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.

The existing tree located adjacent to the Frenchmans Road frontage of the site will be retained and the building including the lower basement levels have been redesigned as recommended by the RCC DEP. An Arborist report is included at **Appendix T**. The site is not identified on the NSW Biodiversity Values Map and Threshold Tool webpage mapping.

- (6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.*
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.*
- (8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.*
- (9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.*
- (10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.*

Note. Section 23 of the Act enables the Director-General to delegate to a council any of the functions of the Director-General imposed or conferred by or under the Act or any other Act.

The provisions in subclauses 6, 7, 8, 9 and 10 above have been noted by the applicant.

Part 2 Site-related requirements

Note. Information and assessment guidelines may be issued by the Department of Planning from time to time to provide assistance to councils in assessing locations and the provision of services.

26 Location and access to facilities

(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or

(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or

(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

(4) For the purposes of subclause (2):

(a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and

(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

(5) In this clause:

bank service provider means any bank, credit union or building society or any post office that provides banking services.

The provisions of Clause 26 have been considered in detail as demonstrated in the report at **Appendix U**. The applicant is prepared to implement the recommendations of this report to the footpath infrastructure improvements in the vicinity of the site which are direct public benefits that will be delivered by the proposed redevelopment.

In addition, the Social Impact Comment at **Appendix O** includes information to assist with the evaluation with respect to the criteria detailed at Clause 26. The site is located within the required 400 metres of local bus stops which are serviced by public transport buses to Randwick and Light Railway Station, which includes services and facilities as detailed in Clause 26(1).

The proposed development is located on land which is less than 400m away from the facilities specified in Clause 26(1)(a) to (c) for the forward and return journeys to all of the range of the facilities and services in Randwick and includes access to the bus stop on Frenchmans Road and Avoca Street.

The proposed redevelopment complies with the objectives of this clause and provides access to facilities by a superior means to those identified in clause 26(2).

For example, SummitCare as the managers and operators of the proposed residential care facility and ILUs seeks to provide superior services on-site which will include:

- Physiotherapy,
- Hairdressing salon;
- Cafe;
- Strategically located lounge and dining areas for residents to enjoy outlooks to the landscaped gardens;
- Nurse stations at each residential level;
- On-site facilities for provision of catering with full commercial kitchen and refrigeration/storerooms;
- On-site linen services;
- Plant areas;
- Storage areas;
- Staff amenities; and
- Lift access to each level of the building for residents with a separate service lift access for “back-of-house” functions;

With respect to the provisions of Clause 26, SummitCare already provides Residential Care Facility places in nearby facilities in Waverley to cater for displacement during the construction phase, and it is anticipated that future residents of the proposed redeveloped RACF with the inclusion of ILUs will generally be from the locality and local government area. Given this, residents will be able to continue to access their existing local treating doctor and therefore will not place any greater burden on existing medical services in the area.

27 Bush fire prone land

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.*
- (2) *A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:*
 - (a) *the size of the existing population within the locality,*
 - (b) *age groups within that population and the number of persons within those age groups,*
 - (c) *the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,*
 - (d) *the number of schools within the locality and the number of students at those schools,*
 - (e) *existing development within the locality that has been carried out under this Policy or State Environmental Planning Policy No 5—Housing for Older People or People with a Disability,*

- (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,*
 - (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,*
 - (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,*
 - (i) the requirements of New South Wales Fire Brigades.*
- (3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.*

The provisions of Clause 27 of the Seniors Housing SEPP are not triggered by the proposed development of the subject site is not located in an area affected by the bushfire mapping.

28 Water and sewer

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*
- (2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.*

The provisions of Clause 28 of the Seniors Housing SEPP have been considered and the land currently has available sewer and water services for the site and its development for the replacement RACF with 2 x ILUs will require these services to be augmented. Refer to the Infrastructure Report at **Appendix M**.

29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.*
- Note.** *Clause 24 (1) sets out the development applications to which that clause applies.*
- (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).*
 - (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.*

The provisions of Clause 29 of the Seniors Housing SEPP have been considered as part of the design development for this project and the architectural drawing include a “site analysis” summary sheet and this report includes a detailed written site analysis statement. The provisions of Clause 25(5)(b)(i), (iii) and (v) have been addressed previously in detail in this section of this report.

Part 3 Design requirements

Division 1 General

30 Site analysis

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.*
- (2) A site analysis must:*
 - (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and*
 - (b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):*
 - (i) explaining how the design of the proposed development has regard to the site analysis, and*
 - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

The documentation for this project includes a site survey (refer to **Appendix A**), the architectural drawing “Site Analysis Plan”, the written statement in Section 2 of this report and an assessment of existing services and facilities in the locality (refer to **Appendix M**) comprehensively addresses all the items listed under subclause 3, including:

- (a) **Site dimensions:***
 - length*
 - width*
- (b) **Topography:***
 - spot levels and/or contour*
 - north point*
 - natural drainage*
 - any contaminated soils or filled areas*
- (c) **Services:***
 - easements*
 - connections for drainage and utility services*
- (d) **Existing vegetation:***
 - location*
 - height*
 - spread of established trees*
 - species*
 - ...*
- (f) **Location of:***
 - buildings and other structures*

heritage features and items including archaeology

fences

property boundaries

pedestrian and vehicle access

(g) Views to and from the site

(h) Overshadowing by neighbouring structures

The provisions of Clause 30(3) as follows:

(e) Microclimates:

orientation

prevailing winds

The micro-climates of the site have been shown in the architectural drawing included at **Appendix B**, which is a Site Analysis Plan which includes prevailing winds, site's orientation in relation to solar access and the outlook. In addition, the site context and design principles which have been analysed to form the basis of the design as submitted, have been summarised in the Architectural Design Statement at **Appendix B** which also addresses the items listed in subclause 3, above.

The provisions of Clause 30(4) have been considered, which state:

(4) The following information about the surrounds of a site is to be identified in a site analysis:

(a) Neighbouring buildings:

location

height

use

balconies on adjacent properties

pedestrian and vehicle access to adjacent properties

(b) Privacy:

adjoining private open spaces

living room windows overlooking site

location of any facing doors and/or windows

(c) Walls built to the site's boundary:

location

height

materials

(d) Difference in levels between the site and adjacent properties at their boundaries

(e) Views and **solar** access enjoyed by neighbouring properties

(f) Major trees on adjacent properties

(g) Street frontage features:

poles

trees

kerb crossovers

bus stops

other services

*(h) The **built form and character** of adjacent development (including buildings opposite on both sides of the street(s) fronted):*

architectural character

front fencing

garden styles

*(i) **Heritage features** of surrounding locality and landscape*

*(j) **Direction and distance to local facilities:***

local shops

schools

public transport

recreation and community facilities

*(k) **Public open space:***

location

use

*(l) Adjoining **bushland** or **environmentally sensitive land***

*(m) **Sources of nuisance:***

flight paths

noisy roads or significant noise sources

polluting operations

*(n) Adjoining **land uses and activities** (such as agricultural activities)*

Section 2 of this report includes information about neighbouring buildings, privacy, location of public open space, the existing built form and character of the area, adjoining land uses have been identified and discussed, street frontage features identified, differences in levels including site topography and drainage, direction to local services, location of major trees and the height of buildings in the immediate area surrounding the subject site. The site does not contain any heritage items and is not located in a heritage conservation area. The land is not located near any adjoining bushland or land identified as environmental sensitive. The subject site is not identified under any contour of the ANEF map for Sydney Airport as published to December 2016 but does have frontage to a noise source, for which the acoustic assessment at **Appendix O** outlines recommended glazing requirements for windows and external wall treatments to mitigate noise intrusion within each of the spaces, along with the installation of acoustic barriers around the plant deck on the roof.

The architectural design report at **Appendix B** explains how the design has had regard to the site analysis, established design principles and how the design has had regard to the design principles established. As such, the provisions of Clause 30 have been suitably addressed.

31 Design of in-fill self-care housing

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

The provisions of Clause 31 of the Seniors Housing SEPP are triggered as the proposal includes in-fill self-care housing development, so too the provisions of the “Seniors Living Policy: Urban Design Guideline for Infill Development” have been considered in the Urban Design peer review at **Appendix Y**.

32 Design of residential development

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.

Noted.

Division 2 Design principles

33 Neighbourhood amenity and streetscape

The proposed development should:

- (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (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*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site’s landform, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

The site, context analysis and design report at **Appendix B** have recognised the desirable elements of the location and demonstrate that the design (refer to reduced drawing set at **Appendix B**) will maintain a reasonable neighbourhood amenity and provide for an appropriate character when complete, in that the design includes:

- setbacks to reduce bulk and minimise overshadowing, refer to the shadow diagrams at **Appendix B**,
- the urban form and siting relate well to the landform and site topography in that 5 storeys will be viewed from Frenchmans Road and McLennan Avenue which are consistent with building scale permitted for nearby sites,
- the building heights at the street frontages are compatible with the scale of building heights on adjoining properties in the Frenchmans Road streetscape,
- the front setback to each street frontage, are setback in sympathy with the setbacks detailed in the Development Control Plan for residential flat buildings, along with articulation to Frenchmans Road and McLennan Avenue,
- where possible retain existing trees around the perimeter of the built form and provide for new street/public domain trees (refer to the Landscape Architecture report at **Appendix E** and Arborist Report at **Appendix W**),
- will provide for additional plantings in the streetscapes and courtyard areas inclusive of formal and informal landscaping (refer to the landscape concept drawing and report at **Appendix E**), and
- given the proposed setbacks, height and siting will minimise adverse impacts on adjoining properties.

34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Note. *The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.*

An acoustic assessment has been undertaken and submitted as part of this SCC which can be found at **Appendix O**. The design seeks to ensure the acoustic privacy within the development, and for adjoining properties by not locating plant in areas which would impact adjoining properties.

35 Solar access and design for climate

The proposed development should:

- (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*

- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Note. *AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.*

The design and height of each building has been sited so as to minimise its shadow impact on adjoining properties and ensure adequate solar access and daylight to the main living areas and private open spaces of neighbours in the vicinity of the development. The shadow diagrams contained with **Appendix B** demonstrates the shadow impact at 9am, 12pm and 3pm of the shortest day of the year being 21 June and demonstrate adjoining properties will not be unreasonable adversely impacted and adequate solar access is provided throughout the proposal in particular communal gathering areas with an improvement compared to the existing nursing home situation.

36 Stormwater

The proposed development should:

- (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*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

The design will control and direct stormwater runoff so as it does not impact on adjoining properties and will implement measures for stormwater management as identified under the Development Control Plan. Refer to the stormwater management report and concept plans at **Appendix I**.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

SummitCare intends to implement a management regime similar to their existing facilities so as to provide appropriate personal property security for their residents and visitors. In addition, the design has implemented Safety by Design with an awareness of Crime Prevention Through Environmental Design (CPTED) principles which are discussed in more details in the CPTED Report included at **Appendix V** (the recommendations of this report will be implemented by SummitCare in its operations) and Section 4 of this report.

38 Accessibility

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The design seeks to ensure the development provides for accessible outcomes. The Australian Standard for accessibility is a requirement under the BCA, refer to the BCA at **Appendix F** and Access report at **Appendix F**, and accordingly, the provisions of Clause 38 have been satisfied.

39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Waste management plans can be found at **Appendix D**.

Part 4 Development standards to be complied with

Division 1 General

40 Development standards—minimum sizes and building height

Based on the provisions of Clause 40(1), it is important to have regard to:

*A consent authority must not consent to a development application **made pursuant to this Chapter** unless the proposed development complies with the standards specified in this clause. [our emphasis]*

The relevant Chapter is Chapter 3 of the Seniors Housing SEPP, which relevantly allows certain development 'despite the provisions of any other environmental planning instrument if the development is carried out in accordance with' the SEPP.

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

(2) Site size

The size of the site must be at least 1,000 square metres.

(3) Site frontage

The site frontage must be at least 20 metres wide measured at the building line.

(4) Height in zones where residential flat buildings are not permitted *If the development is proposed in a residential zone where residential flat buildings are not permitted:*

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*

Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. *The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

The subject site on which the proposed “seniors housing” is to be located has a total site area of approximately 2,709.7 square metres and therefore complies with Clause 40(2) above.

The subject site has a frontage of more than 62.495 metres to Frenchmans Road and approximately 21.03 metres to McLennan Avenue, and therefore complies with Clause 40(3) above.

The height of the proposed development exceeds 8m and 2-storeys, however the R3 High Density Residential zoning under the Randwick Local Environmental Plan 2012 permits residential flat buildings, therefore Clauses 40(4)(a), (b) and (c) are not applicable.

Further, this proposal is submitted under the provisions of Clause 45(7) of the Seniors Housing SEPP and based on the provisions of Clause 45(7), the proposal does not have to strictly comply with provisions of Clause 40(4)(a).

*(5) Development applications to which clause does not apply
Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:*

(a) the Department of Housing,

(b) any other social housing provider.

The development is not proposed by the NSW Department of Housing.

SummitCare is not a registered not-for-profit organisation that provides beds to tenants or housing for tenant but does provide “concessional places” within its “residential care facilities” as is intended here up to 20%. It should be noted that SummitCare has partnered with Home Ground as detailed in the letter contained at **Appendix R** to support the affordable housing ILU. As such, Clause 40(2), (3) and 4(c) have been considered and assessed as detailed above.

Division 2 Residential care facilities—standards concerning accessibility and useability

Note. *Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.*

Noted. The proposed development has been designed with the accessibility requirements under the Commonwealth licensing provisions and the BCA (now known as the National Construction Code (NCC)) refer to the report contained at **Appendix F**).

Part 7 Development standards that cannot be used as grounds to refuse consent

Division 1 General

46 Inter-relationship of Part with design principles in Part 3

(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.

(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.

The site context analysis and design report prepared by the lead architects can be found at **Appendix B** adequately demonstrates that the proposed development has been designed to have adequate regard to the principles set out in Division 2 of Part 3 of the Seniors Housing SEPP.

47 Part does not apply to certain development applications relating to heritage affected land

Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.

No heritage items are located on the site and therefore Clause 47 is not triggered.

Division 2 Residential care facilities

48 Standards that cannot be used to refuse development consent for residential care facilities

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 a residential care facility** on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or
- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,
- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,
- (d) **parking for residents and visitors:** if at least the following is provided:
 - (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
 - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
 - (iii) 1 parking space suitable for an ambulance.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

This proposal is not submitted pursuant to this chapter of the Seniors Housing SEPP, and based on the provisions of Clause 45(7), the proposal does not have to strictly comply with provisions of Clause 48 and cannot be used to refuse the application. The proposal does not involve a hostel as defined under Clause 12 of the Seniors Housing SEPP, therefore the provisions of Clause 49 are not triggered. The provisions of Clause 50 have been considered as the proposal involves 2 x ILU self-contained dwellings:

50 Standards that cannot be used to refuse development consent for self-contained dwellings

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 a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds—

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Based on the provisions of Clause 45(7), the provisions of Clause 50(a) cannot be used to refuse this application.

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

The FSR of the proposed development exceeds 0.5:1. This is assessed in detail with respect to the considerations of Clause 45 of the Seniors Housing SEPP in Section 4.2.8 of this report.

*(c) **landscaped area:** if—*

(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or

(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,

The proposed development has been calculated as having 1,130.3 square metres of landscaped area available. The proposal seeks the inclusion of a securely accessible roof terrace and ground floor level external courtyard for residents above the ceiling of the basement parking level, along with a ground floor landscaped terrace over the basement ramp access, so as to supplement the landscape setting and provide alternate private open spaces for residents.

*(d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

Of the available landscaped area, a total of 15% is deep soil, with this being located generally along the Frenchmans Road and western boundary perimeter of the site. The landscaped deep soil zones around the western boundary perimeters of the site are all greater than 3 metres in width.

*(e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Both ILUs receive 100% solar access between 9am and 3pm.

(f) private open space for in-fill self-care housing: if—

(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and

(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

Note.

The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.

Each of the balconies of all ILUs are equal to or greater than 10 square metres for 1-bedroom dwellings, which comply with the requirements.

(g) (Repealed)

(h) parking: if at least the following is provided—

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or

(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

Note.

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

Car parking as detailed in Table 2 in this report complies.

4.2.8.1 Seniors Housing SEPP Prevails

The provisions of Clause 5 of the Seniors Housing SEPP state:

5 Relationship to other environmental planning instruments

(1) This Policy repeals [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#).

(2) Despite anything to the contrary in this Policy—

- (a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing, and*
- (b) the provisions of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency.*

Note.

Clause 7 (2) (a) of [Sutherland Shire Local Environmental Plan 2006](#) continues the application of [Sutherland Shire Local Environmental Plan 2000](#) to the land referred to in clause 4 (9).

Clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) (when read with clause 4 in Part 1 of Schedule 8 to that Plan)—

- (a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and*
- (b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.*
- (3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*
- (4) This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.*

Based on this application being submitted under the Seniors Housing SEPP and that the provisions of Clause 5(3) of the Seniors Housing SEPP above and Section 3.28 of the EP&A Act as discussed previously. As this proposal is submitted for a form of “seniors housing development” under the Seniors Housing SEPP, so too the Seniors Housing SEPP prevails where there is an inconsistency in relation to any other State Environmental Planning Policy.

2 Aims of Policy

- (1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) make efficient use of existing infrastructure and services, and*
 - (c) be of good design.*
- (2) These aims will be achieved by:*
 - (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
 - (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
 - (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Based on the assessment of the relevant provision of the Senior Housing SEPP as undertaken within this report, it is considered that the proposed seniors housing development is suitable for the site and has been designed so as to ensure the correct fit for the land and locality. As such, it is considered that the proposed development is consistent with the aims of the Senior Housing SEPP.

4.2.9 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to the project.

The Planning Panels determine the following types of development applications (DAs) and modification applications:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days*

** Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011 and Cl4.5(b) of the *Environmental Planning and Assessment Act 1979*. In this regard, the Capital Investment Value (CIV) refer to **Appendix H**, is greater than \$30 mil (ex GST) being \$33,359,532 and therefore does trigger State Environmental Planning Policy (State and Regional Development) 2011, the district panel is the determination authority under this SEPP.

4.2.10 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("Infrastructure SEPP") aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. It assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, water and electricity.

4.2.10.1 Clause 45 Electricity Transmission Considerations

Clause 45 has been considered by the applicant in the preparation of this proposal, which states:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out:

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is:

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The applicant has engaged infrastructure engineers to investigate the future electrical needs of the proposed development. An Infrastructure Services Report is included at **Appendix M**. This Infrastructure Report acknowledges under Section 4 a future application to Ausgrid will be necessary.

As a result, one substation is proposed and the architectural team in consultation with the engineers have located these so as to enable connection to the existing infrastructure. The design and specifications shown in the architectural drawings contained at **Appendix B** include a blast wall around the proposed new substation to meet the demand of the proposed development and protect future occupants.

4.2.10.2 Clause 101 – Development with frontage to classified road

Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) specifies the following requirements for development with a frontage to a classified road as identified in the Roads and Maritime Services (RMS) *Schedule of Classified Roads and State & Regional Roads* ('the Schedule'). **Clause 101** of the ISEPP states as follows:

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site does have frontage to an identified classified road. Frenchmans Road is listed as a classified road by the RMS (now known as TfNSW). As the proposed development does proposed any vehicular access from a classified road, which is the current circumstance and seeks to consolidate access into one central location so as to minimise disruption and afford additional on-street parking in the lower level so as to contain noise. The operator wishes to minimise impacts to the residential neighbours on McLennan Avenue and to access the basement from this street frontage is impractical due to existing levels and the gradient required for small ridge trucks to access the loading dock and mini buses to access the basement level. Therefore, the proposed development satisfies subclause 2(a) above. As such, the proposed development is compliant with **Clause 101** of the ISEPP.

4.2.10.3 Clause 104 Traffic-generating development

Clause 104 of the ISEPP specifies the following requirements for development that falls within the criteria in Schedule 3 Column 3, including parking with a size or capacity, where Clause 104 states:

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this clause, "relevant size or capacity" means:

- (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Clause 104 of the ISEPP 2007 specifies the following requirements for development in the criteria of Schedule 3 the Infrastructure SEPP including “any other purpose” have been considered and the proposal does not trigger any criteria. Therefore, the proposal does not trigger a referral to the RTA now known as TfNSW under Clause 104(3) below:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The proposal does not involve any size or capacity trigger and does not trigger a referral under **Clause 104(3)** of the ISEPP.

A Traffic and Parking Impact Assessment prepared by GTA is included at **Appendix C**.

The proposed development will not result in an adverse impact to the efficiency of any classified road, will not result in unsafe ingress or egress movements, and will not result in unacceptable traffic and parking implications under the Infrastructure SEPP. The number of car parking spaces on the site is sufficient for the proposed development in accordance with the car parking rates required by the Seniors Housing SEPP for the seniors housing.

The Council, and District Panel, as the consent authority does not need to notify and take into account any submission by TfNSW under clause 104(3) of the ISEPP 2007 because there is no trigger to consult. The accessibility of the site and potential traffic and parking implications of the proposed development are addressed below in **Section 4.8.5** of this Report and in a Traffic impact assessment report at **Appendix C** in satisfaction of clause 104(3)(b) of SEPP (Infrastructure) 2007.

4.2.11 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers. Clause 7 of SEPP 55 states as follows:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

To address the provision of Clause 7 of SEPP 55 a site contamination report is included in **Appendix J** which indicates the site is suitable for the project under SEPP 55.

4.2.12 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX assessment is required for all new dwellings proposed throughout NSW and is a tool to measure proposed development for sustainability against the BASIX targets that are based on the NSW home benchmark average. BASIX certificates and stamped plans for the proposed dwellings as part of the residential apartments can be found with the amended architectural drawings at **Appendix L**.

4.2.13 Randwick Local Environmental Plan 2012

The Randwick Local Environmental Plan 2012 (RLEP) applies to the land. The following sections include an assessment of the proposal against the relevant provisions of the RLEP bearing in mind the provisions of the Seniors Housing SEPP prevail over the RLEP as detailed previously in this report.

4.2.13.1 Land use zone

The land is zoned R3 Medium Density Residential under the RLEP, as shown in the extract from the RLEP Zoning Map as follows:

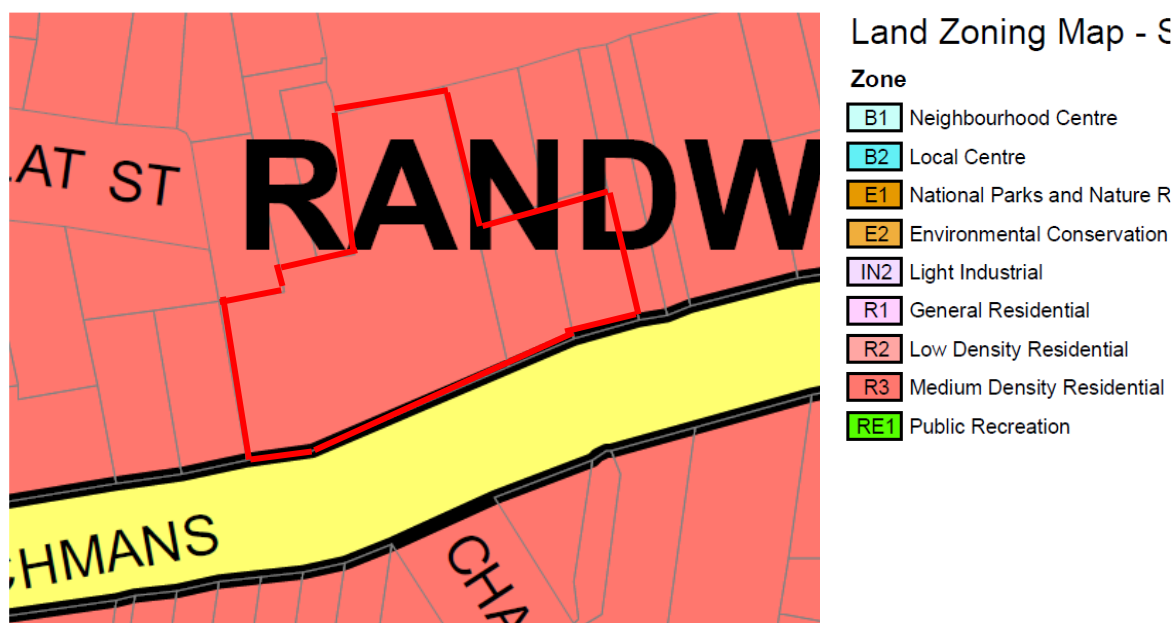


Figure 8: RLEP 2012 Land Zoning Map Extract (site outlined in red)

Source: NSW Legislation

4.2.13.2 Land use table

The **Land use table** of the RLEP states as follows in relation to the R3 Medium Density Residential zone:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home businesses; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres;

Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shops; Tank-based aquaculture

4 Prohibited

Funeral homes; Pond-based aquaculture Any other development not specified in item 2 or 3

Under the dictionary for the RLEP 2012, the term “seniors housing” is defined as follows:

seniors housing means a building or place that is:

- (a) a residential care facility, or
 - (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
- and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

*Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary*

It is considered that the proposed form of development could be defined as “seniors housing” based on the RLEP Dictionary, however while the R3 Medium Density Residential zoning does permit “seniors housing”. The proposed “seniors housing” development has been designed with the residential aged care facility and the ILUs (“vertical village”) and will be submitted to RCC for a DA and DPIE for the SCC under Clause 45 and relies on the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* for permissibility and consequently the development standards under the Seniors Housing SEPP.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone, as demonstrated in **Table 5** below.

Table 5: Assessment of the proposed development against the zone objectives – R3 Medium Density Residential zone under the RLEP

R3 Medium Density Residential zone - Comment objectives	
<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. 	<p>The research undertaken for SummitCare has identified as discussed previously the need for diversity in aged care in the form of a “vertical village” development as proposed by the applicant, being a medium-density form of housing consistent with the objective.</p>
<ul style="list-style-type: none"> • To provide a variety of housing types within a medium density residential environment. 	<p>The form of development is a type of “seniors housing” which is listed similar to the types of</p>

R3 Medium Density Residential zone - Comment objectives	
	residential housing permitted within the R3 zone and is therefore consistent with the objective.
<ul style="list-style-type: none"> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> 	The building includes ancillary uses as part of the overall support for the “seniors housing development” to meet the day to day needs of future residents and their visitors being consistent with the objective.
<ul style="list-style-type: none"> • <i>To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.</i> 	The urban design peer review included in Appendix Y, demonstrates the proposal will positively contribute to the desired future character of the area.
<ul style="list-style-type: none"> • <i>To protect the amenity of residents.</i> 	The amenity of residents on adjoining properties and within the renewed development will be protected, as solar access, acoustic and visual privacy, views and setbacks to adjoining properties will be adequately maintained and improved.
<ul style="list-style-type: none"> • <i>To encourage housing affordability.</i> 	The proposal includes the provision of affordable housing outcomes as detailed in the Social Impact Comment included in Appendix N and outlined in detail in this Report in Section 3.
<ul style="list-style-type: none"> • <i>To enable small-scale business uses in existing commercial buildings.</i> 	The site currently operates a nursing home in the existing building which has been identified as requiring renewal.

As such, it is considered that the proposal can be recommended for support as a form of development within the R3 Medium Density Residential zone.

4.2.13.3 Clause 4.3 Height of buildings

The subject site is granted a maximum permissible building height of 12m under the RLEP Height of Buildings mapping where the designation M = 12m, as shown in extract from the Height of Building Mapping in **Figure 9**.

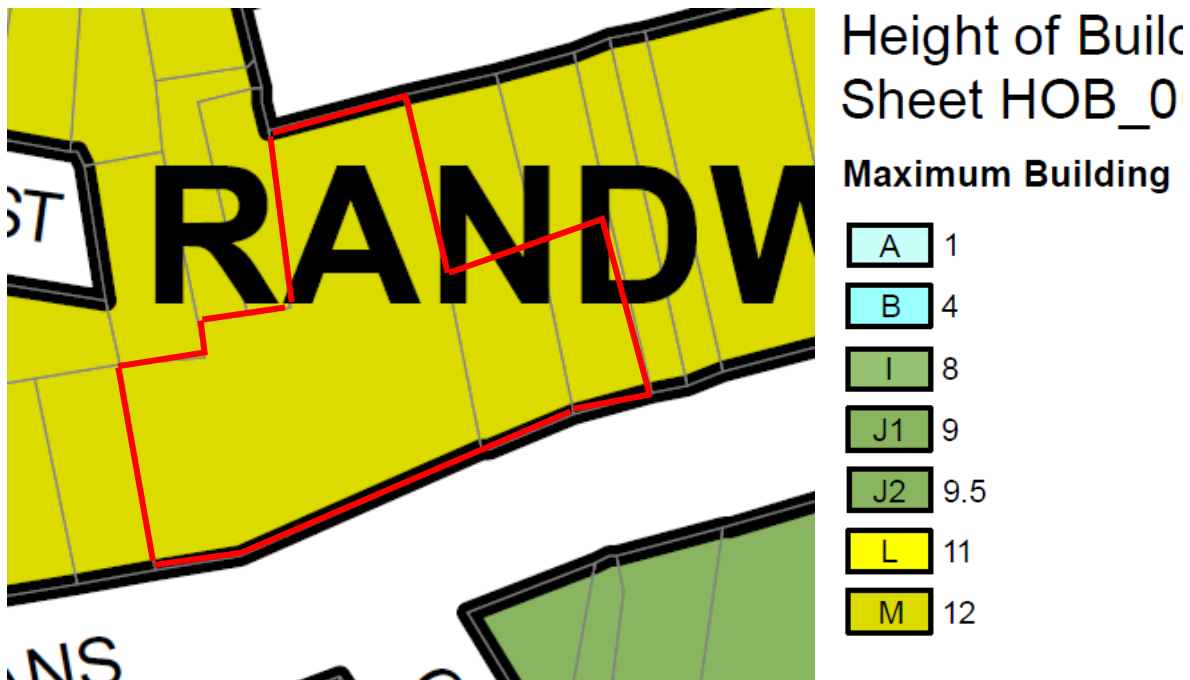


Figure 9: RLEP 2012 HOB Map Extract (site outlined in red)

Source: NSW Legislation

Clause 4.3 states as follows:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to ensure that the size and scale of development is compatible with the desired future character of the locality,
- (b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,
- (c) to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

(2A) Despite subclause (2), the maximum height of a dwelling house or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.

The design of the proposed development involves a building with a height at its highest roof point, being RL92.5 at the ridge line over the rooms on the top floor to natural ground level RL77.66, which is 14.84m.

The proposal involves a “seniors housing development” in a “vertical village” format under the provisions of the Seniors Housing SEPP, where the provisions of the Seniors Housing SEPP prevail over the height control under the RLEP 2012 and based on Clause 45 there are no height restrictions only the FSR is restricted. Despite this, a variation to the RLEP Height of Buildings control has been prepared under the provisions of Clause 4.6 of the RLEP, is requested to vary the height control. Refer to **Appendix Q**.

This has been discussed in detail with respect to the controls associated with the Seniors Housing SEPP in the previous sections of this report.

4.2.13.4 Clause 4.4 Floor Space Ratio

The land is designated L = 0.9:1 Floor Space Ratio (FSR) control under the RLEP, as shown in the extract from the RLEP FSR Map as follows:

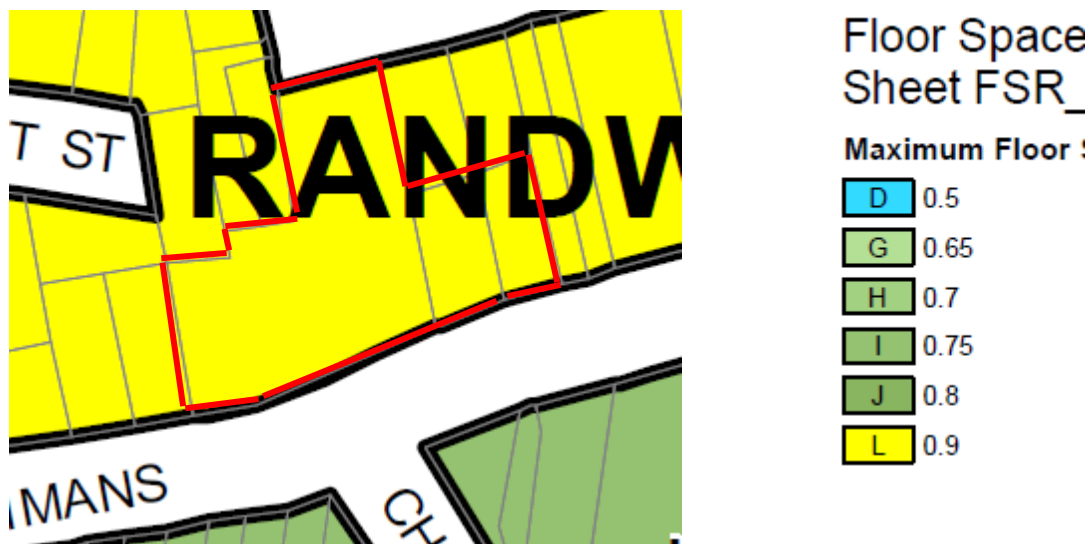


Figure 10: RLEP 2012 FSR Map Extract (site outlined in red)

Source: NSW Legislation

The design of the proposed development has had consideration of this control, and the proposal exceeds the 0.9:1 provision under the RLEP 2012. The proposed seniors housing development involves a “vertical village” format as described in Clause 45 under the provisions of the Seniors Housing SEPP, and the provisions of Clause 45 enable a bonus 0.5:1 FSR upon satisfaction of the criteria outlined in Clause 45 (see earlier in this report). The provisions of the Seniors Housing SEPP prevail over the FSR control under the RLEP 2012.

The FSR of the proposed development has been calculated using the definition for the gross floor area to be included in the Seniors Housing SEPP at 1.39:1. Despite the RLEP FSR restriction not being applicable, a variation to the RLEP FSR control has been prepared under the provisions of Clause 4.6 of the RLEP 2008, is requested to vary the FSR control. Refer to **Appendix Q**.

4.2.13.5 Clause 4.6 Exceptions to Development Standards

The includes a request to vary the provisions of Clause 4.3 and 4.4 of the RLEP as included at **Appendix Q**. The Clause 4.6 variation requests are well founded and demonstrate:

- a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- b) There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this case;

- c) The development meets the objectives of the development standard and where relevant, the objectives of the R3 zone, notwithstanding the variation;
- d) The proposal is in the public interest and there is no public benefit in maintaining the standard;
- e) The proposal results in a better planning outcome in that a design which complies with the RLEP FSR and HOB would not deliver the affordable housing benefits if made to be a compliant scheme, particularly as the portion of the building which breaches the controls does not result in unreasonable adverse impacts on adjoining properties and do not result in an unacceptable loss of amenity to adjoining properties;
- f) The non-compliances with the HOB and the FSR controls under the RLEP do not result in any unreasonable environmental impacts;
- g) It is considered the proposed height and FSR are appropriate for the orderly and economic use of the land and is consistent with character of this location; and
- h) The contravention does not raise any matter of State or Regional significance.

Therefore, a variation of the control in this instance can be supported.

4.2.13.6 Clause 5.6 Architectural roof features

The Frenchmans Road streetscape of the design includes pitched roofing as a similar angle to that of adjoining properties. The design includes a secure access roof terrace with uninterrupted solar access for the benefit of all residents with an alfresco seating area and pergola over and glass balustrade surround. This roof terrace exceeds the height of building control as demonstrated by the height plane diagrams included in the architectural drawing in **Appendix B**.

This roof terrace area is recessed away from the building edge below with pitched roofing surrounds so as not to be visible from McLennan Avenue. While this portion of the building exceeds the height control it provides access to secure accessible private open space for all residents and has been designed to be consistent with the provisions of Clause 5.6 of the RLEP.

4.2.13.7 Clause 5.9 Preservation of Trees or Vegetation

The provisions of Clause 5.9 and 5.9AA of the RLEP have been repealed. Clauses 5.9 & 5.9AA have been repealed and replaced with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 or Vegetation SEPP.

The applicant has obtained an arborist report. The arborist has assessed all of the trees within the site and relevant trees adjoining the site boundaries, refer to **Appendix T**. The assessment has had consideration of the provisions of the Vegetation SEPP and advises in part in the “Summary” on page 2:

The proposed development is to demolish the existing aged care facility and replace it with a new aged care facility. I have inspected all the trees that could be affected and list their details in Appendix

2. Based on this information, I provided guidance to the project architect on the constraints these trees impose on the use of the site.

Six low category trees will be lost because of this proposal. However, four of the low category trees are exempt from Randwick Council's Tree Preservation Order and the retention of the boundary tree cover will ensure there is minimal impact on the wider setting. A landscaping scheme to mitigate these losses is proposed that will include the planting of new trees. The proposed changes may adversely affect a further eleven high category trees and five low category trees if appropriate measures are not taken. However, if appropriate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have a low impact on the contribution of trees to local amenity or character.

Given this assessment from the arborist, the applicant has prepared Landscape Concept Drawings and a Landscape Design Report (refer to **Appendix E**) for the site which includes replacement trees and vegetation in a coordinated renewal of the site, as recommended in the arborist report.

Those trees located within the footprint of the development are proposed to be removed. A number of trees are also proposed to be retained. The arborist report has provided guidance to the architects within respect to the building setbacks to trees proposed to be retained. The basement levels and levels of the building above ground have been redesigned since consulting with Council during the DEP meeting and the pre-lodgement meeting to take on board the recommendation to retain the existing tree visible from the Frenchmans Road streetscape.

All trees within the Council road reserve will be retained. As such, the proposed development is considered to be consistent with the provisions of the Vegetation SEPP.

The application is willing to accept conditions associated with tree protection measures as detailed in the Arborist report.

4.2.13.8 Clause 5.10 Heritage conservation

The provisions of Clause 5.10 heritage conservation of the RLEP have been considered, which state:

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Randwick,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent *Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The subject site is not identified as a heritage item under the RLEP and is not identified as falling within a Heritage Conservation Area.

The site is in the vicinity of two heritage items at 23 McLennan Avenue (Local item - I408 – California Bungalow) and 25 McLennan Avenue (Local item - I409 – California Bungalow) on the RLEP Heritage Map and Schedule 5 Environmental Heritage.

The land to the south of the site along Frenchmans Road (except for 14, 16, 18 and 20 Frenchmans Road) are located within the St Mark's Heritage Conservation Area and the Caerleon Crescent Heritage Conservation Area.

The Heritage Impact Statement is included in **Appendix X** includes a comparison to the pre-DA meeting feedback in response to council comments:

Council comment:

The streetscape on the southern side of Frenchmans Road includes a single storey early twentieth cottage to the west, two storey Victorian dwellings to the east and several post war residential flat buildings comprising three storeys and three stories over ground level carparking. The existing nursing home and the separate building to the east of it have 2 storey front facades to Frenchmans Road. The proposed 3 storey elevation to Frenchmans Road attempts to articulate and make sense of a hugely complex building footprint, however its scale, bulk and stylistic treatment have more in common with the post war residential flat buildings than the nineteenth and twentieth century buildings adjacent.

Weir Phillips Heritage and Planning advises:

The proposal has achieved a more sympathetic relationship to the Conservation Area by taking its cues with respect to massing, height and scale from the adjacent two to four-storey buildings along the northern side of Frenchmans Road which do not have any impact on the streetscape to the south.

The fall of the land to the east allows the proposal to remain consistent with or below the roof ridge line of these buildings thus ensuring views from the Conservation Area are not reduced.

The proposal would be for a well-articulated building with a simple hipped roof form and façade composition that includes vertically proportioned openings separated into bays. This enables the proposal to break up the massing while remaining recessive to the more complexly form and detailed contributory items on the opposite side of the road. It would be an improvement on the existing streetscape when compared with the bulk and massing presented by Nos. 1-5 Frenchmans Road nearby to the site.

Council comment:

The streetscape at the western end of McLennan Avenue, which includes three heritage items, comprises predominantly single storey early twentieth century cottages. The existing nursing home building has a 3-storey rear elevation to McLennan Avenue. The proposed 3 storey elevation to McLennan Avenue perpetuates the poor bulk and scale relationship between development on the site and surrounding single storey development.

Weir Phillips Heritage and Planning advises:

The proposal would be for a T-shaped building with the bulk of the building located to the south. This would reduce the massing of the northern elevation with respect to the contributory items. This would be further improved by the increased setbacks of the upper storeys, allowing the proposal to be recessive. Where viewed from McLennan Avenue, the proposal would present as two storeys with a low hipped roof and would be constructed from timber look cladding with a fenestration pattern

defined by vertically proportioned windows. This would improve significantly on the existing arrangement and allow an appropriate relationship with the streetscape.

And the Heritage Impact Statement concludes:

This Heritage Impact Statement has been prepared to accompany a Development Application for the removal of all structures at Nos. 11-19 Frenchmans Road and the construction of a new residential aged care facility. The subject site is not listed as a heritage item; however, it lies within the vicinity of local heritage items under Schedule 5, Part 1 of the Randwick LEP 2012 and Conservation Areas under Schedule 5, Part 2 of the Randwick LEP 2012.

The removal of the buildings at No. 11 and No. 19 Frenchmans Road will have an acceptable impact as they are simple Inter-War Californian Bungalows and are otherwise not a rare example of the style. The removal of No. 15 and No. 17 Frenchmans Road will have an acceptable impact as there is little original fabric remaining in either building which have both been significantly obscured by later modifications.

The proposed works will have an acceptable impact on nearby heritage items. The new building is consistent in massing and scale to the existing building, although the footprint as a single building is greater. It is contemporary but sympathetic to surrounding dwellings and has well-articulated elements that will break up the massing and reduce its visual impact. The building will not reduce or block significant view corridors towards any of the items. They will continue to retain their heritage significance.

The proposed works will have an acceptable impact on Conservation Areas within the vicinity as the new building is sympathetic in form and design to the predominantly turn-of-the-century dwellings that characterise the Conservation Areas. The new building is separated from these areas by Frenchmans Road which will help reduce its visual impact. The heritage significance of the Conservation Areas will be retained.

The proposed works fulfil the aims and objectives of the Randwick LEP 2012 and Randwick DCP 2013. The residential aged care facility will provide a high quality of service and purpose-built accommodation for the ageing population of Randwick.

As such, the proposal will not adversely impact on any heritage item or HCA.

4.2.13.9 Clause 6.1 Acid Sulphate Soils

The subject site is not identified on the Acid Sulphate Soils Map. As such, **Clause 6.1** of the RLEP 2012 does not apply. The applicant has also addressed this within the Geotechnical Report included in **Appendix K**.

4.2.13.10 Clause 6.2 Earthworks

Clause 6.2 of the RLEP 2012 states as follows:

6.2 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

The proposed development involves earthworks to allow for the construction of the basement levels. Bulk earthworks drawings are included in **Appendix I**.

The proposed development will not adversely impact on the existing overland flow of water or the existing drainage pattern (refer to the Stormwater Management Report at **Appendix I**).

The proposed development will test excavated material prior to its disposal as outlined in the Construction Waste Management Plan at **Appendix D**.

Dilapidation surveys of immediately adjoining properties is recommended in the geotechnical report prior to work commencing. The site has been modified over the years with the construction of the existing buildings and their access driveways, and as a result the land has already been disturbed. No known relics are located on the land. The proposed earthworks can be well managed during the preliminary stage of construction and not result in an adverse impact on adjoining properties via the imposition of standard conditions, and the applicant is willing to accept conditions associated with the construction stage. As such, it is considered that the proposal is consistent with the provisions of **Clause 6.2** of the RLEP.

4.2.13.11 Clause 6.3 Flood Planning

The subject site is not indicated as being affected by the Flood Planning mapping, and therefore the provisions of **Clause 6.3** are not triggered.

4.2.13.12 Clause 6.4 Stormwater Management

A Stormwater Design Report is included in **Appendix I**, which indicates the proposed development will include OSD and associated stormwater management measures so as to ensure adjoining properties, native bushland and receiving waters will not be adversely affected by the proposed redevelopment of the site, consistent with the provisions of **Clause 6.4** of the RLEP.

4.2.13.13 Clause 6.10 Essential Services

An Infrastructures Services Report is included in **Appendix M**, which responds to each of the required services to support the proposed redevelopment in compliance with **Clause 6.10** of the RLEP.

4.2.13.14 Clause 6.11 Design Excellence

The provisions of Clause 6.12 of the RLEP are not triggered by the proposed development.

In any event, the applicant's design team with the assistance of the urban design peer review have prepared a proposed development which exhibits design excellence through the improvement of the existing external form and enhancement of the public domain by the high-quality architectural design which uses materials, colours and finishes suitable in this location consistent with the desired future character in a sustainably designed building which minimises its impacts on view corridors and landmarks (refer to the view corridor analysis in the Heritage Impact Statement).

4.3 **SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

There are no draft environmental planning instruments affecting the proposed development.

4.4 **SECTION 4.15(1) (A) (III) DEVELOPMENT CONTROL PLANS**

In 2013 the NSW Government made legislative amendments aimed at restating the strength of DCPs. The amendments have returned the DCP status to what was initially intended, being a 'flexible guideline' that would complement the development controls provided by the legally binding LEP. The amendments also provide that during the decision-making process, the determination authority is required to as a result of Section 4.15(3A)):

- Use a flexible approach in applying DCP standards,
- Not to enforce more onerous standards than those contained in the standards of the LEP.

Where Section 4.15(3A) states:

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Therefore, *Environmental Planning and Assessment Amendment Act 2012 (and as amended on 1 March 2018)*, clarified the purpose and status of development control plans, being to ‘**provide guidance**’ to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument.

To assist in the assessment of proposals, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be ‘**flexible in applying those provisions**’ and allow for ‘**reasonable alternative solutions**’ that achieve the objectives of those standards for dealing with that aspect of the development. It is important to recall these revisions to the status and application of DCPs in development assessment.

4.4.1 Randwick Development Control Plan 2013

The *Randwick Development Control Plan 2013* (RDCP) applies to land in the Randwick City LGA. The RDCP provides a comprehensive set of development principles. However, the DCP does not include specific provisions to design “residential aged care facility” as part of a “seniors housing” form of development as proposed under the Seniors Housing SEPP.

An assessment of the proposal against the relevant components of the RDCP controls have been undertaken with the preparation of the following documents/reports/drawings:

1. Traffic and Parking Assessment Report at **Appendix C**;
2. Waste Management Plans at **Appendix D**;
3. A Landscape Concept Drawings and Report at **Appendix E** to respond to the DCP;
4. A BCA is included at **Appendix F**;
5. An Access Report at **Appendix G**;
6. A QS Report at **Appendix H**;
7. Concept Stormwater Management Drawings and Report, WSUD and model, civil engineering drawings and Sedimentation and Erosion Control Plan at **Appendix I** to respond to the DCP;
8. Contamination Report and Site Audit Statement at **Appendix J**;
9. Geotechnical Report at **Appendix K**;
10. A BASIX Certificate and Report at **Appendix L**;
11. Infrastructure Report at **Appendix M**;
12. Social Impact Comment at **Appendix N**;
13. Acoustic Report at **Appendix O** to respond to the DCP;
14. A Lighting Statement at **Appendix P**;
15. An arborist report at **Appendix T**;
16. A Crime Prevention Report at **Appendix V**; and
17. Statement of Heritage Impact at **Appendix X** to respond to the DCP.

In summary, the proposed development demonstrates a high level of compliance with the relevant parts of the RDCP relating to the proposed nursing home building.

4.5 SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS

There is no Planning Agreement in force relevant to this proposal.

4.6 SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION

Any DA will need to include in the draft condition set conditions to address the mandatory clauses under the *Environmental Planning and Assessment Regulation 2000*.

4.7 SECTION 4.15 (1) (A) (V) REPEALED

Not applicable.

4.8 SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT

Pursuant to Section 79C (B) of the Act, *‘the likely impacts of that development’* have been considered as follows:

4.8.1 Proposed Height, Bulk and Scale

The proposed height and FSR of the proposed seniors housing development buildings are considered to be consistent with the desired character and underlying and stated objectives of the height and FSR controls under the Seniors Housing SEPP and RLEP.

Therefore, it is considered that the height, bulk and scale of the proposed buildings are suitable for the site and will not result in any unacceptable adverse impacts to adjoining properties.

4.8.2 Shadow Impacts

Shadow diagrams have been prepared for the proposed building which indicates that the proposed development will not adversely impact on the available solar access to adjoining properties.

4.8.3 Context and setting

The proposed development constitutes an appropriate and compatible land use in the locality.

The existing setting is characterised by a mix of high- and low-density development. The proposed development has been designed having regard to the characteristics, topography, and orientation of the site and its relationship to neighbouring land as well as the wider Randwick setting. As such, the subject site is considered an appropriate context and setting for the proposed redevelopment for a replacement seniors housing development on the site within Randwick being consistent with the existing desired future character of the locality.

The proposed Seniors Housing development can make a positive contribute to the amenity of the public domain by significantly improving streetscape presentations to each of the street frontages and the nearby civic infrastructure, refer to the Architectural Design Statement at **Appendix B** and Clause 26 Report at **Appendix U**.

The proposed development will also contribute to the safety of the public domain through passive surveillance from the development and into the development.

4.8.4 Heritage

The subject site is not identified as a heritage item, and not located within a heritage conservation area. There are two heritage items adjoining the northern boundary of the subject site. Two HCA are located to the south of the site fronting Frenchmans Road. A detailed assessment of the proposed redevelopment has been undertaken in the Statement of Heritage Impact included at **Appendix X**, which advises:

This Heritage Impact Statement has been prepared to accompany a Development Application for the removal of all structures at Nos. 11-19 Frenchmans Road and the construction of a new residential aged care facility. The subject site is not listed as a heritage item; however, it lies within the vicinity of local heritage items under Schedule 5, Part 1 of the Randwick LEP 2012 and Conservation Areas under Schedule 5, Part 2 of the Randwick LEP 2012.

The removal of the buildings at No. 11 and No. 19 Frenchmans Road will have an acceptable impact as they are simple Inter-War Californian Bungalows and are otherwise not a rare example of the style. The removal of No. 15 and No. 17 Frenchmans Road will have an acceptable impact as there is little original fabric remaining in either building which have both been significantly obscured by later modifications.

The proposed works will have an acceptable impact on nearby heritage items. The new building is consistent in massing and scale to the existing building, although the footprint as a single building is greater. It is contemporary but sympathetic to surrounding dwellings and has well-articulated elements that will break up the massing and reduce its visual impact. The building will not reduce or block significant view corridors towards any of the items. They will continue to retain their heritage significance.

The proposed works will have an acceptable impact on Conservation Areas within the vicinity as the new building is sympathetic in form and design to the predominantly turn-of-the-century dwellings that characterise the Conservation Areas. The new building is separated from these areas by Frenchmans Road which will help reduce its visual impact. The heritage significance of the Conservation Areas will be retained.

The proposed works fulfil the aims and objectives of the Randwick LEP 2012 and Randwick DCP 2013. The residential aged care facility will provide a high quality of service and purpose-built accommodation for the ageing population of Randwick.

4.8.5 Access, traffic and parking

Vehicular access to the site is proposed from Frenchmans Road and consolidates all existing driveways into one access and egress point to the basement level parking and loading dock area. Refer to the Traffic and Parking Assessment report at **Appendix C** for the reasons for the access arrangements, which comply with the required sight distances of the relevant Australian Standard. In order to improve the amenity of nearby neighbours the existing loading dock which is used for deliveries and garbage services at the McLennan Avenue frontage (and associated driveway)

Pedestrian access to the site has been designed into the site from Frenchmans Road and from the basement parking level), and as recommended in the Clause 26 Report in **Appendix U** the “pram ramps” in the existing footpath at the intersection of Avoca Street will need to be replaced to comply with the design requirements of the Australian Standard.

Pedestrian access within the site development and through the site will provide universal access, refer to the BCA at **Appendix F** and Access report at **Appendix G**.

4.8.6 Utility service infrastructure

The subject site has access to essential services including water, sewerage, electricity, telecommunications and gas available to it with capacity to accommodate the proposed development. Refer to the Infrastructure Report at **Appendix M**.

4.8.7 Air and microclimate

The proposed development is not considered likely to give rise to a change in the existing microclimate and can be managed via the imposition of reasonable conditions.

4.8.8 Social Impact Assessment

The applicant's consultants have prepared a Social Impact Comment (SIC) in accordance with Council's requirements for a "Seniors Housing Development", which can be found at **Appendix N**.

As indicated in Section 3 of this report, SummitCare has undertaken their own research which demonstrates there is a need to commence "planning" now for the significant shift in the ageing population cohort which this nursing home will make a significant contribution including the provision of 20% concessional places.

Overall, the proposal will result in a positive social impact in that the development will provide for renew seniors housing facilities in the Randwick locality and will result in activation and overall improvements to the public domain.

4.8.9 Lighting

All external Lighting can be designed to comply with the requirements of the Australian Standard, so as light spill does not become problematic and contained to the site while at the same time assist with Crime Prevention measures.

4.8.10 Acoustics/Noise

An assessment of the existing acoustic environment and the proposed development has been undertaken as detailed in the Acoustic Report included at **Appendix O**, which includes a number of recommendations which the applicant can implement as part of the construction phase of the project. The report advises:

A site investigation of the proposed site and surrounds at 11, 15, 17 & 19 Frenchmans Road, Randwick has been completed to determine existing noise levels for the environment and surrounds for a proposed development of the site.

Mechanical plant used on the site will need to be designed to comply with the noise emission and noise intrusion criteria in the design development stage of the project. Controlling noise from plant and equipment would include a combination of enclosed plant rooms, silencers, lined ductwork, acoustic barriers, acoustic louvers and the selection of quiet plant where required.

The preliminary road traffic noise intrusion assessment indicates upgraded glazing will be required for affected spaces, with a markup included in Appendix B, in order to meet the internal acoustic requirements presented in this report. The indicative glazing recommendations have been provided in Section 5.1 of this report which may be refined during the detailed design phase of the project.

Current standards associated with the development have been reviewed and assessed in accordance with existing site constraints. Preliminary construction standards have been reviewed to ensure that Randwick City Council's and other guidelines are satisfied.

ADP Consulting believes that there are no site conditions that would preclude this development from complying with the criteria defined in this report.

As such, the proposed development will be acceptable in terms of its acoustic impact considerations and can be supported as submitted subject to the above.

4.8.11 ESD performance of proposed building

The proposed building will be constructed in accordance with the Building Code of Australia under the National Construction Code which requires buildings of this classification to comply with the required energy efficiency requirements. Please refer to the BCA Section J Report at **Appendix F** and the BASIX Report at **Appendix L**.

4.8.12 Natural and Technological Hazards

The site is not subject to any known natural or technological hazards which would preclude the proposal.

4.8.13 Soils

It is unlikely that the works will have adverse impacts on the soil quality of the site subject to the appropriate management regimes being met at these phases to manage geotechnical considerations – refer to **Appendix K** for Geotechnical report.

4.8.14 Waste Management

Waste Management Plans (Demolition, Construction and Operational) form part of this project are included at **Appendix D**. These include the measures proposed for managing waste in the construction and operational phases according to waste management principles and priorities of:

- Reduce wastes at the source;
- Reuse materials, where possible;
- Recycle wastes, where practical;
- Removal of all waste from the site; and
- Dispose of wastes appropriately and responsibly.

4.8.15 Flora and Fauna

No threatened species or significant flora and fauna are located on the site or will be impacted by the proposed development for the seniors housing. The proposed development includes concept landscape drawings at **Appendix E** which include street tree plantings.

4.8.16 Erosion and Sedimentation

An erosion and sedimentation assessment and management plan prepared for the subject site is included at **Appendix I**.

4.8.17 Contamination

A Contamination Report is included at **Appendix J** which concludes that the site is suitable for the development.

4.8.18 Safety, Security and Crime Prevention

The proposed seniors housing development will employ a number of passive and active crime prevention measures as part of Crime Prevention through Environmental Design (CPTED), refer to the CPTED Report prepared for the proposal at **Appendix V**. The proposed development has been designed for safety and security of site users and to accord with the principles of CPTED including the following:

- natural surveillance with clear sight lines and avoidance of blind corners and sightline obstructions across trafficable parts of the site and between activity areas;
- active CCTV surveillance and security services;
- access control for basement level, back-of-house and loading dock areas;
- durable building design and materials, and proposed site management will contribute to territorial reinforcement.

4.8.19 Economic Impact

The proposed development will ensure that the new development is complementary to the existing nearby context and setting in Randwick.

The proposed Seniors Housing development will directly employ 16 people, and as a result of the multiplier factor contribute to 263 full-time ongoing jobs with 101 construction jobs.

The potential for additional jobs being generated as a result of support services such as kitchen functions and linen services beyond the boundaries of the site as a multiplier effect will also occur.

The proposed development will have a number of positive social and economic effects in the locality, which are considered to mitigate any adverse economic impacts, including:

- Meet the needs from the growing aged community of Randwick and the wider LGA;

- provide aged care facilities with a wide range of services to support on-site care functions provided by SummitCare along with affordable housing;
- generates permanent employment with direct jobs on-site in the development and indirect flow-on jobs;
- generates construction employment with direct and indirect jobs; and
- provides for a new public domains and streetscapes as a location for social activity that contributes to building a sense of place, identity, community and social cohesion.

4.8.20 Construction Impacts

A Construction Management Plan can be prepared as part of the relevant Construction Certificates once a builder has been appointed and prior to the commencement of works to manage potential impacts of construction activities including site safety, security and access control, construction vehicles, soil and water management, waste management, noise and construction hours.

4.9 SECTION 4.15(1)(C) SITE SUITABILITY

Section 4.15(1)(C) of the act requires consideration of the suitability of the site for the development. The primary matters under Section 4.15 (1)(C) are whether the proposal fits into the locality and if the site attributes are conducive to the proposed development.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the site for the proposed development. In summary, there are limited constraints on the proposed development of the site and minimal conflicts will occur with surrounding land uses.

4.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

Section 4.15(D) and (E) of the EP&A Act require that any public submissions made in accordance with the Act or the public interest be considered in the development assessment process.

The proposed “seniors housing” redevelopment will contribute to meeting the demand in the locality and will not significantly impact on the environment, will improve consumer choice for aged care in the locality including provision of 20% concessional places within the residential care facility and 10% of ILUs as affordable housing dwellings, will result in a good design outcome and is generally consistent with the applicable planning controls and strategic documents for the site. It is therefore considered to be in the public interest.

4.11 SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT

The provisions of Section 4.46 of the EP&A Act states:

4.46 What is “integrated development”?

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Under the provisions of Section 4.46 of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency or authority a proposal is integrated.

There are no triggers for an “integrated referral”.

5. CONCLUSION

This SCC request report has been prepared to assess a proposed redevelopment involving demolition of existing structures and nursing home, and construction of a new building for an 86-bed residential aged care facility and 2 Independent Living Units (ILUs) with basement levels and operation of a “vertical village seniors housing” under Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* at 11-19 Frenchmans Road, Randwick, which has been identified as suitable for such a redevelopment.

The aim of this report has been to provide the following:

- Description of the site and locality;
- Description of the proposed development;
- Assessment of relevant environmental planning matters for a Site Compatibility Certificate under the Senior Housing SEPP including compliance with planning instruments and controls, environmental impacts, site suitability and the public interest; and
- A conclusion with respect to the proposal.

This environmental planning assessment makes the following conclusions about the proposed development:

- it complies with the Seniors Housing SEPP being the main planning instrument affecting the land and the proposal;
- it is consistent with the existing and desired future character of the locality in the Randwick area;
- the proposal has an acceptable traffic impact to the surrounding road network;
- the proposal will provide for a greater mix of housing types, including affordable housing;
- it will not have any unreasonable impact on adjacent properties or unacceptable socio-economic impacts which cannot be mitigated by the imposition of conditions; and
- there are no environmental constraints of such significance as to preclude the proposed development.

In summary, the proposed development is appropriate within the context of the subject site and is consistent with the statutory and policy requirements of the State government. The development is in accordance with the planning instruments relevant to the site. No significant impacts are envisaged to occur upon the amenity of surrounding properties. The proposal will result in a development which exhibits a high level of amenity for future residents and is expected to have a positive economic and social impact on the locality.

Given the above assessment, the proposed development has environmental planning merit and is considered to be in the public interest, and therefore we request a Site Compatibility Certificate be issued for the proposal.

APPENDIX A

Site Survey and Distance (reduced)



APPENDIX B

**Architectural Drawings, Site Analysis, Materials and Finishes (reduced),
Design Statement**

APPENDIX C

Transport Impact Assessment Report



APPENDIX D

Waste Management Plans

APPENDIX E

Landscape Report and Concept Plans



APPENDIX F

BCA Report and Section J Report

APPENDIX G

Access Report



APPENDIX H

QS Cost Report

APPENDIX I

**Engineering Drawings, Bulk Earthworks, Stormwater management drawings
(reduced), Stormwater Management and Quality report**



APPENDIX J

Stage 1 Preliminary Site Investigation Report

APPENDIX K

Geotechnical Report and Acid Sulphate Soils Assessment

APPENDIX L

BASIX Certificate and stamped plans

APPENDIX M

Infrastructure Report



APPENDIX N

Social Impact Comment

APPENDIX O

Acoustic Report



APPENDIX P

Lighting Statement

APPENDIX Q

Clause 4.6 Variation Requests

APPENDIX R

Social Housing Provider Letter

APPENDIX S

SummitCare Plan of Management



APPENDIX T

Arborist Report

APPENDIX U

Clause 26 Assessment Report



APPENDIX V

CPTED Report

APPENDIX W

Needs Assessment

APPENDIX X

Heritage Impact Statement

APPENDIX Y

Urban Design Peer Review

