

Report to the Secretary on an application for a Site Compatibility Certificate

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

SITE: Lot 1 DP 562126; Lot 1 DP 380326; Lots 112, 113, 102 and 103 Section 3 DP 3292 and Lot 1 DP 923373, 2 Kensington Road, Kensington.

The Site Compatibility Certificate (SCC) application applies to the existing St Joseph's Residential Aged Care Facility (RACF). The total area of the site is approximately 2.5 hectares. The site accommodates Our Lady of Sacred Heart College Campus (approximately 1.4 hectares) and the existing St Joseph's RACF. The site comprises of predominantly detached built development with associated open green space.

The subject site is located centrally in the suburb of Kensington approximately 5km to the south of Sydney's CBD. The site is bound by Kensington Road to the east, Addison Street to the north and Tunstall Avenue to the west. The general area surrounding the site includes existing low and medium density residential development and the north western portion of the Australian golf course.

The site is zoned SP2 Infrastructure and has no designated height of building or floor space ratio standards.



Figure 1: Site Location (outlined in red). Source: SIX Maps 2016

APPLICANT: Paynter Dixon on behalf of Trustees of the Daughters of Our Lady of the Sacred Heart

PROPOSAL: To expand the St Joseph's Aged Care Facility with the construction of a new four (4) storey building providing ninety two (92) aged care beds across new and existing facilities, with 46 in the new building and 46 in a staged refurbishment of the existing RACF. Also, associated facilities, an undercover carpark for 44 vehicles, and servicing from Tunstall Avenue. A total number of sixteen (16) existing bedrooms in the existing facility will be reallocated for other ancillary uses.

The construction of the RACF expansion will proceed in two stages:

- Stage 1 – Construction of the new four storey development providing 46 beds.
- Stage 2 – Demolition and replacement of the remainder of the existing former St Joseph RACF building additions.

LOCAL GOVERNMENT AREA: Randwick Council

PERMISSIBILITY STATEMENT

The site is zoned SP2 Infrastructure under the *Randwick Local Environmental Plan 2012* (Randwick LEP 2012), shown in Figure 2. The zoning table under Randwick LEP 2012 for SP2 (Educational Establishment) and SP2 (Place of Worship) does not permit hospital developments or a residential care facility. Accordingly a Site Compatibility Certificate is required as a prerequisite for the proposed redevelopment of the existing RACF.

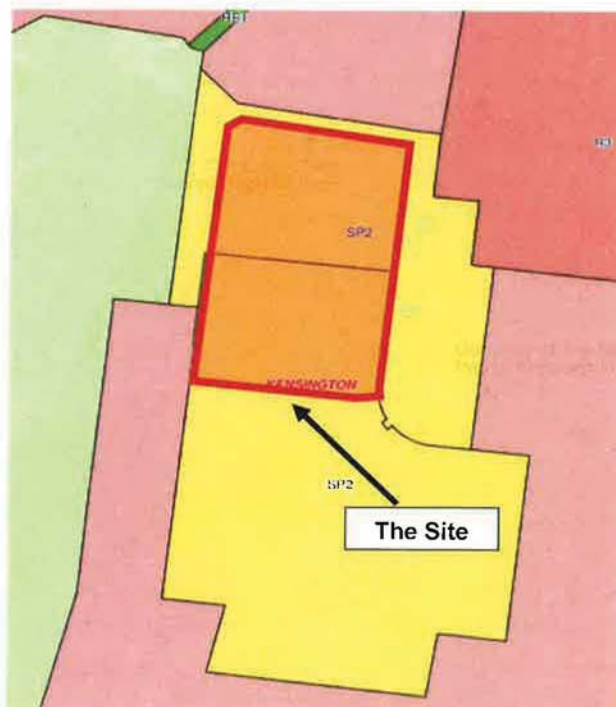


Figure 2: Zoning of the Site (outlined in red). Source: Planning Viewer 2016

The site is currently used for the purposes of place of worship, education and residential aged care.

The *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies to the subject site because the site adjoins land zoned for urban purposes and is being used for the purpose of an existing residential care facility. Clause 24(1)(a)(ii) of the SEPP provides that a Site Compatibility Certificate is required where the land is within a zone that is identified as "special uses" under another environmental planning instrument.

The proposed development satisfies clause 17 of the SEPP (Seniors Housing) which permits (subject to consent) a residential care facility.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (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; and
- (b) is of the opinion that:
 - i) the site of the proposed development is suitable for more intensive development 24(2)(a); 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).

COMMENTS FROM COUNCIL

The Secretary must not issue a certificate unless they have taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made (clause 25(5)(a)).

Randwick Council provided comments objecting to the granting of a SCC on 15 December 2016 (Tab B). Council raised the following concerns with the development:

Natural environment and existing and approved uses in the vicinity: The proposed development is inconsistent with the SEPP (Seniors Housing) criteria referring to impacts on the natural environment and the built form on the surrounding vicinity. Council state the addition of a new building immediately abutting the existing St Joseph aged care building creates a visually intrusive building mass for almost the entire length of the Tunstall Avenue frontage. Council notes the current proposal indicates minimal provision of landscape areas on the western front to soften the proposed building mass and to integrate with the local streetscape.

Impact on the future uses of the land: Council claims that although the proposal maintains the nature of the existing use, the broader Sacred Heart also contains a convent and a school. Insufficient information has been provided as to how the proposed facility relates to the other existing uses within the same property. Council notes that the impact of the additional pedestrian and vehicular movements within the existing network throughout the Sacred Heart site is unclear.

Services and Infrastructure: Council notes the submitted information does not demonstrate any concrete consideration of future utility, service connection, stormwater management and any augmented utility services, which should be factored into any detailed development scheme. This is critical to the development, as the proposal will intensify services, plant rooms, and utilities at the back of house areas to the new development along Tunstall Avenue.

Bulk, scale and built form: Council notes the proposed four storey building is inconsistent in built form and façade articulation. Council consider the inconsistency based on the following:

- the proposed building results in a heavily unrelieved extension to the existing St Joseph aged care building along the whole length of the Tunstall Street frontage with minor setbacks;
- concerns the proposal would not appropriately relate to the façade of the heritage items in the vicinity and may result in adverse impacts on their curtilage;
- inappropriate design scheme; and
- there is scope to refine the façade composition to reduce the visual bulk of the building.

Landscape: Council state there is no significant landscape treatment along Tunstall Avenue, and no systematic design of landscape areas and planting of trees to complement the existing heritage buildings. Council note that the retention of a small hemmed-in courtyard on the northern side of the existing chapel does not compensate for lack of adequate curtilage for the building.

Heritage: Council supported the demolition of the existing St Joseph aged care building to the west of the convent and chapel under the approved Stage 1 Master Plan DA. Council's support was on the basis that the proponent's Heritage Assessment considered the removal of the current aged care buildings to have *"a positive impact on the setting of the convent and chapel (and) open up important views to it from the west"*.

In contrast, Council considers that the retention of the existing St Joseph aged care building and its extension along Tunstall Avenue would result in the proposed building impacting the residential amenity of the area.

Council also raises concern that the relationship between the proposed treatment to the new addition and the refurbished existing St Joseph aged care building will be incompatible with the northern façade of the existing convent. In the previous SCC proposal, the south-eastern elevation of the then proposed new building was articulated and shifted westwards to improve views towards the northern façade of the convent building. Council claims that the current proposal impedes any opportunity for open views and curtilage to the convent and chapel.

Overshadowing: Council note that the proposal has not demonstrated the extent of overshadowing on residencies on the western side of Tunstall Avenue that would be affected by the development.

The Department notes Council's concerns in relation to the overall height, scale and impact on local heritage listed buildings. It is considered that the issues raised by Council can be suitably addressed at the development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless they are 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 site is adjacent to a low density residential area in Kensington, which is characterised by one to two storey detached dwellings. A local shopping strip along the Anzac Parade corridor is located approximately 250m from the site.

The site is located in close proximity to readily available retail, community and recreational facilities. There are two main commercial hubs that are accessible from the site via public transport or walking. Each commercial hub provides a range of services that cater the needs of the community. Kensington Town Centre is located along Anzac Parade, and is within 400m walking distance of the site. Kingsford Town Centre is 2km from the site and is also located along Anzac Parade.

East Village Centre in Zetland is located approximately 1km north west to the site, Eastlakes Shopping Centre is located approximately 1.5km south west from the site and Randwick Plaza is located within 2km east of the site. The existing community infrastructure in the surrounding area is sufficient and will be able to accommodate the additional capacity from the proposed expansion of the residential aged care facility, comprising an additional 46 beds.

The site is serviced by public transport. Two (2) bus stops are located along Kensington Road, immediately adjacent to the site. The site is located within walking distance to Anzac Parade with connectivity to regular bus services frequently available between the site and local

service precincts. Regular bus services are also available from the site to destinations in the eastern suburbs, Sydney Airport, Sydney CBD and beyond.

It is considered that the proposed development and site meet the criterion in terms of suitability for more intensive development, due to the following:

- the site adjoins an established low density urban area;
- the site is within close proximity to Kensington Town Centre, Kingsford Town Centre, East Village Centre, Eastlakes Shopping Centre, medical services and public transport infrastructure;
- the development meets the demand for increased aged and disability care facilities in the area, as identified in A Plan for Growing Sydney and the draft Central District Plan; and
- the site is being used for the purpose of an existing residential aged care facility.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless they are of the opinion that the proposed development for the purpose of residential care facilities is compatible with the surrounding environment and surrounding land uses having regards to the following criteria (clause 25(5)(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))**

Existing Uses

The site is used for the purposes of a Place of Public Worship, Educational Establishment and Residential Aged Care Facility. The site adjoins land zoned for urban purposes, including low density residential to the north and west, and medium density residential to the east. A large Private Recreational zoned golf course is also located west of the site. The Sacred Heart Monastery adjoins the site to the south. The site is located in an established residential locality, predominantly comprised of one to two storey detached dwellings.

There are existing aged care facilities within the surrounding area. Castellorizian Aged Care Services is located 400 metres from the site containing 55 bed nursing home. Daceyville Residential Aged Care is located 1.5km from the site and contains 58 single rooms including 8 dementia specific rooms. Other aged care facilities and services are located within the surrounding broader locality.

Flooding Hazard

The site is not affected by flooding and is not located in flood prone land under the Randwick LEP 2012.

Flora and Fauna

A number of trees, predominantly along the Tunstall Avenue street frontage are proposed to be removed to facilitate the proposed expansion. A total number of twenty (20) existing trees is proposed to be removed to facilitate the proposed expansion. Eight (8) of the trees proposed to be removed are located outside of the western boundary alignment and located on Council land.

The proposal is accompanied by an Arborist Impact Assessment Report which provides recommendations to reduce the negative impacts on the retained trees. Appropriate mitigation measures have been provided to ensure the integrity of the existing trees is maintained.

The subject site is not identified to be located within a terrestrial biodiversity area under the provisions of the Randwick LEP 2012.

Geotechnical Hazard

The subject land does not contain any acid sulfate soils and is not identified as landslip effected under the provisions of the Randwick LEP 2012.

Bushfire Hazard

The site does not contain bushfire prone land.

Heritage

The 'Our Lady of the Sacred Heart Convent' is identified as being a locally significant heritage item, being listed as item I134 in Schedule 5 Part 1 of the Randwick LEP 2012. The subject site is also located within the Sacred Heart Heritage Conservation Area (C3) that covers the Convent, Our Lady of the Sacred Heart College, and Missionaries of the Sacred Heart Monastery and Our Lady of the Rosary Church.

Whilst the existing aged care building is located within a heritage conservation area, it is not identified as having any local heritage significance. There are no proposed works on the convent buildings, Provincial House or the garden areas to the east of the site and area around the Chapel. It is considered that the proposed development will have a minimal impact on the existing heritage elements and the conservation area.

A Heritage Assessment Report prepared by John Oultram Heritage and Design concludes that the works involve very limited demolition or alteration of significant fabric (the Tunstall Avenue Wall) or important landscape elements. The Report supports the proposed concept plan as having a neutral impact on the setting of the convent and it will provide funds for the upkeep of the significant buildings.

As a requirement of the determination, it is recommended that a suitably qualified heritage consultant is engaged to ensure that the final design is appropriate and is sympathetic to the heritage buildings on the site.

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

The site is zoned SP2 Infrastructure under the *Randwick Local Environmental Plan 2012* and is used as a Place of Worship and Educational Establishment. The site facilitates religious, aged care and educational purposes.

The proposal expands on the existing facility, supporting the viability of the existing use. The proposal maintains consistency with the nature of the existing use on site. The existing use of the land in the vicinity of the RACF is primarily residential. The proposed expansion along the western boundary is considered infill development and will have a negligible impact to development located east of the site with consideration of its location within an existing facility.

The site is located in close proximity to the OLSH primary and high school, low to medium density residential uses and the land to the west occupied by the Australian Golf Club. Overall the proposed residential aged care expansion is considered compatible with the surrounding environment, surrounding land uses and future prosperity for the site and area.

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 subject site is located in immediate and close proximity to established services and infrastructure, particularly in relation to retail, community and medical services, transport services and the provision of existing and future infrastructure.

Retail, community and medical services

The site is located in close proximity to readily available retail, community and medical services. The site is located in close proximity to two main commercial hubs that are accessible from the site via public transport or walking. Kensington Town Centre (400m) and Kingsford Town Centre (2km) provide a range of retail, community and medical services including supermarkets, eateries, retail, library, a local police station, places of public worship, RSL, council offices and banking.

The nearest health service facility is the public Royal Randwick Medical Centre. The Prince of Wales Public and Private Hospital complex and research facilities are located approximately 1.75km from the site. The hospital provides an extensive range of services including maternity, cardiac, neurosurgery, physiotherapy, orthopaedics and pre-admission clinics.

Transport services

The site is adequately serviced by regular bus services along Kensington Road (391/392/399), immediately adjacent to the site. Regular bus services are provided along Anzac Parade, with connectivity to the local shopping strip, Kensington and Kingsford Town Centres. In addition, regular bus services are provided to Sydney CBD, East Gardens, Coogee, and the Bondi Junction bus/rail interchange. Bondi Junction provide a range of retail, community and medical services available in a centre. The South East Light Rail is currently under construction.

Under the SEPP (Seniors Housing), public transport services are required to be located no further than 400m from the proposed development with services to be available at least once between 8am and 12pm and once between 12pm and 6pm on weekdays. The available public transport services comply with the requirements of Clause 26 in terms of proximity and frequency.

Infrastructure

The proponent has identified that the proposed development can be adequately serviced by the existing infrastructure on the site. Further assessment of the adequacy of the existing infrastructure will be addressed at the DA stage.

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 zoned SP2 Infrastructure and is currently being utilised as an aged care facility. The proposed development will expand and improve the existing RACF. The proposed development will have no impact on the golf course to the immediate west, which is zoned RE2 Private Recreational land. Therefore, the proposed redevelopment of the site will not impact on the provision of open space or land for special uses.

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 concept plan (refer Figure 3) proposes to partially expand the existing St Joseph's RACF with the construction of a new four (4) storey building providing 46 bedrooms and associated facilities together with an undercover car park and servicing from Tunstall Avenue. As part of the proposal, the existing sixteen (16) bedrooms in the existing facility will be relocated for other ancillary uses.

The proposal represents infill development of a future expansion of the existing residential aged care facility. The proposed expansion will be built over the footprint of the existing asphalt basketball courts on the adjoining school site. The proposed expansion aligns with the existing facility in terms of street setback, bulk, scale and built form.

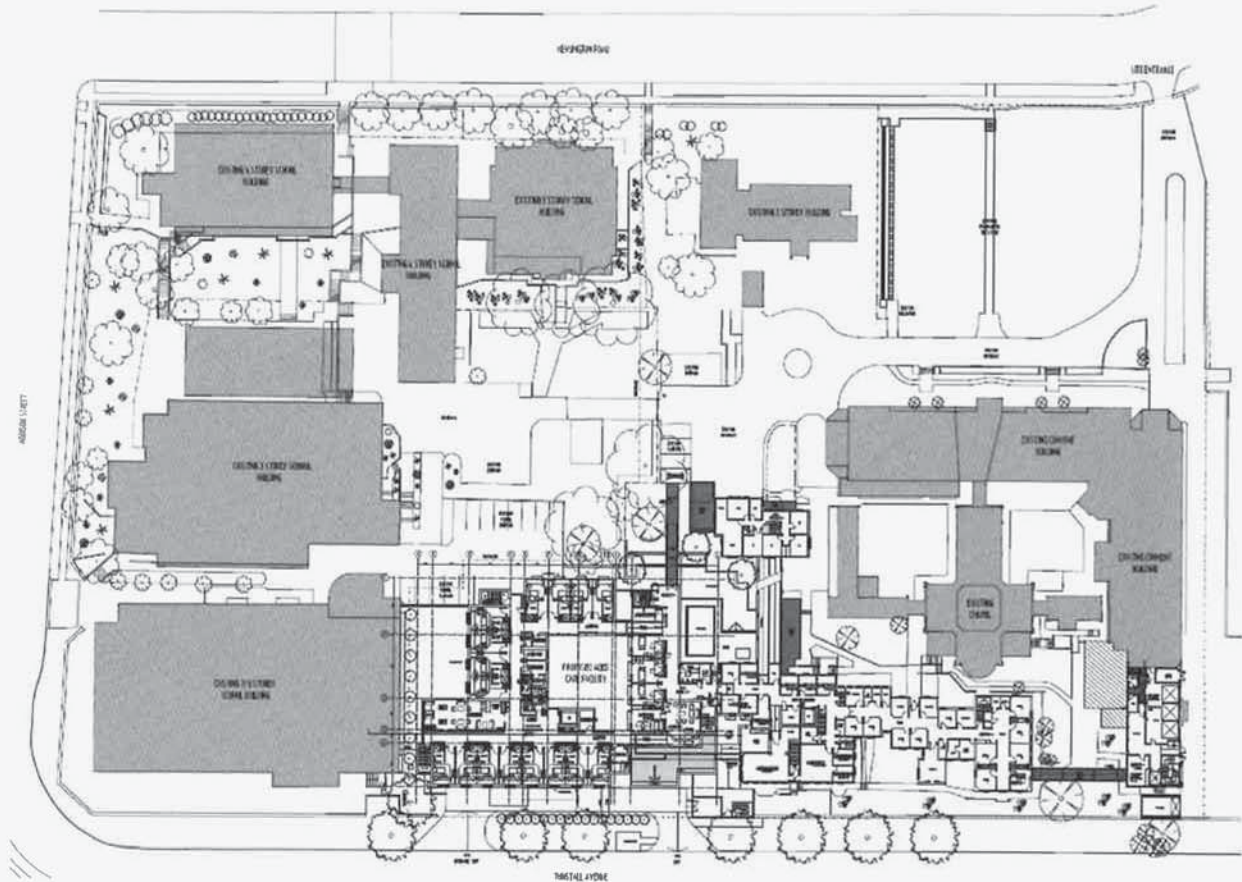


Figure 3: Proposed Concept Plan. Source: Urbis 2016

The proponent has noted that the bulk and form of a substantially larger proposed RACF was previously approved by Randwick City Council under DA955/2011. Consent was issued for a Stage 1 Master Plan for the replacement and expansion of the existing St Joseph's RACF on 12 June 2012. Consent issued under DA955/2011 encompassed approval for a master plan, construction of a new 6 level aged care RACF with a total of 128 beds, car parking for 44 vehicles, offices, administration, staff training area, services, wellness centre and landscaped gardens.

The current proposed development is a smaller development, but would have a larger footprint, extending along the whole of the Tunstall Avenue frontage. It reduces the proposed building height from 6 storeys to four, the number of beds from 128 to 92 (noting that 46 of the 92 beds will be accommodated in a staged refurbishment of the existing the existing RACF).

The proposed expansion of the existing RACF is located away from residential development, and is along the Tunstall Avenue street frontage, directly adjacent to the golf course. No impact of any development north, east or south of the proposed expansion as it is considered to be infill development of the existing underutilised footprint.

The bulk and scale is compatible with the scale of the existing facility. The building is proposed to be four (4) storeys with undercroft service areas and parking. The height of the proposed expansion is of a comparable height to the current aged care building and is well below the eaves of the main convent buildings. The proposal is setback and aligns with the physical built form of the existing buildings to the school that front Tunstall Avenue to the west.

The proposed development is considered to be appropriate in the locality and will not adversely impact on the adjoining land uses. The character and appearance is also considered appropriate for the existing use and surrounding development.

To minimise the impact on neighbouring development, suitable design measures, including articulation, stepped height and setbacks, will need to be considered at the DA stage.

- 5. 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))**

It is noted that the *Native Vegetation Act 2003* does not apply to urban areas or land within the Randwick LEP 2012.

CONCLUSION


Approval of a site compatibility certificate for St Joseph's RACF is recommended.

The proposed expansion of the existing aged care facility has clear strategic and site specific merit. The proposed development would complement and support the continued operations of the St Joseph's RACF. The proposed expansion will accommodate the ageing population in an area close to transport, services and infrastructure. It is considered that the site is suitable for development given the site is currently used for the purposes of an aged care facility. The proposed development continues the viability of the site.

The assessment of the site concludes the development is unlikely to have an adverse impact on the surrounding environment or land uses having regard to the criteria set out in clause 25(5)(b) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Endorsed by:


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