

Report to the Sydney Eastern City Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: 11-19 Frenchmans Road, Randwick, comprising three parcels of land legally described as Lots 3 and 4 in DP 13779 and Lot 10 in DP 845575.

APPLICANT: Higgins Planning Pty Ltd on behalf of Frenchmans Lodge Properties Pty Ltd. The application form (**Attachment A1**) for a site compatibility certificate (SCC) was submitted to the Department of Planning, Industry and Environment (the Department) on 24 November 2020.

An amended SCC application was submitted on 7 July 2021 (**Attachment A2**) which corrected a survey plan typographical error and also incorporated various design changes. Further revisions to the architectural drawings were submitted on 20 July 2021. A brief chronology of events is provided in **Attachment D**. This report is based on the amended SCC application, however where relevant acknowledges differences between the amended and original SCC application.

LGA: Randwick City Council

SITE ANALYSIS: The site of the SCC application (**Figure 1**) is currently occupied by 'Summitcare Randwick' comprising:

- 11 & 19 Frenchmans Road – a single storey detached buildings
- 15 Frenchmans Road – part two to three-storey residential care facility that contains 94 beds and has frontages to both Frenchmans Road and McLennan Avenue.
- 17 Frenchmans Rd – two story building currently used as office and administration spaces.
- Access to the site is via two driveways, one from Frenchmans Road and the other from McLennan Avenue.

The combined site is approximately 2,709sqm and the site has a crossfall of some 3m between the two street frontages.

No part of the site is identified as a heritage item or as being within a Heritage Conservation Area (HCA). However, land on the southern side of Frenchmans Road forms part of the Caerleon Crescent HCA and the St Marks HCA. The north eastern boundary of the site also adjoins two local heritage listed bungalows at 23 and 25 McLennan Avenue (see **Figure 1**).

Bus service 314 stops on Frenchmans Road and is measured as being 173m from the entrance to the site for the outgoing bus stop and 140m from the site for the return bus stop. This service operates twice hourly, every day, providing access to the Randwick Centre (see **Figures 1** and **2** below).

The built form context of the site is also shown at **Figure 3** below.



Figure 1 – Aerial photograph of the site, and its context in relation to heritage and bus stops

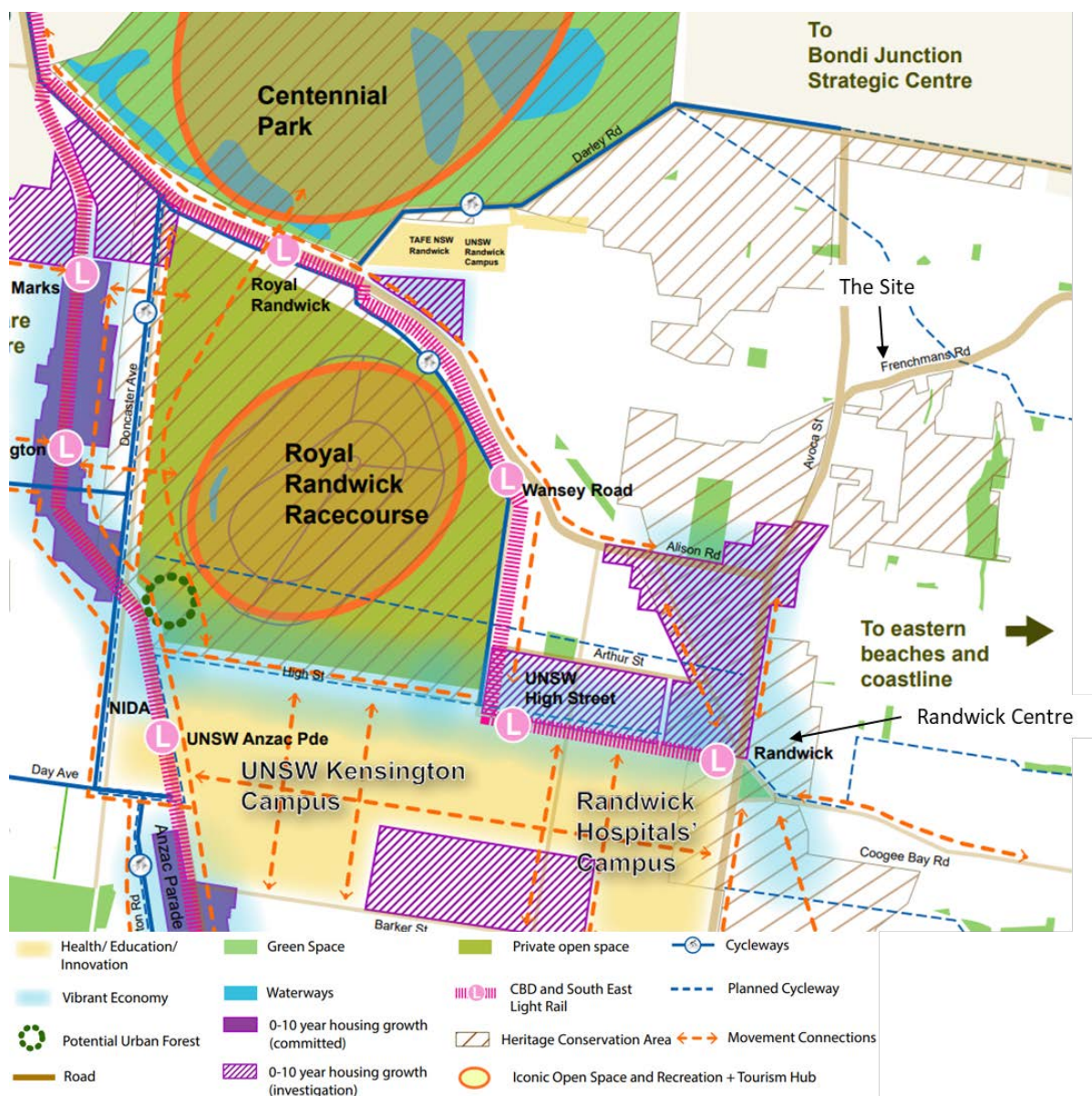


Figure 2 – Context image of the site in relation to Randwick Centre (source: Randwick Local Strategic Planning Statement)

PROPOSAL: Demolition of the existing structures, and construction and operation of a new seniors housing development in the form of a vertical village. The following works are proposed as part of the development:

- Site preparation works including removing six trees and excavation.
- Construction of a part three, part four-storey building over two basement levels comprising:
 - A residential care facility for 77 rooms with 86 beds.
 - Two self-contained dwellings, of which one will be affordable housing.
 - A ground floor café, as well as physiotherapy rooms, health consulting rooms and a hairdressing salon, in conjunction with back-of-house and operational areas.
- Carparking for 18 vehicles, including one accessible parking space, as well as an ambulance bay, loading dock for one 8.8m long vehicle, one motorcycle parking space and two bicycle parking spaces.
- Ground floor landscaping, balconies, and a roof terrace.
- Consolidating the three allotments into one lot.

An extract of the site plan and indicative building sections are provided at **Figures 5 to 8** below.

Development application (DA)

A DA (DA/642/2020) was lodged with Randwick City Council on 24 November 2020 for a seniors housing development of four storeys. An amended DA was lodged on 18 June 2021 to respond to matters raised by the Randwick Design Excellence Panel (DEP) and Council assessment staff's Request for Information. The Sydney Eastern City Planning Panel is the consent authority for the DA.

The SCC has been amended to reflect the design changes and ensure consistent documentation with the DA. The purpose of this report is to assess the SCC application, the Department does not have a role with regard to the assessment of the DA.

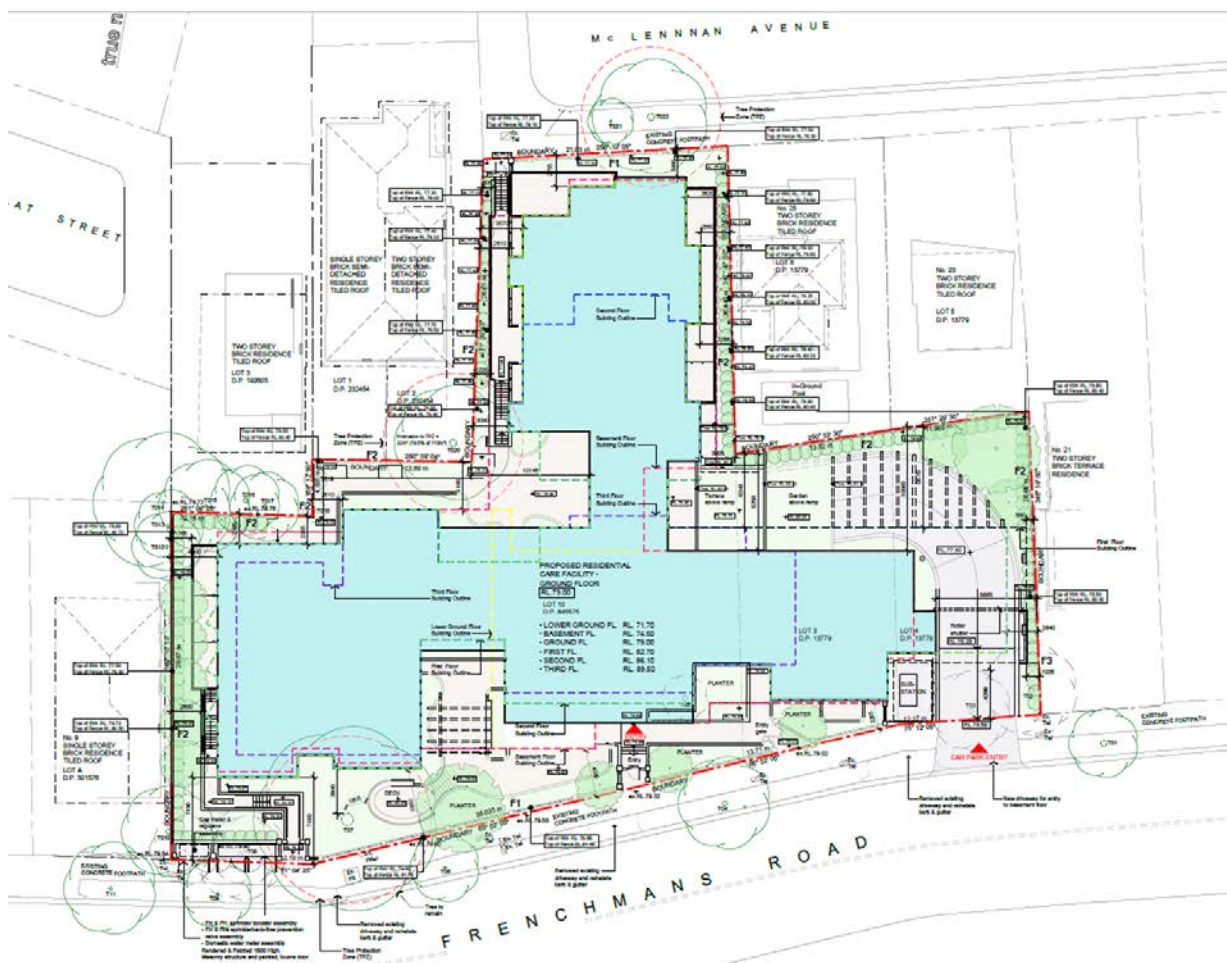


Figure 5 – Site plan (source: boffa robertson group)



Figure 6 – North/south section (source: boffa robertson group)



Figure 7 – East/west section (source: boffa robertson group)



Figure 8 – Rendering of the amended concept scheme as viewed from Frenchmans Road (source: boffa robertson group)

PERMISSIBILITY STATEMENT

The proposal is seeking to develop two self-contained dwellings and residential care facility. The site is zoned R3 Medium Density Residential under Randwick LEP 2012 (**Figure 9**). Seniors housing is a permitted land use in the R3 zone under the LEP.

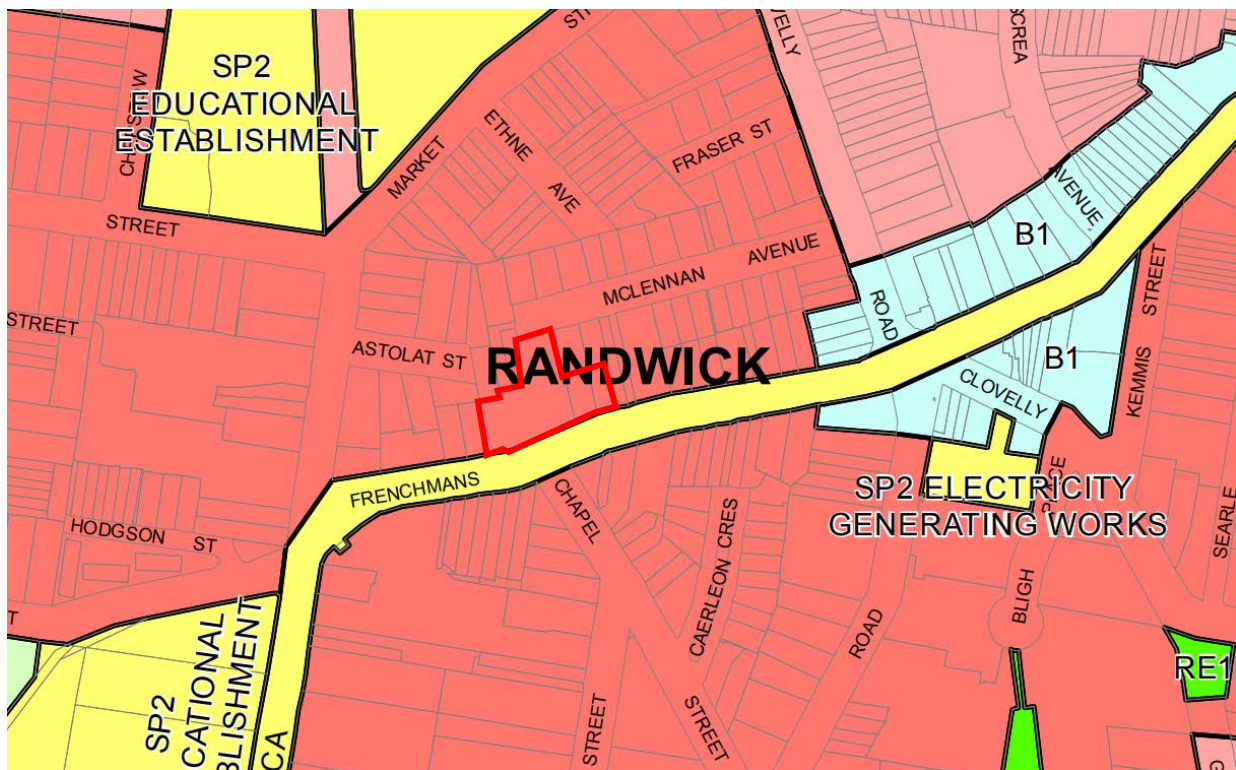
The subject site also directly adjoins land zoned R3 Medium Density Residential (**Figure 9**). There is no interim heritage order applying to the site, and none of the buildings are listed on the State Heritage Register.

Clause 24(1)(b) of the Seniors Housing SEPP specifies that a consent authority must not consent to a DA unless supported by an SCC where development involves buildings with a floor space ratio (FSR) requiring consent under Clause 45. The Applicant is seeking an SCC on the basis that the proposed development comprises a 'vertical village' under the provisions of Clause 45. Clause 45 enables a consent authority to consent to a DA with a FSR that exceeds the applicable FSR under the LEP by 0.5:1.

A consent authority may only grant consent to such a DA seeking the FSR bonus if it is satisfied under clause 45(6)(a) that *'the proposed development will deliver on-site support services for its residents'* and *'at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places'*. One of the two proposed self-contained dwellings will be affordable rental housing. These two self-contained dwellings will also be serviced in the meaning of Clause 13(3) of the SEPP.

Further, while the amended SCC application indicates that 40% (noting the original SCC application indicated 20%) of the beds will be concessional places, Clause 45 of the Seniors Housing SEPP only applies to 'affordable places' which is defined as meaning 'a dwelling' in the SEPP. Accordingly, the delivery of affordable places to utilise the FSR bonus is only achieved with regard to the proposed self-contained dwellings. A detailed assessment of the proposal against the provisions of the Seniors Housing SEPP would be required to be considered as part of a DA assessment.

Clause 24(1A) of the Seniors Housing SEPP does state that SCCs do not apply if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. Namely, it does not apply if seniors housing is a permitted land use in the zone under the relevant LEP. The R3 Medium Density Residential Zone under Randwick LEP 2012 permits seniors housing. Notwithstanding this, the request for an SCC has been accepted in this instance where the application is intended to be made pursuant to the Seniors Housing SEPP rather than the LEP, and relies upon the SEPP for permissibility as well as its FSR bonus.



- R2 Low Density Residential
- R3 Medium Density Residential
- B1 Neighbourhood Centre

Figure 9 – Land zoning map (site outlined in red)

DOES THE SENIORS HOUSING SEPP APPLY TO THE SUBJECT SITE?

Subject to other considerations detailed later in this report, the Seniors Housing SEPP applies to the land as:

- The site is zoned ‘primarily for urban purposes’ (clause 4(1)), as development for the following purposes is permitted on the site and all adjoining land:
 - dwelling-houses are permitted in the R3 Medium Density Residential zone applying to the site and all immediately surrounding land;
 - residential flat buildings are permitted in the R3 Medium Density Residential zone applying to the site and all immediately surrounding land; and
 - hospitals are permitted in prescribed zones, which includes the R3 Medium Density Residential zone, under Clause 57 of State Environmental Planning Policy (Infrastructure) 2007.
- The site is not land that is described in Schedule 1 (Environmentally Sensitive Land) of the SEPP as per clause 4(6) (discussed later in this report).

Further, while the application is primarily for the purposes of a residential care facility, a component of the development is for the purposes of two self-contained dwellings. The self-contained dwellings would be classified as ‘serviced self-care

housing' in the meaning of clause 13(3) of the Seniors Housing SEPP to meet the requirements of clause 45.

IS THE LAND EXCLUDED UNDER SCHEDULE 1 OF THE SENIORS HOUSING SEPP?

Clause 4(6)(a) of the Seniors Housing SEPP provides that the SEPP does not apply to land described in Schedule 1. The site is not land described in an environmental planning instrument by the terms or like terms listed in Schedule 1 (Environmentally sensitive land) of the Seniors SEPP under the provisions of clause 4(6).

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

No previous SCC has been issued for this land in accordance with clause 25(5)(c) of the Seniors Housing SEPP.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

There are no issued SCCs or undetermined applications for an SCC within a one kilometre radius of the site.

CLAUSE 25(2)(C)

There are no current SCCs or pending applications for SCCs for land within proximity of the site, and as such a cumulative impact study is not required and has not been provided.

However, under clause 25(2D) of the Seniors Housing SEPP, the relevant planning panel may require an applicant to provide a cumulative impact study if it is deemed necessary to determine whether the land concerned is suitable for more intensive development.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COUNCIL COMMENTS

The original SCC application was sent to Randwick City Council (Council) on 9 March 2021 requesting comments. Council's comments were received on 14 May

2021 (**Attachment B**). These comments relate to the original SCC application, and the amended SCC application seeks to address and respond to these comments. As such the amended SCC was not referred to Council.

The matters raised by Council have been summarised as follows:

Clause	Council comment
Cl. 25(5)(b)(i) <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,</i>	<ul style="list-style-type: none"> • The site and surrounding environment are urbanised and do not contain any prominent natural features. • 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 site. • The proposed intensification of aged care will not be compatible with the scale and density of existing surrounding residential uses. It is considered the proposal does not meet the criteria relating to existing and approved uses in the vicinity of the site.
Cl. 25(5)(b)(ii) <i>the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,</i>	<ul style="list-style-type: none"> • The proposal essentially maintains the existing use of the site for aged care albeit at a more intensified scale. Notwithstanding, the loss of the existing building fabric of 11, 17 and 19 Frenchmans Road raises a concern in the absence of archival recordings of the buildings and provision for salvaging original features for reuse.
Cl. 25(5)(b)(iii) <i>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,</i>	<ul style="list-style-type: none"> • 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.

<p>Cl. 25(5)(b)(iv)</p> <p><i>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,</i></p>	<ul style="list-style-type: none"> • 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.
<p>Cl. 25(5)(b)(v)</p> <p><i>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,</i></p>	<ul style="list-style-type: none"> • 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. The proposed development will have a greater height, bulk and scale compared to existing older residential flat buildings in the locality. • The proposal exceeds the height controls and while it relies on the provisions of the SEPP, it should not disregard the local controls of the immediate R3 zoned locality. • 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 short of this minimum notably on the western and eastern sides to neighbouring properties on McLennan Avenue. In particular, it appears overbearing and intrusive in relation to adjoining heritage items. • Landscape zones, deep soil zones and setback planting have not been clearly shown and illustrated in the SCC application. 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. • At both basement levels, the proposed development will have a minimal setback from the side boundary of the heritage item at 25 McLennan Avenue. The new development will directly adjoin the rear boundaries of the heritage items at 23 and 25 McLennan Avenue, including potential impacts from the operation of the vehicle access ramp.
<p>Cl. 25(5)(b)(vi)</p> <p><i>if the development may involve the clearing of native</i></p>	<p>The proposal does not involve the clearing of native vegetation.</p>

<i>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,</i>	
Cl. 25(5)(b)(vii) <i>the impacts identified in any cumulative impact study provided in connection with the application for the certificate,</i>	No comment.
Summary	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.

The comments received do not pertain to permissibility (noting that seniors housing is otherwise permitted with consent under the LEP), and rather address the compatibility of built form in the site's context. These comments have been addressed in the following sections discussing the suitability and compatibility of the proposed development.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless it is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The scheme submitted with the SCC application does not demonstrate a more intensive use of the site in terms of resident numbers. It assumes a reduction in the current bed capacity of the facility by 8 beds (from 94 to 86 beds) and the introduction of two, one-bedroom self-contained dwellings. The overall intensity of land uses, in terms of capacity, remains approximately the same or lesser when compared to the existing development. The proposed form of the development, however, does appear as a greater bulk and scale than currently exists.

The site is located within an existing urban area and a predominantly medium density development context, is accessible to surrounding services and facilities (see the further discussion in relation to clause 26 and clause 25(5)(b)(iii) below), and is not constrained by environmental conditions that would preclude further development (see further discussion on clause 25(5)(b)(i) below).

As detailed in the discussion further in this report, the bulk and scale of parts of the indicative building design require further resolution as part of the DA assessment process. While existing development in the local context of the site is varied, and up

to three to four storeys on the Frenchmans Road frontage of the site, the scale is more uniformly one to two storeys on the McLennan Avenue frontage.

The development standard for building height in the Randwick LEP that applies to the site and surrounding land between Avoca Street, Frenchmans Road, Clovelly Road and McLennan Avenue is 12m. The FSR applying to this land is 0.9:1.

In view of the existing built form context and the development standards that define future context, the Department considers that the built form to the rear property boundary requires further resolution. The built form at the rear should appropriately interface with the predominantly lower scale residential character of the McLennan Avenue neighbourhood street.

Many of the streets and surrounding development are also characterised by mature trees and landscaping along the street frontages and this should be reinforced as part of any future development.

In relation to traffic impacts, the application is accompanied by a Traffic Impact Assessment (**Attachment A3**). Vehicular access is proposed off Frenchmans Road and the development would provide car parking compliant with Part 7 of the Seniors Housing SEPP. The traffic report considers the vehicular movements of the development to be less than the existing facility and can be accommodated on the existing local road network.

The site has existing utilities and service connections that can be utilised by the proposed development. The SCC application is accompanied by a report (**Attachment A4**) that details the additional infrastructure required to support the proposed development without adversely impacting on the needs of the locality.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless it is of the opinion that the proposed seniors housing development is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

The key site attributes and constraints are listed below and discussed in the context of a proposed seniors housing development on the land.

The existing use of the site is for the purposes of seniors housing and residential uses. The site adjoins land that is also zoned for urban purposes and comprises detached and semi-detached dwellings. The site is, therefore, located within an established residential area.

Flooding

The site is not identified as being flood affected within the relevant flood mapping prepared by Council.

Flora and fauna

The site is also not identified as containing terrestrial biodiversity within the relevant mapping under the Randwick LEP 2012.

Arboricultural assessment

The application is accompanied by an Arboricultural Impact Appraisal (**Attachment A5**). The report notes that 11 trees are to be retained but could be impacted by the indicative design (including four trees on neighbouring land and five at the street frontages). Six trees would be removed on the site as part of potential future development. No trees are identified as being of special significance for historical, cultural, commemorative, or rarity reasons or as being ecologically significant. The retained trees are identified in the Landscape Concept Drawings and Report, as well as new tree planting locations (**Attachment A6**, see **Figure 10**).

As part of a DA the consent authority is required to consider how the development proposal will satisfactorily avoid, minimise or manage adverse environmental impacts with respect to tree removal and tree canopy measures.



Figure 10 – Landscape vegetation strategy (source: Arcadia)

Bushfire hazard

The site is not identified as being bushfire prone land in accordance with the NSW Rural Fire Service mapping.

Contamination

The application is supported by a Preliminary Site Investigation (PSI) which identifies that there are potential sources of contamination on the site. The PSI recommended

further investigation as there is insufficient information to determine that the site is suitable for the proposed development, or if remediation/management of contamination is required.

The amended SCC is supported by a detailed site investigation including a Remedial Action Plan (RAP). The RAP identified contaminant concentrations that exceed criteria for human health and ecological risk assessment and confirmed that remediation and/or management of contaminations on site is necessary.

The RAP identifies the preferred remedial option is excavation, transport and disposal to a suitably licensed facility and upon completion, the site will be suitable for the proposed residential aged care development. A Site Audit Interim Advice by an NSW Environment Protection Authority (EPA) accredited site auditor has been provided. The Advice reviewed the RAP and concluded it *“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 matter is considered to have been appropriately addressed for the SCC and can be further investigated during the assessment and determination of a DA.

Geotechnical

The site is situated in an area of no known occurrence of acid sulfate soils under the Botany Bay Acid Sulfate Soils Risk Map. The Randwick LEP 2012 further indicates that the site is not situated on land classified at risk from Acid Sulfate Soils.

The application is supported by a Geotechnical Investigation Report. The report does not raise any specific concern with the conditions of the site, instead recommending further assessment and management of construction and engineering works on the site. The Department considers that sufficient information has been provided as part of the SCC assessment to demonstrate that the geotechnical features of the site are suitable for the proposed development. As part of a DA the consent authority will need to consider the constructability of the development and identify any post-approval assessments and consultation.

Heritage

A Heritage Impact Statement (**Attachment A7**) was provided as part of the SCC application assessing the effect of the proposed development on the heritage significance of adjoining and surrounding heritage items and HCAs (see **Figure 1**). The report concludes the following:

- None of the existing buildings on the site proposed for demolition demonstrate any level of significance that would warrant listing as individual heritage items, and/or have already been stripped of much of the original detailing that the building is not intact.
- The proposal lies in a similar location to the existing main building and will read as having a similar massing and scale, although the footprint of the single building is greater.
- The proposal will not reduce or block significant view corridors towards any of the heritage items.

- The proposal will have an acceptable impact on HCAs within the vicinity as the new building is sympathetic in form and design to the dwellings that characterise the HCAs. The new building is separated from these areas by Frenchmans Road which will help reduce its visual impact.

At the DA stage, the consent authority will determine whether the final design is sympathetic to the heritage buildings adjoining the site as well as the nearby HCAs. The consent authority could investigate any need for archival recordings for the buildings to be demolished and salvaging original features for reuse. Further, in accordance with the geotechnical investigations, the consent authority should be satisfied that the excavation and construction of the development will not physically damage any adjoining heritage item.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The site is currently used for the purposes of seniors housing and residential accommodation. The development concept submitted with the application will retain the current use of the site for seniors housing and associated facilities and does not propose to introduce any new uses to the site.

The site is not specified in any strategic plan for an alternative land use. The Randwick Local Strategic Planning Statement (LSPS) does not identify the site as being part of any growth or renewal areas or as being on any new transport corridor or strategic link. The site is identified as being within an existing R3 Medium Density Residential zone, adjacent to HCAs, and in proximity of local centres.

The proposed development will, therefore, not impact on the likely future uses of the land, seeking only to regenerate the existing use of the subject site and in accordance with a land use that is otherwise permitted with consent under the Randwick LEP 2012.

3. 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 (clause 25(5)(b)(iii))

The site is near established services and infrastructure, particularly retail, community and medical services, public transport, and other existing infrastructure.

Location and access to facilities

The site is not located in close proximity of a full range of retail/commercial outlets within 400m.

However, an extensive range of services and facilities are available in the Randwick centre located about one kilometre from the site by road. This centre includes medical facilities, banks, supermarkets, food and drink premises, and a range of other commercial and retail services.

As detailed in the section below, these services and facilities are accessible by the existing bus network and specifically bus stops that are within 400m of the site and the centre.

Public transport and access

The application is accompanied by a Clause 26 Assessment Report (**Attachment A8**) to address the requirements of Clause 26 of the Seniors Housing SEPP.

This report identifies that bus routes 314, 316 and 317 provide access between Frenchmans Road and the Randwick centre, but that route 314 is the most appropriate for the purposes of Clause 26. The Randwick Centre bound bus stop for this service was measured at 173m from the entrance to the site, and the return bus stop was measured at 140m, therefore the distances comply with clause 26(2)(b)(i) of the SEPP. The 314 bus runs twice hourly across the week from these stops.

Gradients along the path of travel to and from these bus stops are identified as complying with the requirements of clause 26(2)(a) and 26(3) of the SEPP. However, two pedestrian ramps ("pram ramps") are identified as not complying. These are at the crossing of Frenchmans Road near Avoca Street and at the crossing of the lane to the west of, and adjacent to, Alison Park at the intersection with Alison Road.

Rebuilding these ramps to the correct grades is identified as a solution to achieve compliance. The SCC application advises the *"applicant is prepared to adjust the required "pram ramps" as a public benefit beyond the boundaries of the site redevelopment...to correct the non-compliances."* This detail can be provided at the DA stage and, therefore, the proposal is capable of satisfying the access to services provisions of Clause 26 of the Seniors Housing SEPP.

Traffic and car parking

The application is accompanied by a Transport Impact Assessment (**Attachment A3**) which confirms that the proposed development is required to provide 18 parking spaces and one ambulance bay in accordance with the rates contained in clauses 48 and 50 of the SEPP. The indicative scheme provides 18 parking spaces (including one accessible space), one ambulance bay, and a servicing bay. The development also provides one motorcycle parking space and two bicycle parking spaces.

In terms of potential impact on the local road network at the operational phase, the report concludes that there will be a predicted 18 vehicle trips during both the AM and PM peak periods, which is a slightly lesser impact than the existing facility on the site that generates 19 vehicle trips during peak hours. No intersection or road upgrades are identified as being necessary. The report concludes that *'the proposal would have no additional impact on the surrounding road network and can be supported from a traffic and transport perspective.'*

Vehicle access to the site is proposed at Frenchmans Road, as opposed to McLennan Avenue. This would locate vehicle movements away from the local streets, minimising the impact on the neighbouring lower scale residential area to the north. The amended SCC application states this would be a left-in left-out combined entry and exit access driveway. Traffic and parking matters can be further addressed at the DA stage.

Utilities and services

The application is accompanied by an Infrastructure Report (**Attachment A4**) which provides an overview of the in-ground infrastructure surrounding and serving the site, including a summary of the additional infrastructure required for future development.

The site is capable of being appropriately serviced, which can be further confirmed at the relevant DA and post-approval stages of the development.

4. 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 (clause 25(5)(b)(iv))

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

5. 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 (clause 25(5)(b)(v))

The indicative design modulates in height comprising three storeys where interfacing with the side boundaries bordered by 9 and 21 Frenchmans Road, and four storeys in the centre of the site to the street frontage of Frenchmans Road.

Numerically, the maximum height of the amended indicative design is identified as the top of the lift overrun at 13.54m above the existing ground level (RL 93.20 to natural ground level RL 79.66), which is 1.54m above the 12m height limit in the Randwick LEP 2012 (refer to **Figure 14** and **15** below). The height has been lowered from the original SCC application, with the original indicative design height being 14.84m above the existing ground level.

The SCC application attempts to justify the indicative designs' height relative to the LEP controls, however, these detailed design matters will require consideration at the DA stage. This report rather provides an assessment of the compatibility of the overall bulk and scale in relation to the existing and future built form context.

As a background, in assessing the current DA for the proposal, the Randwick Design Excellence Panel (DEP) made recommendations including:

- Complying setbacks should be provided from the eastern and western boundaries to acknowledge the lower scale dwellings in McLennan Avenue.
- Revisions to the articulation and materiality of the Frenchmans Road elevation.
- The setback of the second floor from McLennan Avenue should extend as far as the northern wall of 'stair 5'.
- Reduction of built form area on the third floor, including relocation of the two independent living units (ILUs) and more rooftop landscaped area.
- Outlining various sustainability considerations around windows, rainwater and weather protection.
- Considerations of the driveway ramp and extending the covered planting area to reduce impact of car noise and lights.

The revised indicative design submitted as part of the amended SCC sought to respond to these matters through increased setbacks, shifts in bulk and scale away from McLennan Avenue and increased landscaping.

The amended indicative design proposes 3,458.4sqm of gross floor area (GFA) with a floor space ratio (FSR) of 1.28:1 (reduced from the original SCC application FSR of

1.4:1). This would be below the FSR control of 1.4:1 (being 0.9:1 as per the Randwick LEP 2012 plus the 0.5:1 Seniors Housing SEPP bonus.)

The indicative design is setback from existing surrounding development by:

- between 1.8m and 4m to 9 Frenchmans Road;
- between 0.58m and 10.36m to 21 Frenchmans Road;
- between 2.5m and 3.65m (eastern boundary) and greater than 6.34m (northern boundary) to 25 McLennan Avenue;
- greater than 8.66m to 23 McLennan Avenue, and
- 2.51m to 10.15m to 27 McLennan Avenue (western boundary) (see **Figure 13** below).

The indicative design is setback from Frenchmans Road by between 2.27m and 7.41m, and between 2.69m and 2.76m to McLennan Avenue.

Extracts of the street elevations and the ground floor plan are included in the figures below (reference should be made to the plans at **Attachment A9**).



Figure 11 – Frenchmans Road elevation of the building (*source: boffa robertson group*)



Figure 12 – McLennan Avenue elevation of the building (*source: boffa robertson group*)

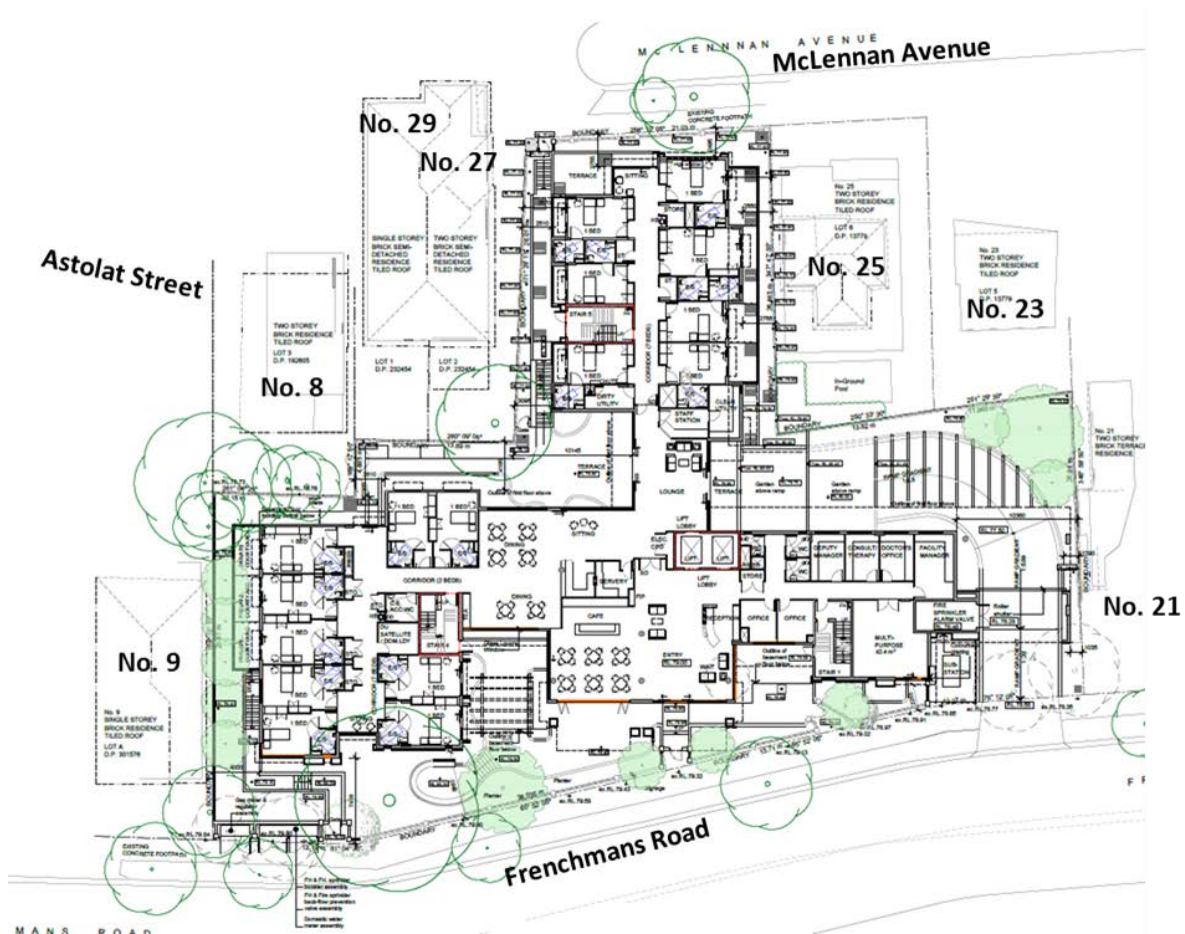


Figure 13 – Extract of the ground floor plan of the building (source: boffa robertson group)



Figure 14 – Modelling of the indicative development against the Randwick LEP 2012 12m maximum building height plane, looking east (source: boffa robertson group)



Figure 15 – Modelling of the indicative development against the Randwick LEP 2012 12m maximum building height plane, looking south-west (*source: boffa robertson group*)

In the existing context of the site, Frenchmans Road contains ‘high street’ style business and retail services in proximity to the intersection with Clovelly Road. Existing development in other parts of the Frenchmans Road streetscape is varied in terms of style and age, but is generally characterised by taller residential buildings of between three and four storeys on the northern side of the road towards Avoca Street, and immediate development at 21 and 23 Frenchmans Road (three storeys), 27 Frenchmans Road (four storeys), and 31 Frenchmans Road (equivalent three storeys).

McLennan Avenue is a local street with a cul-de-sac that is characterised by predominantly one and two-storey detached dwellings. While there is a taller building visible in this streetscape, at 27 Frenchmans Road which is three storeys at its secondary frontage to McLennan Avenue, this building is unique in the existing context. McLennan Avenue is considered to have a more consistent local street scale.

Other defining features include a hipped roof form and mature trees and landscaping along both the Frenchmans Road and the McLennan Avenue frontages.

The planned future context of the site is defined by the prevailing development standards in the Randwick LEP 2012 for this site and surrounding land in this block, which specify a maximum building height of 12m when measured from existing ground level and an FSR of 0.9:1.

When considering this existing and future context, the scale of the indicative design is considered to be compatible with the Frenchmans Road frontage of the site. However, the three to four-storey scale of the development is not compatible with the existing McLennan Avenue frontage of the site and its interface with the side and rear of 23, 25, 27 and 29 McLennan Avenue. It is acknowledged that the amended SCC application further setback the upper levels of the northern wing away from McLennan Avenue.

Despite the stepped form, the indicative design remains highly perceptible at the current proposed scale to McLennan Avenue. The non-compliance with the Randwick LEP 2012 with regard to height also suggests this element is not compatible with the planned future context of this area.

The proposal should be refined through the DA process to provide a more compatible scale to McLennan Avenue and the immediate neighbours. Opportunities should be considered to increase the side setbacks, and setback at the rear boundary to McLennan Avenue to be more compatible with the neighbouring properties. This would allow opportunities for further landscape planting to soften and screen the development and be more sympathetic to the residential streetscape and the adjoining heritage items at 23 and 25 McLennan Avenue. Further modulation and articulation of the built form should be explored to reduce its visual scale.

Privacy

The proposed development largely adopts consistent or greater setbacks than the existing residential care facility on the site, however, the increase in the scale of the built form has the potential to impact the privacy of neighbouring properties including 23, 25 and 27 McLennan Avenue and 8 Astolat Street (see **Figure 13** above). The indicative design shows that certain balconies and windows of upper levels will have a direct line of sight to neighbouring dwellings and private open space areas.

The above recommendation to refine the scale of the development to McLennan Avenue will assist in mitigating privacy impacts and visual bulk. It is also recommended that privacy control measures are considered as part of the DA assessment process, these measures could include:

- screens to windows and balconies that have direct views of windows and private open space of adjoining dwellings,
- positioning windows and balconies to not align with any existing windows of the neighbouring dwellings, and
- ensuring there is significant landscaping along each side and rear boundary that is capable of achieving a suitable mature height to assist with screening.

The more significant setback of between approximately 6.34-10.7m from the rear of the local heritage items at 23 and 25 McLennan Avenue is supported. Further opportunities for landscaping should be explored, as discussed further in the sections below.

Overshadowing

Shadow diagrams have been prepared for the SCC application (see **Attachment A9**) comparing the impact of the existing and indicative development on the site during the winter solstice (21 June). The shadow cast by the indicative development largely falls within existing areas of shadow or on the local road network, including to the adjoining heritage items at 23 and 25 McLennan Avenue.

There will be additional shadow cast on the dwellings at 7 and 9 Frenchmans Road in the morning (8am to midday) within the rear open space area and the east facing windows. These dwellings will be unaffected by the development from midday.

The shadow modelling indicates that the concept development will not result in any surrounding dwelling and primary open space area receiving less than 3 hours of sunlight at midwinter. Refer to **Figure 16** below.

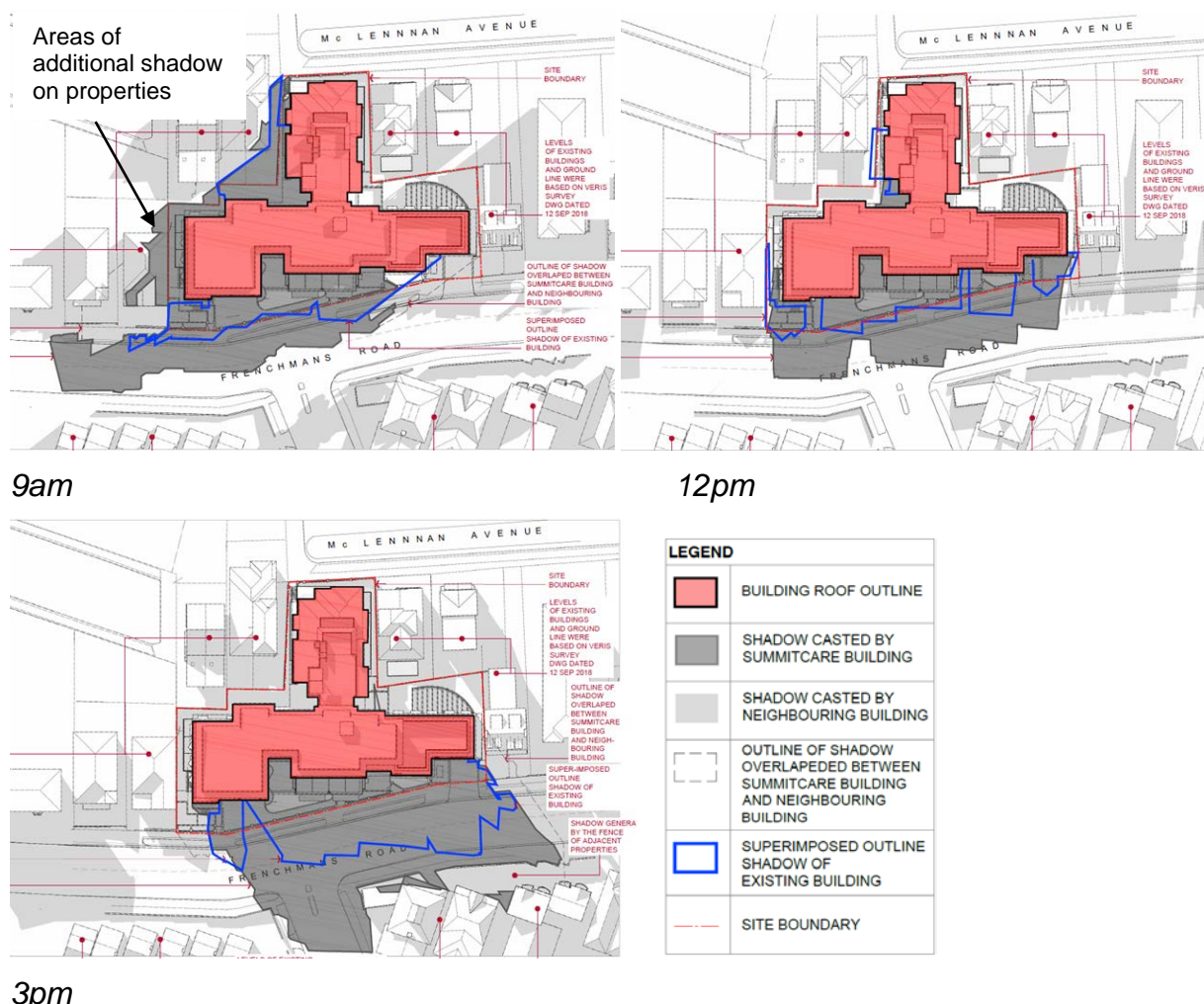


Figure 16 – Extract of winter solstice overshadowing plans (*source: boffa robertson group*)

It is noted the Applicant did not prepare updated shadow diagrams to reflect the latest changes to the roof and lowered front parapet, however there would likely be a small improvement to the impact.

Views

While the site is located at a natural high point in the local topography, there are no significant regional views available through the site. The existing development on the Frenchmans Road frontage of the site is already three to four storeys in height. Accordingly, the proposal is not anticipated to result in additional view impacts.

The proposal would not significantly impede existing street views of the local heritage items at 23 and 25 McLennan Avenue. However, the setting to these adjoining heritage items may be improved through further resolution of setbacks and scale of the northern part of the development at the DA stage.

Landscaping

The surrounding developments are characterised by mature trees and landscaping along the street frontages and this should be reinforced as part of any future development.

The proposed development is supported by landscape concept drawings (**Attachment A6, Figure 17**) that illustrate a landscaped area of 1,247.5 sqm (or 14.5 sqm per bed). While this is more than the original SCC application (1,130.3 sqm), it would still not achieve the standards for providing landscaped areas (as relevant) for residential care facilities (Clause 48(c)¹), however would meet the standards for the two self-contained dwellings (Clause 50(c)²).

The proposed development includes 450.7 sqm of deep soil area, equating to 16.6% of total site area which would meet the standard for deep soil (minimum 15% of site area) as in Clause 50(d). Clause 50(d) further provides that

‘each area forming part of the [deep soil] zone should have a minimum dimension of 3 metres’.

The concept scheme shows that a large proportion of the perimeter planting especially around the northern wing is less than 3 metres in width. While compliance with these standards is not mandated (rather, compliance means that the consent authority cannot refuse consent based on those grounds if the standards are met), further opportunities for landscaped areas (as defined in the Seniors Housing SEPP) should be explored.

It is recommended that further investigation be undertaken to increase deep soil planting along the side and rear setbacks to improve screening, enhance amenity and contribute to environmental sustainability. The proposal should also increase landscaped area for recreation and respite and improve building separation.

¹ Minimum landscaped area of 25 sqm per bed = 2,150 sqm

² Minimum of 30% of the area of the site is to be landscaped = 812.7 sqm



Figure 17 – Landscape master concept plan – ground floor (source: Arcadia)

6. 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 (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* was repealed on 25 August 2017 and therefore does not apply to the land.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

A cumulative impact study has not been submitted. This is considered unnecessary in this instance as per Clause 25(2A). There are no SCC applications within the vicinity of this site that meet the criteria of Clause 25.

However, the Panel may still require a cumulative impact study if it considers that it is necessary to determine whether the land concerned is suitable for more intensive development.

RECOMMENDATION

The Department considers that an SCC should be issued on the basis that:

- The proposal will provide renewed seniors housing with modern facilities to service the seniors population in the Randwick local government area. This includes one new self-contained dwelling as affordable rental accommodation, and 40% of beds as concessional places for residents in the residential care facility.
- While the proposal does not seek to intensify the existing use of the site in terms of resident population, the site is suitable for more intensive use for the purposes of seniors housing having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP and more detailed design considerations being undertaken as part of any future DA.

- The proposal will provide seniors housing in close proximity to existing public transport, which will help to provide good access to health, retail, banking and other facilities in the area. Upgrades to pedestrian access ramps to the correct grades can be addressed at the DA stage.
- The site is located within an existing urban area and a predominantly medium density development context. The surrounding environment is urbanised and does not contain any significant natural features.
- Matters regarding building bulk, scale, setbacks, landscaping, detailing and privacy with regard to the proposed configuration of the seniors housing can be further addressed and refined at the DA stage.

The final development form, layout, and height shall be determined by the consent authority through the assessment of the DA under section 4.15 of the *Environmental Planning and Assessment Act 1979*. Notwithstanding this, it is recommended that the Panel consider the following conditional requirements in Schedule 2 of the SCC:

- Bulk and scale – the proposal should be refined through the DA process to provide a more compatible scale to McLennan Avenue and the adjoining properties, including the local heritage items at 23 and 25 McLennan Avenue. This includes consideration of increased setbacks to McLennan Avenue and the side boundaries, and further refinements to the built form.
- Privacy – the proposed development should consider the inclusion of privacy control measures to mitigate any privacy impacts on the neighbouring dwellings.
- Landscaping – the proposed development should consider an increase in the provision of landscaped areas (as defined in the Seniors Housing SEPP) as well as deep soil landscaping along the side and rear boundary setbacks.

ATTACHMENTS

Attachment A – Documents from the Applicant's amended SCC package

- Original Site Compatibility Certificate Request(**Attachment A1**)
- Amended Site Compatibility Certificate Request(**Attachment A2**)
- Transport impact assessment report(**Attachment A3**)
- Infrastructure report(**Attachment A4**)
- Arborist report(**Attachment A5**)
- Amended landscape plans(**Attachment A6**)
- Statement of heritage impact.....(**Attachment A7**)
- Clause 26 assessment report(**Attachment A8**)
- Amended concept drawings(**Attachment A9**)
- Architectural 3D perspectives.....(**Attachment A10**)
- Architectural Design Statement(**Attachment A11**)
- Table outline of concept design changes(**Attachment A12**)

- Updated urban design peer review.....(**Attachment A13**)
- Updated site survey and cover letter(**Attachment A14**)
- Nearby property survey information and letter.....(**Attachment A15**)
- Amended engineering drawings and assessments.....(**Attachment A16**)
- Amended acoustic report(**Attachment A17**)
- Needs assessment.....(**Attachment A18**)

Attachment B – Council comments

Attachment C – Site map

Attachment D – Timeline

Contact officer: Lawren Drummond
Planning Officer, Eastern and South Districts
Contact: 9274 6185