

Our ref: F2006/00524
14 May 2021

Ms Laura Locke
Place & Infrastructure
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Laura,

Subject Land: 11-15, 17 and 19 Frenchmans Road, Randwick
Your Reference: SCC2020RANDW-1
Proposal: 86-bed (78-room) residential care facility and 2 independent living units in a vertical village building over two basement levels

Thank you for your letter received on 9 March 2021 notifying Council of a Site Compatibility Certificate (SCC) application for the above-mentioned property at No. 11-15, 17 and 18 Frenchmans Road, Randwick.

Please be advised that a development application has been lodged with Randwick Council on 25 November 2020 proposing demolition of the existing structures on-site including an existing aged care facility, and construction of a new 4 storey aged care facility with ancillary uses comprising 86 beds and 2 independent units, rooftop terrace, basement car parking, lot consolidation, landscaping and associated works.

The lodgement of this DA prior to the issue of the SCC constitutes a breach of Clause 50 (2A) of the EPA Regulations which essentially requires that:

“A development application that relates to development in respect of which a site compatibility certificate is required by a State Environmental Planning Policy must be accompanied by such a certificate.”

As the DA has not been accompanied by a SCC, Council has advised the applicant to withdraw the DA. The applicant is currently considering this matter.

Council would emphasise that a Site Compatibility Certificate cannot be issued for the current DA given that the DA has been lodged in breach of Clause 50 (2A) of the EPA regulations. Notwithstanding this, Council provides the following comments based on the proposal contained in the SCC application as exhibited on the Department's [Planning Portal](#). The relevant SCC Application drawings and documents as exhibited on the Department's planning portal have been reviewed and the comments below are provided having regard to the relevant criteria in Clause 25(5)(b) of the Seniors Housing SEPP.

(i) Natural environment and existing and approved uses in the vicinity

The subject site and the surrounding environment are urbanised and do not contain any prominent natural features. The existing and approved uses of land in the vicinity of the proposed development are predominantly zoned Residential R3 (Medium Density Residential). Business B1 (Neighbourhood Centre) forms another significant close-by land use to the east along Frenchmans Road.

The subject site (being Residential R3) remains an integral part of the overall housing stock albeit currently, largely in aged care use. However, the proposed intensification of this aged care use under the proposal accompanying the SCC Application will not be compatible with the scale and density of existing surrounding residential uses. The proposal will have an FSR of 1.39:1 compared with an average FSR of 0.9:1 and below for most of the surrounding development in the vicinity of the subject site. Given the significant disparity in residential density to existing adjoining residential land, and the development and amenity pressures flowing from this (see section (v) below), it is considered that the proposal does not meet the criteria for site compatibility relating to existing and approved uses in the vicinity of the subject site.

(ii) Impact on the future uses of the land

The development proposal involves demolition of the existing three storey residential care facility and the demolition of three adjacent detached one and two storey dwellings at Nos. 17 and 19 Frenchmans Road to the east, and No.11 Frenchmans Road to the west. It is proposed to construct a new seniors residential care facility (vertical village) involving:

- Consolidation of the four lots into one.
- Construction of four storey (inclusive of attic/roof level) purpose built aged care facility including two levels of basement for parking (18 cars) and storage, gym and services; residential accommodation, administration and common areas at ground floor; residential accommodation at first and second floor; and further residential accommodation within the third floor (attic) level.

In terms of how the proposed facility relates to the other existing uses within the same property, the proposal essentially maintains the existing use of the site for aged care albeit at a more intensified scale. The impact of this scale is discussed in point (v) below.

The proposal also seeks to demolish the existing residential buildings on-site to accommodate the new expanded aged care facility. The existing residential buildings comprise the following:

- a single storey Inter-War bungalow at Nos.11-15 Frenchmans Rd with a hipped and gabled tiled roof on the western side of the site. There is also a separate two storey building (No 15) used for the main nursing home which comprises components of the original two storey Victorian dwelling 'Wirrillah' (c.1889-91) visible on the eastern and northern elevations and comprises substantial mid twentieth century brick additions which presents to both Frenchmans Road and McLennan Avenue to the rear. Internally, these buildings also have original detailing including timber picture rails, architraves and window/door frames and original plasterwork, arch detailing and stairs, and hallway configuration.
- a single storey Inter-War bungalow at No. 19 Frenchmans Road with original liver brick construction, timber framed leadlight casement windows and bay on the visible elevations, original window awnings, timber floors and skirtings, dark wood picture rails, internal fretwork to front bay window, dark brick fireplace with inbuilt

side multipaned glazed cupboards and timber mantel, original timber doors and original wall vents, and plasterwork on ceilings.

While predominantly comprising original details, these buildings are not identified as heritage items, nor are they located within an identified heritage conservation area. A heritage assessment has been undertaken as part of the SCC application that concludes that the buildings have no heritage significance worthy of protection. Notwithstanding this, the loss of the existing fabric raises a concern in the absence of any archival recordings of the buildings and provision for salvaging original features for reuse.

(iii) Services and infrastructure to meet the demands of the proposed development

The site is within an urban area and already accommodates a nursing home. Utility services and infrastructure should be available to serve the needs of the development. The SCC application is accompanied by a report (Appendix M) that details the additional infrastructure required to support the proposed development without adversely impacting on the needs of the locality. Notwithstanding this, Council suggests the applicant engage with Sydney Water and relevant utility companies in obtaining their design and engineering requirements, and factor their inputs into the detailed development scheme.

(iv) Impact on the provision of special uses in the vicinity of the development

The development involves replacement of the existing nursing home with a larger scale aged care establishment occupying an expanded footprint. The new facility will need a range of retail and commercial uses and services in close proximity that residents can access. Shops, small supermarket, newsagent, restaurants and cafés are available within walking distance in the neighbourhood centre about 300m to the east along Frenchmans Road. Banks, medical centres, community facilities are available in the closest local business centre at Randwick Junction some 1-2 km away. In particular, nearby medical facilities are available in the Prince of Wales Hospital precinct adjacent to the Randwick Junction town centre. In terms of public transport, bus services are available along Frenchmans Road that are linked directly to the Sydney CBD, Bondi Junction as well as Randwick Junction which has a light rail stop. Open spaces including Alison Park, High Cross Park and Centennial Parklands are also close by.

The new facility is capable of functioning in conjunction with other special uses in the local vicinity. Therefore, the proposed development is not considered to adversely affect the provision of special uses in the surrounding area.

(v) Impact of the bulk, scale, built form and character of the proposed development

Built form and façade articulation:

- The proposed buildings will be 3 storeys in height mainly along the site perimeter with a 4 storey component in the centre of the subject site. While the higher/bulkier portion of the building has been located to the centre, the articulation of the building to Frenchmans Road remains overly dominant with poor articulation and large scaled architectural elements. Whilst the proposal makes reference to existing 1950s/1960s residential flat buildings (RFB) in the vicinity to justify the proposed height, bulk and scale, this comparison is questionable particularly considering that the floor to ceiling heights of the proposed development are well in excess of 3m compared to those in the existing RFBs. In effect, the proposed development will have a greater height, bulk and scale compared to the existing older RFBs in the locality.
- The submitted drawings do not show overall height and wall height on every elevation and section accompanying the SCC Application. In this regard, the site is zoned R3 with an allowable floorspace ratio of 0.9:1 and a height limit of 12 metres, as well as a DCP maximum wall height control of 10.5 metres. An assessment of the elevations

and sections show that the proposal exceeds the relevant height controls and while the proposal relies on the provisions of the Seniors Housing SEPP, it should not disregard the local controls applying in the immediate R3 zoned locality. These standards and controls are relevant to the proposed development especially in ensuring that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, and loss of privacy.

- The subject site has a maximum street frontage of 50.225m to Frenchmans Road and 21.09 to McLennan Avenue. The proposal is inconsistent with the setback controls in the Randwick DCP which require that, for a site with a width greater than 20m, a minimum side setback of 4m be provided in order to meet the DCP objectives of visual amenity, building separation and visual and acoustic privacy between neighbouring properties. The proposal has side setbacks that fall significantly short of this minimum particularly on the western and eastern sides to neighbouring properties on McLennan Avenue. The building presents as dominant and visually bulky when viewed in the McLennan Avenue streetscape due to its disregard for the setback requirements particularly on the upper floors. In particular, it appears overbearing and intrusive in relation to adjoining heritage items in McLennan Avenue. The lack of adequate setback and inconsistency with the 10.5m wall height in the elevation to McLennan Avenue, places the proposed building out of context, bulky and excessively high in the streetscape and in relation to immediate adjoining properties in this street.

Landscape:

- The capacity of the proposed landscaping to offset visual bulk is questionable. In particular, the details of basement car parking are unclear as these potentially can occur under the landscape area raising questions as to the degree and extent of deep soil landscape areas in the proposal. Additionally, the proximity of the basement carpark to side boundaries, especially along the western and eastern boundaries adjoining the properties in McLennan Avenue significantly restricts effective landscaping for softening and screening the bulk and scale of the proposed building along these boundaries. The current proposal also lacks in outdoor recreational/landscape spaces and offers limited internal communal open spaces. For the development of the site as seniors housing, this aspect is critical. Landscape zones, deep soil zones and setback planting have not been clearly shown on a compliance table and illustrated in the SCC Application. The proposals should seek to provide for new tree planting that will be consistent with Council's Environment Strategy to increase tree canopy in the Randwick LGA

Heritage

- 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 new building will also have a 3 storey elevation to McLennan Avenue but perpetuates the poor bulk and scale relationship between existing development on the site and surrounding single storey development. At both basement levels, the proposed development will have a minimal setback from the side boundary of the heritage item at No.25 McLennan Avenue. The proposed development somewhat increases the side setback to the adjacent heritage item at No.25 McLennan Avenue, but does not increase the front setback which restricts views to and from the heritage item. Further, the proposal will replace the separate two-storey building and the single storey cottage in the south east corner of the site with an enlarged 3 storey building and the vehicular access ramp to the building basements. The new development will therefore directly adjoin the rear boundaries of the heritage items at No.23 and 25 McLennan Avenue. Although the upper levels

of the building are setback from the rear boundaries of the heritage items by the vehicular access ramp, there are concerns that the proposed development and the use of the ramp by heavy vehicles will considerably impact on the amenity and liveability of the heritage items and their private open space.

(vi) Conservation and management of native vegetation

The proposal does not involve clearing of native vegetation as there are none existing on the subject site.

Overall, whilst the proposal partly meets criteria (iii) and (iv) of Clause 25 (5) of the SEPP, Council raises concerns on a number of aspects of the proposal including (but not necessarily limited to) those listed below:

- Loss of a privacy and potential noise impacts to adjoining residential properties due to the inadequate side setback of the building particularly to existing residences fronting McLennan Avenue.
- Excessive density compared to the existing approved low-medium density residential development in the surrounding locality.
- The visually bulky and intrusive nature of the proposed built form, especially its inconsistency with maximum wall height and setback controls in the Randwick DCP; the 4 storey component exacerbated by high floor to ceiling heights, and lack of articulation to break the visual bulk and scale which, overall, will make the proposed building incompatible with the surrounding low-medium scale of existing development in the local area.
- The visual bulk and scale and inadequate setback to the adjoining heritage items on McLennan Avenue thus affecting the visual setting and curtilage to these heritage buildings.
- The inadequate design and quality of the landscape treatment and associated deep soil planting areas, which will not be effective in softening the visual bulk and scale of the proposed building.

These concerns essentially indicate that the proposal will not meet key relevant criteria in Clause 25 (5) of the Seniors Housing SEPP.

If you wish to discuss this matter further, please do not hesitate to contact David Ongkili, Council's Coordinator Strategic Planning, on 9093 6793.

Yours sincerely,



Stella Agagiotis
Manager Strategic Planning

<p>English</p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>	<p>Greek</p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>	<p>Italian</p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>
<p>Croatian</p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski služni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>	<p>Spanish</p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>	<p>Vietnamese</p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p>
<p>Polish</p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p>	<p>Indonesian</p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p>	<p>Turkish</p> <p>Bu mektubu anlamak için yardıma ihtiyacınız varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p>Hungarian</p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolkács Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.</p>	<p>Czech</p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.</p>	<p>Arabic</p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس والمُلب المُساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 والمُلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>
<p>Chinese</p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯係，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。</p>	<p>Russian</p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>	<p>Serbian</p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>