

7 July 2021

Secretary
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attn: Ms Lawren Drummond, Planning Officer Eastern and Southern Districts

Dear Sir/Madam,

**Re: SITE COMPATIBILITY CERTIFICATE NO. SCC2020RANDW-1 – 11-19 FRENCHMANS ROAD,
RANDWICK**

AMENDED SITE COMPATIBILITY CERTIFICATE

1.0 INTRODUCTION

This letter has been prepared as the applicant's formal submission to lodge an Amended Site Compatibility Certificate.

We ask that this information and the supporting documentation attached to this Amended Site Compatibility Certificate request (refer to Table 1 list below), substitute the information uploaded to the NSW Planning Portal for this Site Compatibility Certificate (SCC) request on 24 November 2020 concerning the land at 11-19 Frenchmans Road, Randwick.

The staff of the NSW Department of Planning, Industry and Environment have been made aware and included in numerous emails sent to Randwick City Council detailing information which recently amended the Development Application.

As requested, this letter has been prepared to amend the information included with the SCC and request the SCC be assessed and considered on the basis of this amended information.

The reasons why this SCC is being amended is a result of feedback the applicant has received from the Randwick Design Excellence Panel (Randwick DEP) and the Council assessment staff to the Development Application. The Development Application was recently amended, please refer to Appendix S for Addendum SEE and responses to each matter raised by the Randwick DEP and the Council RFI.

1.1. APPLICANT'S AMENDED SCC AND SUPPORTING DOCUMENTATION

It is requested that the SCC be amended and the architectural, landscape architectural and engineering drawings as original submitted be replaced by the information included in Appendices C, D and E. During the preparation of information to respond to the matters raised by the Randwick DEP and Randwick City Council's Request for Information (RFI), including the preparation of additional shadow diagrams, additional survey information was obtained concerning the nearby existing buildings. This process involved the surveyors from Higgins Surveyors obtaining information about Frenchmans Road and additional RLs.

This additional survey information is included in **Appendix B**. While this additional survey information was prepared it became apparent that the existing detailed survey prepared by Veris, while using the same datum reference has been used in both surveys, a typographical error had occurred in labelling the RLs in the Veris Survey. The error involves 2m.

The error does not mean the building is now 2m higher/taller, rather the ground levels have not changed. The survey was incorrect on the basis of a typographical error. The Amended SCC design has lowered the measured height of the proposed building compared to the originally submitted SCC design. Now that the survey has been corrected so too all of the levels detailed in the architectural, landscape architectural and engineering drawings have been adjusted to correspond to the correct datum reference. Please refer to the Updated Veris Detail Survey and letter explanation in **Appendix A**.

Table 1 below lists the Amended DA drawings, reports and documentation:

Table 1: List of Amended Documents and Appendices References

| Appendix Reference | Document | Responsible Author |
|--------------------|---|---------------------------|
| Appendix A | Updated Veris Detail Site Survey and Letter explanation | Veris |
| Appendix B | Additional Detailed Survey Information on Frenchmans Road and letter explanation | Higgins Surveyors |
| Appendix C | Amended Architectural Drawings | Boffa Robertson Group |
| Appendix D | Architectural 3D Perspectives | Boffa Robertson Group |
| Appendix E | Amended Landscape Architectural Plans | Arcadia |
| Appendix F | Amended Engineering Drawings, Amended Sedimentation & Erosion Control Plan and Bulk Earthworks Plan | Henry & Hymas |
| Appendix G | Urban Design Review | Matthew Pullinger |
| Appendix H | Amended Acoustic Report | ADP |
| Appendix I | Arborist Statement | Naturally Trees |
| Appendix J | Remedial Action Plan | Consulting Earth Sciences |
| Appendix K | Site Auditor Advice | Enviroview |
| Appendix L | Updated BASIX Certificate and Updated Section J Report | Efficient Living & ADP |
| Appendix M | Updated Clause 4.6 Variation Request - Height | Higgins Planning |
| Appendix N | Updated Clause 4.6 Variation Request - FSR | Higgins Planning |
| Appendix O | Clause 4.6 Variation Request – Landscaped Area | Higgins Planning |
| Appendix P | Clause 4.6 Variation Request – Clause 26 Pram Crossing Gradient Fixes | Higgins Planning |
| Appendix R | Table 3 Comparison Summary of Design Changes | Higgins Planning |

| Appendix Reference | Document | Responsible Author |
|--------------------|---|--------------------|
| Appendix S | Addendum Statement of Environmental Effects submitted to Randwick City Council with Amended Development Application | Higgins Planning |

The design changes are demonstrated in the Amended Architectural Drawings included in **Appendix C**. To assist with understanding the differences between the originally submitted architectural drawings and the amended architectural drawings for this SCC, Table 3 has been prepared as included in **Appendix R**, this table provides a specific comparison between the original architectural drawings submitted with the SCC and the amended architectural drawings with information about each change.

Table 3 at **Appendix R** includes graphic extracts from each amended architectural drawing. The graphics in Table 3 compares the original DA drawings setbacks, internal planning, external façade design, the Gross Floor Area (GFA), Floor Space Ratio (FSR) and height with the Amended Architectural drawings. The design changes provide for increases in setbacks side setbacks and from the McLennan Avenue frontage, a decrease in GFA and associated FSR and a decrease in building height, all of which contribute to a reduction in building bulk and scale and will not result in any greater impact compared to the original architectural drawings. As the design changes reduce the impacts of the proposed building, and have a lesser impact compared to the original design from adjoining properties.

1.2 AMENDED SCC DESCRIPTION

The following information replaces Section 3.2 of the original SCC report.

The Amended SCC design seeks an SCC for a seniors housing building under Clause 45 of *State Environmental Planning Policy (Housing for Seniors of People with a Disability)* 2004 (Seniors Housing SEPP) at 11-19 Frenchmans Road, Randwick.

The seniors housing building seeks approval to include both a “residential care facility” for 77 rooms to accommodate 86 beds and two units on level 4 as “self-contained dwellings” as a “vertical village” via Clause 45 of the Seniors Housing SEPP.

The description of the SCC as detailed in the original SCC report is detailed below, with strike throughs for deletions and bold for additions, to demonstrate the changes in the Amended SCC design for the proposed seniors housing under Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004:

- Site preparation and bulk earthworks;
- Construction of 1 electrical substation;
- Construction and operation of a ~~residential aged care facility~~ building **for the purposes of seniors housing over 2 basement levels**, under **Clause 45 of 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:

- **Left-in and left-out combined entry and exit access driveway at the Frenchmans Road frontage;**
- 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 levels **above ground with:**
 - ~~778~~-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)
 - **Ground floor level 16 x 1 bed residential care facility rooms with en-suites but no kitchen / kitchenette or any cooking facilities in any room;**
 - **First floor level 24 x 1 bed and 4 x 2 bed residential care facility rooms with en-suites but no kitchen / kitchenette or any cooking facilities in any room;**
 - **Second floor level 21 x 1 bed and 3 x 2 bed residential care facility rooms with en-suites but no kitchen / kitchenette or any cooking facilities in any room;**
 - **Third level 11 x 1 bed residential care facility rooms with en-suites but no kitchen / kitchenette or any cooking facilities in any room;**
 - 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 **third floor** 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 **of the seniors housing building**;
 - Separate roof plant area with screening **of the seniors housing building**, 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 **of the seniors housing building**; and
 - The proposal will also involve consolidating 3 allotments into 1 allotment of land.

Details of the amended design for the proposed seniors housing “Clause 45 vertical village” development are demonstrated in the amended architectural drawings found in **Appendix C**. In addition, amended landscape concept plans have been prepared and can be found at **Appendix E**.

Table 2 information below replaces Table 2 of the original SCC report:

Table 2: Comparison Table of existing, original SCC and Amended SCC

| | Existing Seniors Housing 11-17 Frenchmans Road, Randwick | Original SCC 11-19 Frenchmans Road, Randwick | Amended SCC |
|--------------------------|--|--|-------------------|
| Site Area | 2,056 sqm | 2,709.7 sqm | 2,709.7sqm |
| Floor Space Ratio | 0.9:1 (refer to delegated assessment report dated 27 September 2010 for DA838/2010 for existing | 1.397:1 | 1.276:1 |
| Gross Floor Area | | GFA – 3,785.2 sqm | GFA – 3,458.4 sqm |

| | Existing Seniors Housing 11-17 Frenchmans Road, Randwick | Original SCC 11-19 Frenchmans Road, Randwick | Amended SCC |
|---|--|--|--|
| | building FSR) | | |
| Building Height | 9.3m | 14.84m (ridge line RL92.50-RL77.66) 14.31m (lift overrun RL91.97-RL77.66) | 13.94m (parapet line RL93.60-RL79.66) 14.29m (lift overrun RL93.95-RL79.66) Note: Veris survey error 2m in relation to SSM benchmark – refer to Appendix A |
| Number of storeys | 3 | 4 | 4 |
| Number of beds / number of rooms | 98 beds (refer to delegated assessment report dated 9 November 2006 for DA182/2007 for existing RAF 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 / 78 rooms | 86 beds / 77 rooms |
| Number of lots | 3 | 1 | 1 |
| Number of dwelling | 0 | 2 | 2 |
| Affordable housing dwellings | 0 | 1 | 1 |
| Number of driveways at Frenchmans Road frontage | 5 | 1 | 1 |
| Number of driveways at McLennan Avenue frontage | 1 | 0 | 0 |
| Ground floor level setback of RACF building (11-15) from Frenchmans Road | Between 6m and 11m | Between 2.01m and 7.405m (Level 4 recessed by 2m) | Refer to Table 3 |

| | Existing Seniors Housing 11-17 Frenchmans Road, Randwick | Original SCC 11-19 Frenchmans Road, Randwick | Amended SCC |
|--|--|---|--|
| Setback of admin building (17) from Frenchmans Road | Between 3m and 5m | Between 2.01m and 7.405m (level 4 recessed by 2m) | Refer to Table 3 |
| 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) | Refer to Table 3 |
| Car parking location | At-grade with access from Frenchmans Road | Basement level with access driveway from Frenchmans Road | Basement level with access driveway from Frenchmans Road |
| Loading dock location | At-grade with access from McLennan Avenue | Basement level with access driveway from Frenchmans Road | Basement level with access driveway from Frenchmans Road |

2.0 AMENDED SCC UNDER SENIORS HOUSING SEPP

This Amended SCC report has considered the relevant changes resulting from the Amended Architectural design in relation to the provisions of clauses 24 and 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) as follows.

Clause 24 of the Seniors Housing SEPP

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,

The subject site is zoned R3 Medium Density Residential under the Randwick Local Environmental Plan 2012 which permits “dwelling houses”, “seniors housing” and “residential flat buildings”, 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.

As such, the land on which the development is proposed adjoins land zoned primarily for urban purposes and is consistent with Clause 24(1)(a)(i) of the Seniors Housing SEPP.

(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.

Please refer to the information in **Appendix S**, being an Addendum SEE, which details how the amended architectural design is consistent with Clause 45 of the Seniors Housing SEPP and that the DA seeks to rely on the bonus Floor Space Ratio under Clause 45.

(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, however has a different definition to “seniors housing” under the Seniors Housing SEPP and as such a DA has been 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, given:

- The amended design provides for an improved public domain with specific improvements as detailed in the Clause 26 Report included at Appendix U of the originally submitted SCC report, which is unchanged with this Amended SCC, along with improved street frontages with a new landscaped setting to be created;
- The amended 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 amended 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 of the originally submitted SCC report which is unchanged with this Amended SCC;

- The amended 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 G** of this Amended SCC;
- The amended design has reduced the Floor Space Ratio (FSR) from 1.397:1 to 1.276:1, which is a reduction of 0.121:1 or 327.2m² in Gross Floor Area (GFA). In terms of the calculation for GFA and Based on the provisions of Clause 45 the GFA calculation has followed the legal counsel advice as detailed in the Addendum SEE at **Appendix S** of this Amended SCC. The GFA of the amended design is 3,458.4m². The amended design seeks a bonus FSR of 0.376:1;
- The proposal exceeds the 0.9:1 provision under the RLEP 2012. The proposed seniors housing development involves a “vertical village” as described in Clause 45 under the provisions of the Seniors Housing SEPP, and the provisions of Clause 45 provide for a bonus 0.5:1 FSR upon satisfaction of the criteria outlined in Clause 45 (please refer to the assessment of Clause 45 in the Addendum SEE report included in **Appendix S**);
- While the FSR of the Amended SCC design has been reduced and calculated using the definition for the gross floor area to be included in the Seniors Housing SEPP at 1.276:1. This represents a GFA of 3,458.4 sqm compared to the site area. A variation to the RLEP FSR control in Clause 4.4 of the RLEP has been prepared under the provisions of Clause 4.6 of the RLEP 2008, to request a variation of the RLEP FSR control. The proposed FSR and the variation of Clause 4.4 of the RLEP have been discussed in detail in the Updated Clause 4.6 variation request included in **Appendix N**;
- The amended design of the proposed development involves a building with a height at its highest point, being RL93.95 at the top of the lift overrun to natural ground level RL79.66, which is 14.29m. This is a reduction in height by 0.55m compared to the original SCC architectural design;
- The overall height of the lift overrun may be capable of being lowered so as to lower the maximum height of the building as this accounts for some 1.5m. The applicant has not at this stage engaged a lift consultant to review the available options, but alternate lift designs may be considered. The degree of the variation concerning the lift overrun may be reduced, and this would lower the building to potentially RL92.45 which would be a height of 12.79m and represent a variation of 6.5% or 0.79m;
- A variation to the RLEP Height of Buildings control in Clause 4.3 for the amended design at 14.29m has been prepared under the provisions of Clause 4.6 of the RLEP, to request a variation to the height control. Refer to **Appendix M**. The proposed height and the variation of Clause 4.3 of the RLEP have also been discussed in detail with respect to the controls associated with the Seniors Housing SEPP in the Updated Clause 4.6 variation request included in **Appendix M**;
- The following streetscape analysis demonstrates the existing streetscape and proposed amended design streetscape based on the amended design facades:



View 1 – Existing – Frenchmans Road view to site from west



View 1 – Proposed



View 2 – Existing view from Chapel Street to the south



View 2 – Proposed



View 3 – Existing view from Frenchmans Road to the east



View 3 - Proposed



View 4 – Existing – view from McLennan Avenue to the east



View 4 – Proposed



View 5 – Existing view from McLennan Avenue to the north



View 5 - Proposed



View 6 – Existing view from Frenchmans Road to the south



View 6 - Proposed

- The amended design is accompanied by Amended Shadow Diagrams in the Amended Architectural Drawings at **Appendix C** which analyses and demonstrate suitable amenity can be maintained to adjoining properties and within the development;
- The design will maintain an appropriate visual relationship and correlation with its context as detailed in the Urban Design Peer Review included with the original SCC and the amended design responds to the Randwick DEP matters raised as discussed in the Updated Urban Design Peer Review included in **Appendix G**;
- The amended design provides for a building envelope with articulation of both of its street facades to modulate the overall design and leaves generous spaces between boundaries and the building which is consistent with the desired future character and nearby approved development;
- 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 of the original SCC Report and updated Urban design Peer review included in **Appendix G**;
-
- Therefore, strict compliance with the FSR 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 40% 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

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 streetscape 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;

- Strict compliance is unreasonable as no environmental or planning purpose would be served by enforcing the FSR 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** of the original SCC which is unchanged by the amended design for this Amended SCC;
- 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 in relation to the Amended SCC below.

The design has been amended in this Amended SCC to respond to the Randwick DEP matters raised and the Council RFI matters.

The information in the Addendum SEE letter included in **Appendix S** has addressed the provisions of Clauses 40, 48 and 50 of the Seniors Housing SEPP.

The supporting appendices of this Amended SCC and the original SCC report and its appendices, provide information to respond to Clause 24 of the Seniors Housing SEPP.

The overall FSR of the amended DA has reduced the proposed upper-level bulk and scale has been adjusted as requested by the Randwick DEP, with the location resulting in a minor breach of the RLEP Height of Building (HOB) control. A variation of the RLEP FSR and HOB controls has been requested in the clause 4.6 requests in Appendices M and N.

The amended DA design has been guided by the advice provided by the Urban Design Peer Reviewer Matthew Pullinger who has considered the compatibility of the amended DA design in the site's locational context.

Clause 25 of the Seniors Housing SEPP

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 Amended SCC 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 was submitted under separate cover with the original SCC documentation and is unchanged.

(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.

A SCC application has been lodged online using the DPIE portal for SCC applications. The online form requires the information to outline how the SCC is appropriate in this location and its supporting documents (Appendices A to Y of the original SCC report being the same assessment and supporting documents) have been submitted online as well.

This Amended SCC includes amended architectural drawing which respond to matters raised by the Randwick DEP as detailed in Table 3 of the Addendum SEE included in **Appendix S**.

*(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,

The original SCC Report and its Appendices along with this Amended SCC 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. Specifically, please refer to **Appendices J and K** for information on the applicant's contamination investigations, geotechnical details and acid sulphate soil assessment.

The original SCC report addressed State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). The applicant's contamination consultants from Consulting Earth Sciences have undertaken additional site investigations and borehole testing since they prepared their "Preliminary Site Investigation" Report dated 12 November 2020 as submitted with the original SCC at Appendix J. Council advised in its email dated 24 April 2021:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. Clause 7 of SEPP 55 requires a consent authority to be satisfied that the land is not contaminated and suitable for its intended use. In this regard subclauses 2 and 3 of Clause 7 states as under:

(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.

The SEE, under SEPP 55 discussions, refers to a site contamination report and states that:

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.

It is unclear which site contamination report the above statement is referring to as the preliminary site investigation report, prepared by Consulting Earth Science, dated 12 November 2020 provides contradictory information. The report in the opening pages as well as under Site's suitability states as under:

11.5 SITE SUITABILITY

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.

In view of the above there is insufficient information for the consent authority to be satisfied that the site is suitable for its intended use. If detailed investigation is required and if such investigation is only possible after demolition, then the option of a separate DA for demolition must be considered. Please find further information later in this RFI under 'Environmental Health Comments'.

Based on this feedback, the team at Consulting Earth Sciences have prepared a detailed site investigation report as part of a Remedial Action Plan (RAP) to respond to the matters raised by Council, which included in **Appendix J**. The RAP advises in its Executive Summary:

The further investigation was undertaken on 03 May 2021, targeting the gaps identified in the PSI report.

The key sources of contaminants identified at the site were filling of unknown origin, small scale plant, operational equipment and chemical storage. The contaminants of concern (identified in the revised conceptual model) include heavy metals, TPH, BTEX, PAHs, and OCPs. The main contaminants were identified in shallow fill from boreholes BH4, BH6, BH8, and BH9 to BH11. The laboratory detected contaminant concentrations in excess of the Site's adopted HIL/HSLs (B and C) and/or EIL/ESLs (Public Open Space (coarse soils) in the soil samples collected from these locations. Statistical analysis of contaminant concentrations confirmed remediation and/or management of contaminants on Site is necessary.

The objective of remediation is to provide sufficient engineering and management controls to

make the site suitable (with respect to soil contamination) for the proposed development, to ensure protection of human health and the environment during and post remediation works, and to manage soils in a cost-effective manner. In absence of a site-specific assessment, remediation criteria include the HIL B/HSL D, HIL C/HSL D, and EIL/ESL (public open space (coarse soils)).

With reference to [State Environmental Planning Policy No 55—Remediation of Land](#), the Client, via its appointed certified contaminated land consultant, should notify the Council 30 days prior to commencement of the remediation works that the works are considered to be Category 2 remediation works.

Based on the remedial options assessment, the applicable and preferred remedial option for the COPCs is: Excavation, transport and disposal of impacted soils at the site to a suitably licensed facility due mainly to the excess cut/fill volumes of the proposed development and to avoid the site requiring an EMP following completion of the remediation works. It is noted that all remediation works at the site must be undertaken in accordance with a Construction Environment Management Plan to mitigate risks to workers and the public during earthworks at the site.

The procedure for excavation and offsite disposal is as follows:

- *The remediation areas are set out onsite;*
- *The area is excavated to the identified depth, with soils either excavated directly to trucks for offsite disposal at a suitably licenced waste facility capable of accepting the waste, or stockpiled onsite for offsite disposal at a later date;*
- *Waste classification of the material for offsite disposal is required prior to offsite disposal. Preliminary Waste classification is presented in Table 6;*
- *Following excavation of the impacted soils, validation of the excavation should be carried out in accordance with Section 14.*

Remediation works should be carried out in accordance with Sections 12 to 14. Upon completion of the identified remediation works, the site will be suitable for the proposed residential aged care development. Contingency measures for remediation, site management, and unexpected finds are detailed within this RAP.

The RAP has been reviewed by Mr James Davis from Enviroview, who is an EPA accredited Site Auditor. Mr Davis has prepared a Site Audit Interim Advice which is included in **Appendix K**, which advises:

In general, the RAP referenced above meets the requirements of the guidelines, is practicable and it is my opinion that the site can be made suitable for the proposed use with its implementation.

The site assessments conducted that inform the remediation are sufficiently comprehensive to identify the contamination of soil and the findings of the investigations are consistent with the past land use. Groundwater was not encountered during assessment of the site and evidence of any soil contamination or site history with the potential to impact groundwater conditions at the site have not been identified. The remediation does not include any further assessment or remediation of groundwater, which is appropriate.

It is recommended that the requirement for a Site Audit to be undertaken by an NSW EPA Accredited Site Auditor in relation to the suitability of the site for the proposed land use is made a condition of consent for the development. This will ensure that a Site Audit is completed as a statutory Site Audit under the Contaminated Land Management Act 1997, providing independent confirmation that the remediation works are completed as required and that the subsequent validation report is finalised in accordance with the relevant NSW EPA Guidelines, and ensuring that that a Site Audit Statement is issued to Council for notation on the planning certificate as a record of the works.

As such, with the implementation of the RAP the site will be suitable for the proposed seniors housing and consistent with the requirements of SEPP 55.

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.

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

(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,

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. This Needs Assessment was included at **Appendix W** of the original SCC and is unaltered by the amended SCC design.

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.

As detailed in the original SCC report under Section 3.5 Needs Assessment, 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 amended proposal now seeks the inclusion of 40% 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).

(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** of the original SCC, 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** of the original SCC, 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,

As detailed in Section 2.1 Site Analysis of the Original SEE, the existing nursing home provides for a maximum of 98 beds and currently licenced to accommodate 94 beds.

The amended SCC design seeks the inclusion of both a “residential care facility” for 77 rooms to accommodate 86 beds and two units on level 4 as “self-contained dwellings” as a “vertical village” via Clause 45 of the Seniors Housing SEPP. Compared to the original SCC, the amended design has reduced the number of rooms from 78 to 77.

Please refer to Section 2.5 of the submitted Statement of Heritage Impact prepared by Weir Phillips Heritage Planning included in Appendix X of the Original SCC which provides details of the history of ownership of 15-19 Frenchmans Road and the building which was once known as 'Wirrillah'. The applicant can with a DA agree to the imposition of a condition to document the existing built form as an archival record of the site.

The information included with the original SCC and the Urban Design Peer review report in Appendix Y considered the bulk, scale, built form and character of the proposal on existing uses, approved and future uses of land in the vicinity of the development. The original SCC report included a section of site analysis, the architectural drawings include site analysis plans and the Urban Design Peer review submitted with the original SCC which advises:

03 Report Structure and Methodology

This review has been structured to reflect the five key sections of the Seniors Living Policy: Urban Design Guideline for Infill Development (the Guidelines). In doing so, this review considers criteria relevant to the design and resulting amenity of an aged care facility and the suitability of its design for its site and context.

This Urban Design Peer Review includes details under the heading "04 Assessment Against the Guidelines". In addition, the original Urban Design Peer review advises:

In the vicinity of the subject site, Frenchmans Road is characterised by considerable diversity evident within the existing built form.

Clearly an area undergoing transition and underscored by its current R3 Medium Density Residential zoning, the northern side of Frenchmans Road comprises a mix of lower-scale detached single- and two-storey bungalows, a pair of two-storey attached Victorian-era terrace houses, and a larger detached two-storey Victorian-era manor house. These traditional low-scale residential forms sit alongside a number of more recent two-, three- and four-storey residential apartment buildings more reflective of the current development standards for building height and floor space ratio.

Further to the east, at the intersection of Frenchmans Road with Clovelly Road, lies an existing service station, which in turn signals the nearby presence of a local retail centre including local shops and services.

In contrast to the primary street frontage of Frenchmans Road, McLennan Avenue is characterised as a residential street with greater consistency evident within its buildings' form and scale. This street is lined with houses of primarily one- and two-storeys, and typically in the Californian bungalow style. There are some exceptions to this prevailing pattern, but these exceptions are discretely sited and not particularly prominent or contributory to the overall character of McLennan Avenue.

Within this diverse neighbourhood context, the existing aged care facility is notable for its larger site area and longer street frontage to Frenchmans Road, but in other regards it forms an element reasonably consistent with the character evident in the neighbourhood.

...

In summary, the positive features which serve to define the existing neighbourhood character can be described as the coincidence of the underlying topography, the street pattern and geometry, the significant diversity evident in-built form types, scales and architectural expression, and the presence of a series of significant marker trees.

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.

With respect to the context and character, the Urban Design peer review completed by Matthew Pullinger as part of the original SCC provided information about the context of the site and advises in part:

In the case of the subject site and corresponding design proposal, the architect Boffa Robertson Group has prepared a site analysis addressing the features required by the Seniors Housing SEPP and as called for within the Guidelines.

Review of this site analysis identifies the following attributes, which are critical to establishing and understanding the positive attributes of the site's neighbourhood character.

Street pattern, geometry and local topography Frenchmans Road is an important local 'high street' and can be characterised as having a gently undulating topography, with the subject site situated at a locally identifiable high point. This natural elevation affords the site some prominence within the local area.

The view along Chapel Street, terminating on the subject site at its northern end, gives further prominence to the subject site.

On McLennan Avenue, the narrower width of the street and its 'dead end' configuration result in a more intimate and local character distinctly different to that of Frenchmans Road.

Diversity of building type and scale in the vicinity of the subject site, Frenchmans Road is characterised by considerable diversity evident within the existing built form.

Clearly an area undergoing transition and underscored by its current R3 Medium Density Residential zoning, the northern side of Frenchmans Road comprises a mix of lower-scale detached single- and two-storey bungalows, a pair of two-storey attached Victorian-era terrace houses, and a larger detached two-storey Victorian-era manor house. These traditional low-scale residential forms sit alongside a number of more recent two-, three- and four-storey residential apartment buildings more reflective of the current development standards for building height and floor space ratio.

Further to the east, at the intersection of Frenchmans Road with Clovelly Road, lies an existing service station, which in turn signals the nearby presence of a local retail centre including local shops and services.

In contrast to the primary street frontage of Frenchmans Road, McLennan Avenue is characterised as a residential street with greater consistency evident within its buildings' form and scale. This street is lined with houses of primarily one- and two-storeys, and typically in the Californian bungalow style. There are some exceptions to this prevailing pattern, but these exceptions are discretely sited and not particularly prominent or contributory to the overall character of McLennan Avenue.

Within this diverse neighbourhood context, the existing aged care facility is notable for its larger site area and longer street frontage to Frenchmans Road, but in other regards it forms an element reasonably consistent with the character evident in the neighbourhood

The bulk and scale of the proposed SCC design has been amended and reduced based on feedback provided by the Randwick DEP and Council's Request for Information. The further peer review included at **Appendix G**, advises in relation to context and built form:

Principle 1: Context and Neighbourhood Context

The Panel feedback notes the fundamentally distinct and different urban environments evident along the primary Frenchmans Road frontage and along McLennan Avenue.

The primary differences are evident in the nature of the characteristic building forms and in the levels of traffic on these two different streets.

Although the Panel doesn't make a specific recommendation under this principle, the inference appears to be that the proposal should adopt a more nuanced and varied response to each of its street two frontages.

03 Design Responses and Discussion

Built Form Modifications

In line with the specific recommendations of the Panel, the proposed built form has been modified in a number of areas.

A key design move has been to more strongly imply a physical separation between the primary building form on Frenchmans Road and the lower-scale secondary form on McLennan Avenue.

This has been achieved by incorporating the advice of the Panel to re-plan the junction between these two forms as a more lightly glazed 'breezeway' comprising a common lounge and balcony on each of the upper levels.

At the ground level this area opens on to landscaped open space in both directions - east and west. At the upper-most level a communal roof terrace has been introduced in favour of what was previously proposed to be residential units.

Please refer to Section 2.1 of the original SCC report for details of the nearby properties.

The original survey prepared by Veris has been adjusted to correct an error as detailed in the letter and updated survey by Veris included in **Appendix A**.

Additional, site survey information has been prepared by Higgins Surveyors which is included in **Appendix B** and demonstrates the overall height and RLs of nearby properties.

The amended architectural design includes new Drawing No. DA13a which includes an assessment of the height of the walls of the proposed building adjacent to its boundaries have been demonstrated. Row 18 in Table 3 included in **Appendix R** of this Addendum SEE summaries the wall height and boundary relationships as follows:

- Section G to eastern boundary with 25 McLennan Ave – wall height 7.871m setback 2.55m, upper-level setback 3.95m
- Section J to western boundary with 27 McLennan Ave – wall height 8.091m setback 2.51m, upper-level setback 3.96m
- Section K to western boundary with 9 Frenchmans Road – wall height 10.88m setback 4m, upper-level setback 5.5m

- Section K to eastern boundary with 21 Frenchmans Road – wall height 10.36m setback 2.35m, upper-level setback 3.85m to plant enclosure

The Urban Design peer review completed by Matthew Pullinger included in **Appendix G**, advises in part regarding height and materials:

“Frenchmans Road Building Articulation and Elevational Composition

In response to the Panel’s concerns for the architectural composition and expression along Frenchmans Road, a number of amendments have been made.

The building form has been more strongly articulated into three related elements. This is evident in the various 3D streetscape views created at the pedestrian’s eye level looking east or west along Frenchmans Road. This strong articulation has the effect of foregrounding three elements within the streetscape.

Each of these elements is of a more modest scale, and familiar to the buildings elsewhere in the immediate vicinity. The indented elements that separate these three elements are recessive and calmly detailed.

The foregrounded elements now adopt a more contemporary architectural expression that combines more composed proportions and introduces greater depth into the facade.

These design amendments have the effect of tying the amended proposal more closely to positive cues elsewhere in the streetscape.

The proposed roof forms have been amended to revert to a simpler language of parapets - coinciding with the foregrounded elements - and recessive flat roofs - associated with recessive elements and the setback upper level.

The proposed materials palette now includes greater proportions of integral and self- finishing masonry materials, a reduced reliance on painted render and the introduction of a complementary ‘timber-look’ material that enriches the overall character and composition of the Frenchmans Road elevation.”

Built Form Modifications

...

Additionally, the McLennan Avenue presentation has been modified to further set back the upper-most floor as far as the northern wall of stair 5. This is consistent with the Panel’s recommendations.

The result of these amendments is to strike a more appropriate built form response - particularly to McLennan Avenue - and a greater level of articulation between the two primary building forms. The provision of communal spaces and rooftop open space generally increases the amenity available to residents.

The proposed ILUs have been deleted from the portions of the building as recommended by the DEP and repositioned.

The amended design has increased the overall landscaped area from 1,130.3m² to 1,247.5m².

The amended design includes an enlarged roof terrace with the inclusion of a large planter bed at the northern edge closest to McLennan Avenue on the upper-level, and this has been achieved by repositioning the rooms and the proposed dwellings (ILUs) with the associated reduction in building bulk, as requested.

The building bulk on the upper level has been repositioned to the Frenchmans Road frontage as requested by the Randwick DEP.

The Urban Design peer review completed by Matthew Pullinger included in **Appendix G**, has considered amenity matters as raised by the Randwick DEP and advises in part:

...

Basement Ramp Modifications

Consistent with the Panel's recommendations, the basement ramp has been amended to introduce a sculptural pergola enclosure, conceived of as a series of portal blades.

This pergola has the effect of screening the basement ramp structure from view and will mitigate against noise and light spill associated with vehicle movements.

The basement ramp pergola also relates to the expanded landscaped communal open space created by the built form modifications discussed in the preceding point above.

In addition, the amended DA design has been assessed with respect to its noise considerations and an Amended Acoustic Report has been prepared as include in **Appendix H**, which advises:

6. Conclusion

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.

The urban design peer review included in **Appendix G** also considers the proposed building height and advises:

04 Conclusions

It is the author's view the final amended proposal has been thoughtfully considered to address the various design recommendations raised by Randwick City Council's Design Excellence Panel.

The final amended proposal seeks to justify an exceedance of the relevant maximum height of building control of 12m. This is addressed in a clause 4.6 written request provided with the DA documentation.

The author notes that the proposed height exceedance is limited to a relatively small portion of the site, in a location where additional height is best able to be accommodated given the characteristics of the site and its context.

In this location, the additional building height is generally recessive, set back from the site and configured as a flat roof. In this location, any additional overshadowing is likely to be contained within the site or in the public road to the south of the site.

In its final amended form, it is the author's view the design proposal meets an acceptable level of design quality and is capable of making a positive contribution to the neighbourhood character in the vicinity of the site.

The further Urban Design Peer Review submitted with this Addendum SEE at **Appendix G**, demonstrates the architectural built form has been amended (refer to **Appendix C**) to respond more sympathetically to its context as requested by the Randwick DEP, has reduced the overall GFA / FSR bulk and scale, and adjusted the RLs of the proposal and reduced the height of the building. In doing so remains consistent with the existing and future character of the area.

(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.

In addition to the information included with the original SCC report, additional investigations were undertaken by the applicant's arborist to respond to a number of concerns raised by Council concerning vegetation.

3. Comments from Landscape Officer

- *Council is concerned with the impact of the new footprint on the 22m x 20m Lemon Scented Gum (T7) near the southwest site corner, as while the setback from the front boundary has been increased from 4530mm – 7405mm & 3350mm – 5855mm in this part of the site respectively (when compared to what was shown on the Pre Lodgement Plans), the tree is actually offset 2.5m from the front boundary, as well as at a corner/bend, which narrows this part of the site even further, so even at these new setbacks, it is considered that the works could still be within only 2-3m of the tree.*

The applicant's Arborist has provided information included in **Appendix I** which advises:

The tree in question is now shown on the revised Architectural Plans. The landscape structures (decking and stairs) are proposed to be lightweight timber structures on pier structures to be built in accordance with the arborist report recommendations. Refer (Section 3 and 4 & Appendix 6) of the submitted Arborist Report for clarification.

And:

- *This uncertainty arises from the fact that the location of its trunk and crown have not even been shown on the architectural plans at all, which means that an accurate assessment is not possible, and needs to be rectified. Distances in millimetres between the tree and all new works also need to be provided as confirmation.*

The applicant's Arborist has provided information included in **Appendix I** which advises:

The elements of works are dealt with in (Section 3 and 4 & Appendix 6) of the submitted Arborist Report. We recommend that DA condition be included that arborist approval processes and structural methodology be approved by the arborist prior to CC.

And:

- *The Arborist states that "proposed landscape structures will be suspended on small piers" in this area. If this is being relied upon to minimise impacts, and is critical for the survival of the tree, then Council would need construction/engineering details/notations of what this will look like and how it will be delivered on-site;*

The applicant's Arborist has provided information included in **Appendix I** which advises:

The retaining wall on civil drawing C100 adjacent T20 has been amended to reflect the fact that the architectural DA documented boundary planter is at the same RL as the adjacent property (20 McClelland) (this is a typo and should be 27 McLennan). The architectural plan shows the landscape pathway to the south of the 20 McClelland boundary (adjacent to the boundary planter) as slightly elevated on an implied pier system to deal with the proposed ground floor RL being higher than the adjacent property rear RL (at the T20 trunk RL). Consequently, there will be no retaining wall protruding excessively into the root zone. Currently the existing condition at the rear to and adjacent of 20 McClelland is a concrete slab, brick wall and strip footings at the boundary to T20, suggesting that ingress of T20 roots to this part of the site is likely minimal if at all present. Refer to civil drawings 250 and 251 to confirm the hardstand areas (& C100 to highlight the adjacent property RLs etc).

And:

- *Similarly, there's a row of neighbouring trees on adjoining private sites, being T10-14 at 9 Frenchmans Road, T15-17 at 8 Astolat St & T20 at 27 McLennan Ave, all against the common boundary. The survey shows only a timber paling fence adjacent T10-17; however, the Ground Floor Stormwater Plan, dwg 19826, rev 03, dated 28/08/20, shows excavations for a new retaining wall and drainage infrastructure will be performed right up onto these common boundaries, against their trunks, which does not seem to have been assessed at all? Council requires a description of how the applicant intends to proceed with these works without affecting these trees;*

The applicant's Arborist has provided information included in **Appendix I** which advises:

The T10-T14 & T15-T19 fence lines may be erected as pier fences, be it timber paling or similar. The proposed boundary RLs at the fence lines generally follow the adjacent property RLs. The civil drawing documents show an on-ground swale for directing overland flows of water. It does not show an inground drainage lines along these tree locations.

And:

- *There is already a brick wall and concrete surfacing and below ground services on the common boundary and within the subject site, adjacent T20, with the Arborist calculating that the new works will result in a 20% incursion of its TPZ, which is major, and normally not sustainable. While it is assumed that these existing structures may have inhibited root growth into this site to some degree, this cannot be quantified unless root mapping is undertaken. If major roots are in fact in the area of the new works they could not simply be severed and the tree expected to survive. As it's located on another site, Council must ensure it will not be adversely affected in anyway, prior to granting consent.*

The applicant's Arborist has provided information included in **Appendix I** which advises:

Root mapping is not possible without extensive demolition works to what we understand is a critical service area of an existing operating residential aged care facility. This is not practicable. We would recommend extensive root mapping and arborist supervision of works in this zone to ensure significant roots that may be present, are protected. Refer (Section 3 and 4 & Appendix 6) of the submitted Arborist report for clarification.

Please see attached at **Appendix E** amended landscape architectural report and drawings and **Appendix I** Arborist Statement.

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.

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.

4 CONCLUSION

The SCC is requested to be amended given an Amended DA was accepted by Council and addressed each of the matters raised by the Randwick DEP and Council. The Amended DA design changes are not drastic but rather respond to the feedback received on various matters raised by Council and can be considered improvement when compared to the original SCC design.

The applicant requests that the Department provide feedback on its amended design and advise if there are any concerns prior to finalising an assessment report for consideration by the Sydney East Planning Panel as the applicant wishes to work co-operatively with the Department to resolve any concerns.

For any queries or require clarification on any matters please do not hesitate to contact the undersigned on (02) 9929 4044.

Yours sincerely,



Marian Higgins
Planning Manager
Higgins Planning Pty Ltd

APPENDIX A – UPDATED VERIS DETAILED SITE SURVEY AND LETTER EXPLANATION

**APPENDIX B – ADDITIONAL SURVEY INFORMATION ON FRENCHMANS ROAD AND LETTER
EXPLANATION**

APPENDIX C – AMENDED ARCHITECTURAL DRAWINGS

APPENDIX D – ARCHITECTURAL PERSPECTIVES

APPENDIX E – AMENDED LANDSCAPE CONCEPT DRAWINGS

APPENDIX F – AMENDED ENGINEERING DRAWINGS

APPENDIX G – URBAN DESIGN REVIEW

APPENDIX H – AMENDED ACOUSTING REPORT

APPENDIX I – ARBORIST STATEMENT

APPENDIX J – REMEDIAL ACTION PLAN

APPENDIX K – SITE AUDITOR ADVICE

APPENDIX L – UPDATED BASIX CERTIFICATE AND SECTION J REPORT

APPENDIX M – UPDATED CLAUSE 4.6 VARIATION REQUEST - HEIGHT

APPENDIX N – UPDATED CLAUSE 4.6 VARIATION REQUEST - FSR

APPENDIX O – CLAUSE 4.6 VARIATION REQUEST – LANDSCAPED AREA

APPENDIX P – CLAUSE 4.6 VARIATION REQUEST – CLAUSE 26 PRAM RAMP CROSSING FIXES

APPENDIX R – TABLE 5 COMPARISON SUMMARY OF DESIGN CHANGES

APPENDIX S – ADDENDUM SEE