

**MODIFICATION REQUEST:
MP10_0016 MOD 3**

***Scottish Hospital Seniors Housing and
Care Facility***



Environmental Assessment Report
Section 75W of the *Environmental Planning and
Assessment Act 1979*

May 2017

Cover image: Scottish Hospital Site Plan (Source: Proponent's Section 75W Modification Request for Modification 2)

© Crown copyright 2017
Published May 2017
NSW Department of Planning & Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

*NSW Government
Department of Planning & Environment*

1.1 Introduction

1.2 Site and locality

The southern portion of the site contains the locally heritage listed former Scottish Hospital building on the Cooper Street frontage (**Figure 1**). The building was originally a two storey brick and stone mansion dating back to the 1840s, although this building has been extended to the front and sides and its visual appearance altered through its transformation to a hospital in the 1930s. The Cooper Street frontage now contains a two and a half storey hospital ward, with a single storey entrance to the east of the building opening directly onto Cooper Street.



Figure 1: The Site (Source: Near map 2017)

Construction works to adapt the heritage listed Scottish Hospital building for use as Independent Living Units (ILUs) is well underway (see **Section 1.4**). The building has been cleared of all fixtures, fittings and finishes to its structural core, although these works are subject to compliance investigations in relation to unauthorised works being undertaken throughout the building.

1.3 Surrounding context

The site is situated within the Paddington Heritage Conservation Area, and adjacent development is predominately characterised by 3-storey Victorian terrace houses. There are also two circa 1970s high-rise residential flat buildings located at 40 Stephen Street and 176 Glenmore Road (frontage to Cooper Street between 15 and 17 Cooper Street) and interwar 3-4 storey flat buildings fronting the southern side of Cooper Street.

1.4 Previous approvals

On 2 May 2012, the Planning Assessment Commission (Commission) approved a project application (MP10_0016) for a seniors living development (**Figure 2**) including:

- a new 100 bed Residential Aged Care Facility (RACF) on the Stephen Street frontage;
- 79 ILUs;
- conservation of the heritage listed Scottish Hospital building and its adaptive reuse for ILUs;
- 132 on site car parking spaces for use by residents, visitors and staff;
- the reinterpretation of the remnant landscaped terraces in the northern curtilage of the former Scottish hospital building; and
- the remediation of the site.

On 19 March 2015, the Department approved a modification application (MP10_0016 MOD 1) to clarify aspects of the terms of the approval and to replace the requirement for underground power lines with aerial bundling of power lines.

On 18 April 2017, the Department approved a modification application (MP10_0016 MOD 2) in relation to tree retention and other alterations to the Brown and Stephen Street buildings.

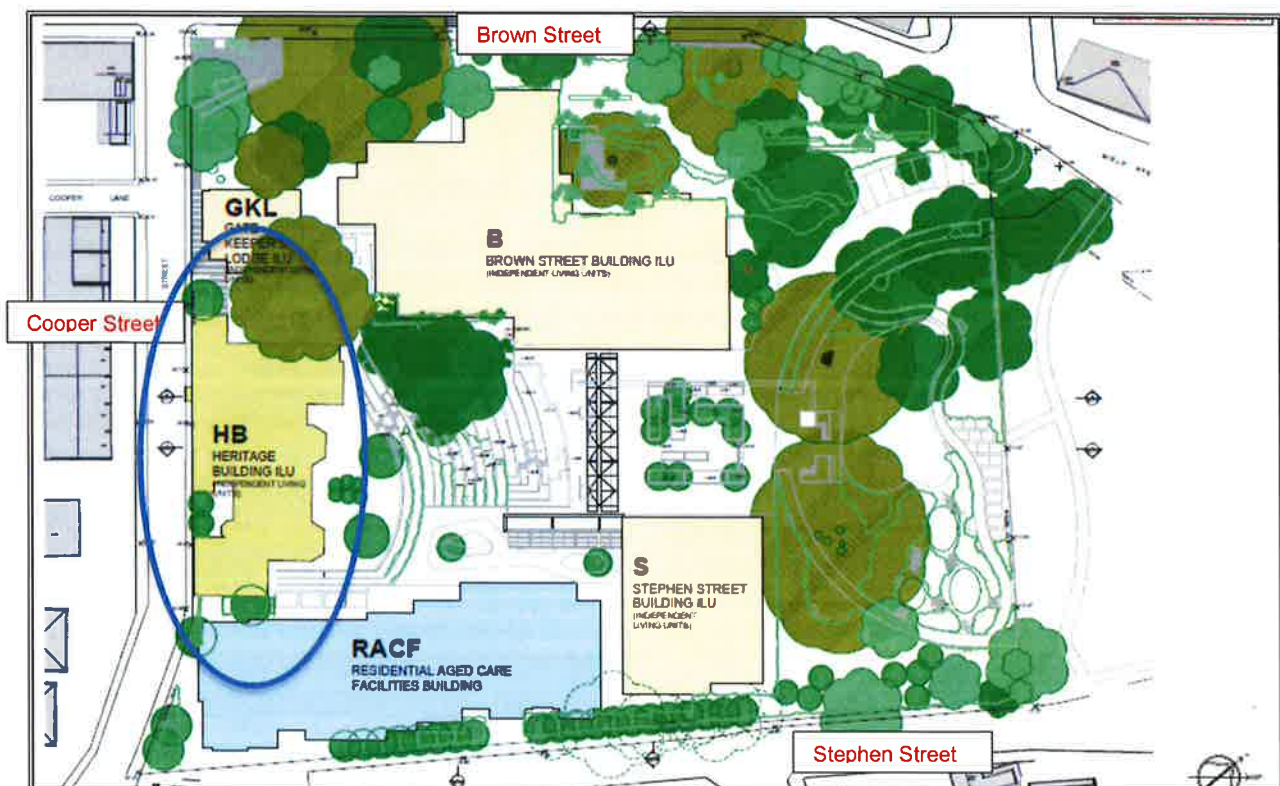


Figure 2: Key plan, showing the heritage listed Scottish Hospital building in blue (Source: Adapted from the Proponent's EA Report)

2. PROPOSED MODIFICATION

2.1 Description of the proposal

The proposal seeks to modify the project approval (MP10_0016) as detailed in **Table 1** below and shown on **Figures 3, 4** and **5** below. A link to the Proponent's modification request can be viewed at **Appendix A**. A link to the Proponent's Response to Submissions (RtS) can be viewed at **Appendix B**.

Table 1: Proposed modifications (as refined in the Response to Submissions report)

Aspect	Description
Relocation of lift	Relocate the approved internal lift from the Cooper Street frontage elsewhere within the building (A in Figures 3 and 4).
Relocation of bin store	Relocate the approved internal garbage bin store from the Cooper Street frontage externally adjacent to the eastern building façade (B in Figure 3).
Alteration to windows	- Delete two approved windows on the north east corner of Level 5 (NW14 LG) and Level 6 (NW25 G) (C in Figures 3 and 4); - remove two existing windows (W31 LG and W32 LG) and delete two approved windows (NW29 LG and NW30 LG) on Level 5 (D in Figure 3); - delete two approved windows (NW13 G and NW15 G) on Level 6 (D in Figure 4); - remove an existing window (NW33 LG) and delete two approved windows (NW34 LG and NW35 LG) in the bay feature on Level 5 (E in Figure 3); and - remove an existing window (W16 G) and delete two approved windows (NW17 G and NW18 G) in the bay feature and infill an existing door opening (W19 G) on Level 6 (E in Figure 4).
Other alterations	- Revise bedroom, bathroom and study layout on Level 5 and 6 (as a result of the lift relocation) (F in Figures 3 and 4). - provide new doors in existing openings of the masonry wall on Level 5 (G in Figure 3). - remove an approved external ramp on Level 5 (H in Figure 3); and - relocation of electrical meters on Level 5 and deletion of an existing window (W7 G) on a return wall of the Cooper Street frontage (I in Figure 3).

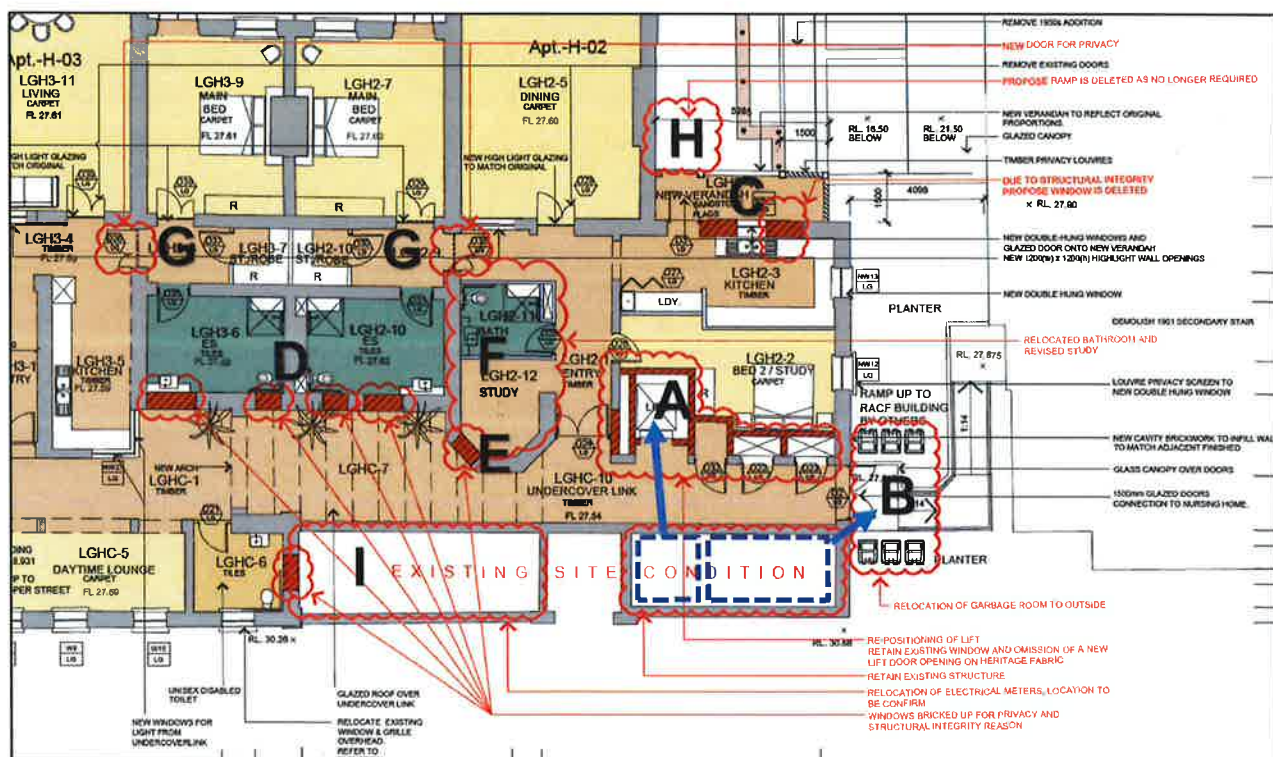


Figure 3: Proposed alterations to Level 5 shown in red, with the Proponent's description shown in red text (Source: Proponent's modification request)

been made under Section 75W of the EP&A Act, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

3.2 Modification of the Minister's approval

Section 75W provides for the modification of a Minister's approval, including revoking or varying a condition of the approval or imposing an additional condition on the approval. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. This proposal seeks to make changes to aspects of the approved project, and modify a number of conditions of approval, and as such requires further assessment and approval.

3.3 Environmental assessment requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the Proponent of environmental assessment requirements with respect to the proposed modification, that the Proponent must comply with before the matter will be considered by the Minister. In this instance, further environmental assessment requirements were not considered necessary for the modification, as sufficient information was initially provided to assess the modification application.

3.4 Environmental Planning Instruments

The Department assessed the original proposal against the following environmental planning instruments (EPIs):

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy No. 65 (Residential Flat Design);*
- *Woollahra LEP 1995;*
- *Paddington Heritage Conservation Area DCP 2008; and*
- *Woollahra Planning Principles for the Scottish Hospital Site.*

Given the minor nature of the proposed modifications, the Department is satisfied that the proposed modification remains consistent with these EPIs.

3.5 Delegated authority

On 16 February 2015, the then Minister for Planning delegated functions under Section 75W of the EP&A Act to the Executive Directors who report to the Deputy Secretary, Planning Services in cases where:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

In this instance, Woollahra Municipal Council (Council) does not object to the proposal, no political disclosure statement has been made by the Proponent and three objections from the public have been received. The Executive Director, Key Sites and Industry Assessments can therefore determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

The Department notified surrounding landowners, Council and relevant State agencies of the proposed modification on Monday 12 December 2016. The application was publically available on the Department's website from Tuesday 13 December 2016 to Tuesday 31 January 2017 (50 days).

Council did not make a submission. The Heritage Council made a submission advising that it does not object to the proposal, as it is unlikely to have an unacceptable impact on the heritage significance of the site.

The Department received three public submissions. All three submissions object to the relocation of the garbage bin store due to potential adverse impacts on the amenity of the surrounding area, such as visual, odour and traffic (garbage collection) impacts. One of the submissions raises concerns that the proposal will change the quiet atmosphere of the neighbourhood.

One of the public submissions raises several specific questions in relation to the relocation of the garbage bin store, and expresses concern about the unreasonable notification period being during the school holidays. Another public submission requests a meeting with the Proponent to discuss the proposed relocation of the garbage bin store.

A link to all submissions is available to view in **Appendix B**.

4.2 Response to submissions

The Proponent provided a Response to Submissions (RtS) (**Appendix B**), which provides:

- an updated heritage impact assessment;
- two design options to visually screen the garbage bin store, including a timber panelled bin enclosure and an option with 'pergola' cover, with the option without the cover being the Proponent's preferred option;
- further justification for the bin store, including further details and responses to the questions raised in the public submissions in relation to the visual impact from properties to the south of Cooper Street and type of waste, movement and collection of waste and how odours will be addressed; and
- a Site Waste Minimisation and Management Plan (SWMMP) for the ongoing operational phase, dated February 2016.

5. ASSESSMENT

The Department has considered the modification request, the issues raised in submissions and the Proponent's RtS, and considers the key issues associated with the proposal are:

- heritage; and
- waste storage.

5.1 Heritage

Heritage impacts of the original proposal on the Scottish Hospital building were a key consideration in the Department's assessment of the project application. The Department's assessment found that the heritage significance of the Scottish Hospital building would be preserved and enhanced by its adaptive re-use to ILUs.

This modification proposes a number of discreet alterations to the internal layout and windows/doors on the external façade of the Scottish Hospital building, some of which have the potential to impact on the heritage significance of its fabric.

The Proponent has provided a heritage impact assessment (HIA) in support of the proposed alterations. The HIA concludes that the proposed modifications are acceptable for the following reasons:

- the works are consistent with the policies and recommendations of the CMP, and the adaptation of internal spaces will ensure the conservation of the building;
- the relocation of the lift would have a positive heritage impact on the Cooper Street elevation, with the window intended for adaptation as an entrance being retained in situ;

- the infill of existing windows would be set back from the face of adjacent walls to enable the interpretation of the original fenestration pattern; and
- the deletion of proposed windows would have a positive heritage impact as it would involve the retention of significant masonry walls comprising the former Scottish Hospital building.

The Heritage Council has reviewed the proposal and notes that the proposed works are unlikely to have an unacceptable impact on the heritage fabric of the building.

The proposal also includes several alterations to the existing heritage fabric of the building, which are identified as being exceptional or high heritage significance value in the Conservation Management Plan (CMP) (**Figure 6**). These alterations include the deletion of several existing windows on Levels 5 and 6, the relocation of the lift and associated internal reconfiguration, and the insertion of two internal doors on Level 5. The Department's consideration of the heritage impacts of these alterations are considered below.



Figure 6: Levels of heritage significance of the former Scottish Hospital Building (Source: CMP)

Deletion of existing windows

The Department notes that several existing windows proposed to be deleted are within an area of exceptional or high heritage significance value in the CMP.

On Level 5 of the Scottish Hospital building, the proposal seeks to delete (or infill):

- two existing windows (W31 LG and W32 LG) on the southern wall of a bathroom setback from Cooper Street;
- existing window (W7 G, also called W11 LG in the approved plans and HIA) on Level 5 of the Cooper Street frontage return wall.

The Department considers that the heritage impact of the proposed deletion of these windows on Level 5 is acceptable, because:

- these windows are not visible from Cooper Street due to the change in levels, undercover link and 1.5m high wall to the planter (**Figure 5**);
- the infill of windows will provide privacy to the bathrooms from the adjoining communal corridor; and

- the infill will be recessed to interpret the original window location (a condition is accordingly recommended).

The proposal seeks to infill an existing window (W16 G) in the bay feature on Level 6 facing Cooper Street (**Figure 7**). The Department notes this area is identified in the CMP as having high heritage significance, and that the window is visible from Cooper Street. Noting the visual prominence of this bay feature and window fenestration to the street, the Department recommends that the window be retained. Notwithstanding the structural reasons for infilling the windows, the Proponent has advised that the retention of this window can be achieved.

The Department therefore recommends a condition that amended plans showing the retention of window WG6 on Level 6 be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant Construction Certificate.

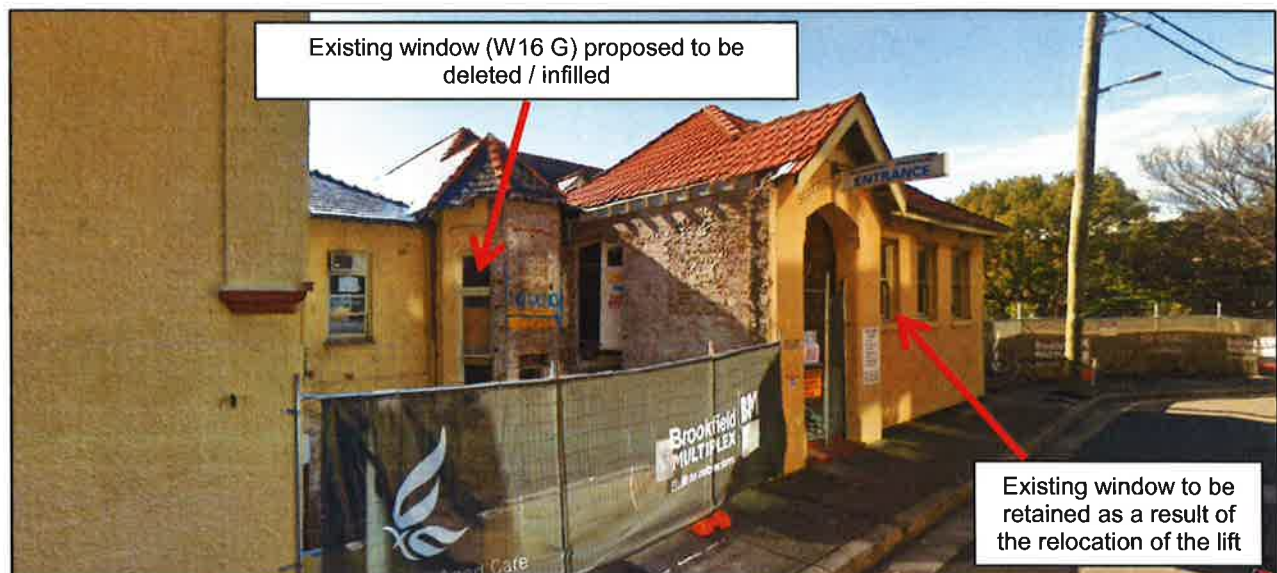


Figure 7: Southern elevation of the Scottish Hospital building viewed from Cooper Street, showing the existing window arrangement with the bay window feature on Level 6 (Source: Google)

Relocation of the lift and associated internal reconfiguration

The Proponent's HIA notes that the lift is sought to be relocated to an area of the building identified in the CMP as intrusive fabric, which was constructed as an operating theatre and altered in the 1990s to provide a corridor to the now demolished east wing.

The Department supports the internal relocation of the lift as:

- both the approved and proposed locations for the lift are within areas identified in the CMP as being intrusive fabric, so will not result in adverse impacts on significant heritage fabric;
- the lift overrun will not be visible at roof level;
- the existing window on the Cooper Street frontage (Level 6) will be retained (**Figure 7**); and
- the internal reconfiguration to accommodate a bathroom (relocated to accommodate the lift) and study requires minimal intervention to the building fabric.

Other

The Department notes that a number of the proposed alterations, including the deletion of approved windows and the approved external ramp, the deletion of a former door opening and two new internal doors will have neutral or positive heritage impacts, will ensure the structural integrity of the building is not compromised and will in some instances improve privacy to future occupants of the ILUs. The Department supports each of these minor modifications.

5.2 Waste storage

The Proponent is seeking to relocate the garbage bin store from within the building to an external location to the east of the building (**Figure 3**). The Proponent contends that the garbage bin store must be relocated as recent investigations have identified that the current approved location of the bin store is not structurally stable, and requires additional underpinning.

All three public submissions raised concerns about the potential adverse impacts of the external garbage bin store on the amenity of the surrounding area, including visual, odour and traffic (garbage collection) impacts. The Department also requested that the Proponent address:

- how the external garbage bin store can be visually screened, while being sympathetic to the architecture of the Scottish Hospital building; and
- design and/or management measures to mitigate amenity impacts of the garbage bin store on neighbouring properties, such as odour.

In its RtS, the Proponent provided the following additional information / clarification:

- two options showing how the proposed external garbage bin store can be visually screened through the use of a timber panel bin enclosure (**Figure 8**);
- further justification that the external bin store is the only location that can accommodate the minimum footprint required to provide the bin storage capacity and compliance with the relevant Australian Standard;
- a Site Waste Minimisation and Management Plan (SWMMP) and further justification that adverse odour impacts from the external bin store will be minimised due to the following:
 - the bin store is for the temporary storage of waste in a maximum of six, 240 litre bins;
 - bins will be removed at least twice weekly, as outlined in the site wide waste strategy, and full bins will be moved to the main waste store on Brown Street;
 - waste will be general household waste and recycling waste from the ILUs;
 - the external location provides a more diluted natural dissipation of odour impacts, as an internal bin store would require (through regulation) a more concentrated airflow through a mechanical fan assisted exhaust system.

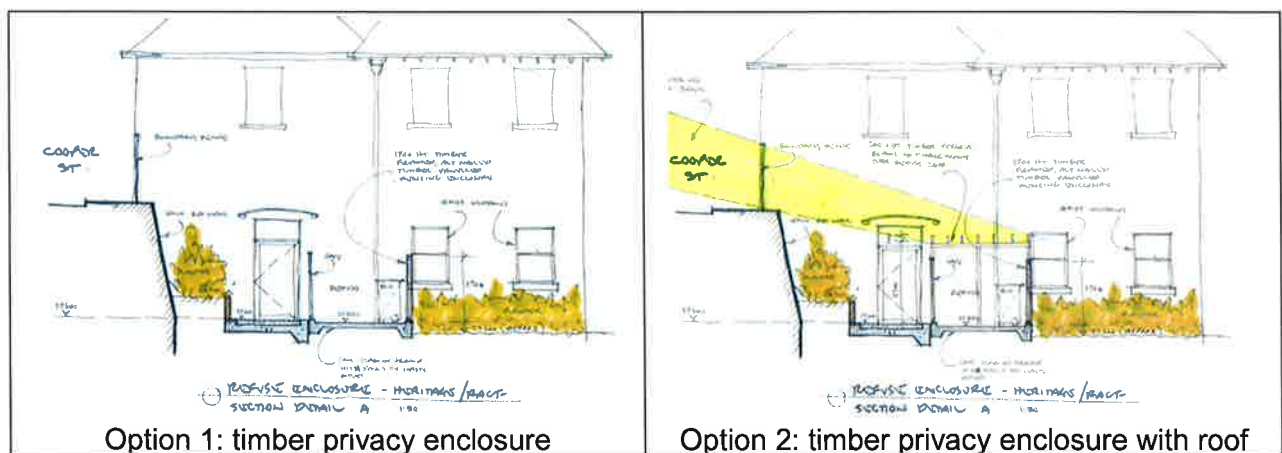


Figure 8: Options for privacy screening provided by the Proponent (Source: Proponent's RtS)

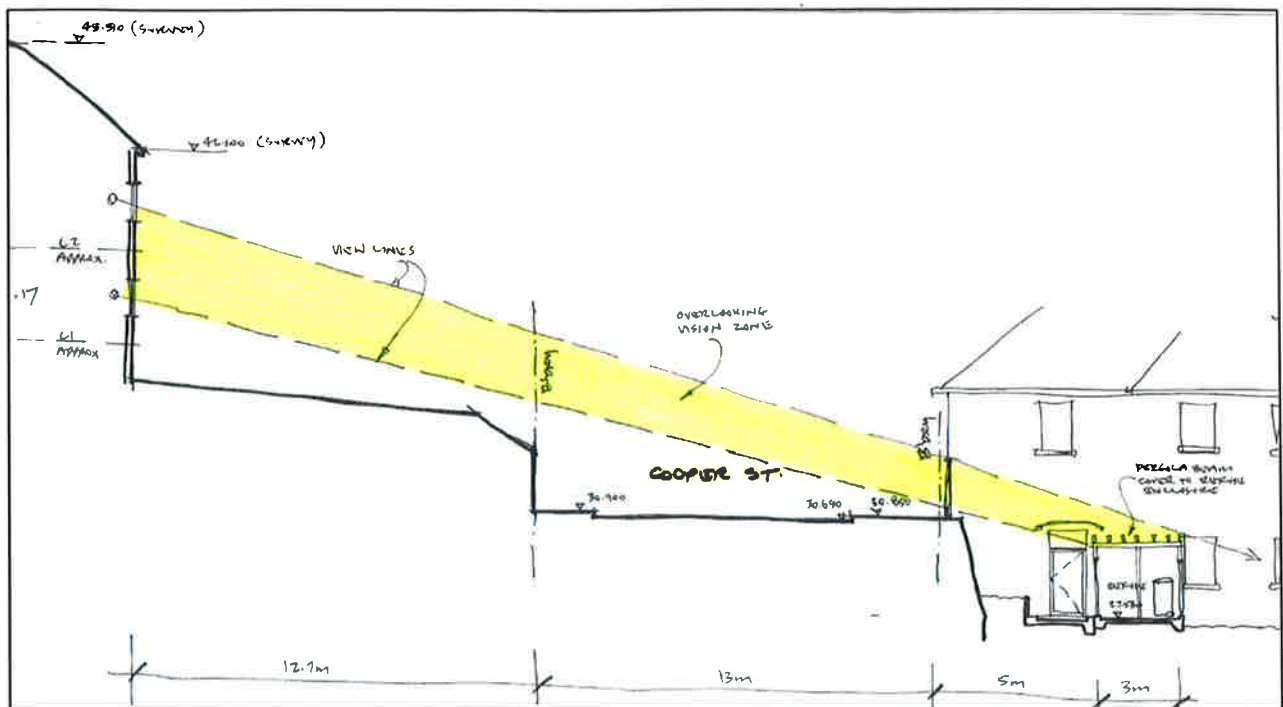


Figure 9: Consideration of visual impact of garbage bin store from properties to south of Cooper Street (Source: Proponent's RtS)

The Department has carefully considered the proposed relocation of the garbage bin store, having particular regard to the concerns raised in submissions and the Proponent's response to those concerns. The Department supports the relocation of the garbage bin store, subject to the provision of a bin enclosure with roof (Option 2), for the following reasons:

- the timber design of the bin store enclosure is sympathetic to the heritage building. The structure is discreet, can be easily distinguished from the existing fabric and easily reversed should this be required;
- the bin store enclosure is unlikely to result in adverse visual impacts when viewed from Cooper Street and the surrounding properties, and in particular from properties to the south of Cooper Street, as the bin store is located approximately 3m below street level, visually screened by the boundary fence on Cooper Street (**Figure 9**) and views from the east and south east are screened by the approved RACF building;
- the roof will screen the bin store enclosure from the ILUs in the Scottish Hospital building;
- the bin store will not generate any traffic impacts along Cooper Street, noting that the bins will be moved to the main waste store on Brown Street for collection; and
- the proposed roof structure over the bin store area and the removal of bins at least twice weekly will minimise any potential odour impacts.

The Department recommends a condition requiring that the design and materials of the boundary fence in this location provide a suitable visual screen when viewed from Cooper Street.

6. CONCLUSION

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that, subject to the recommended conditions, the proposed modification is appropriate on the basis that:

- subject to the retention of a window on the bay feature on Level 6 that is visible from Cooper Street, the proposed changes to the other existing windows are unlikely to result in significant adverse heritage impacts;
- the other internal alterations are minor and unlikely to significantly impact on the heritage fabric of listed former Scottish Hospital building; and

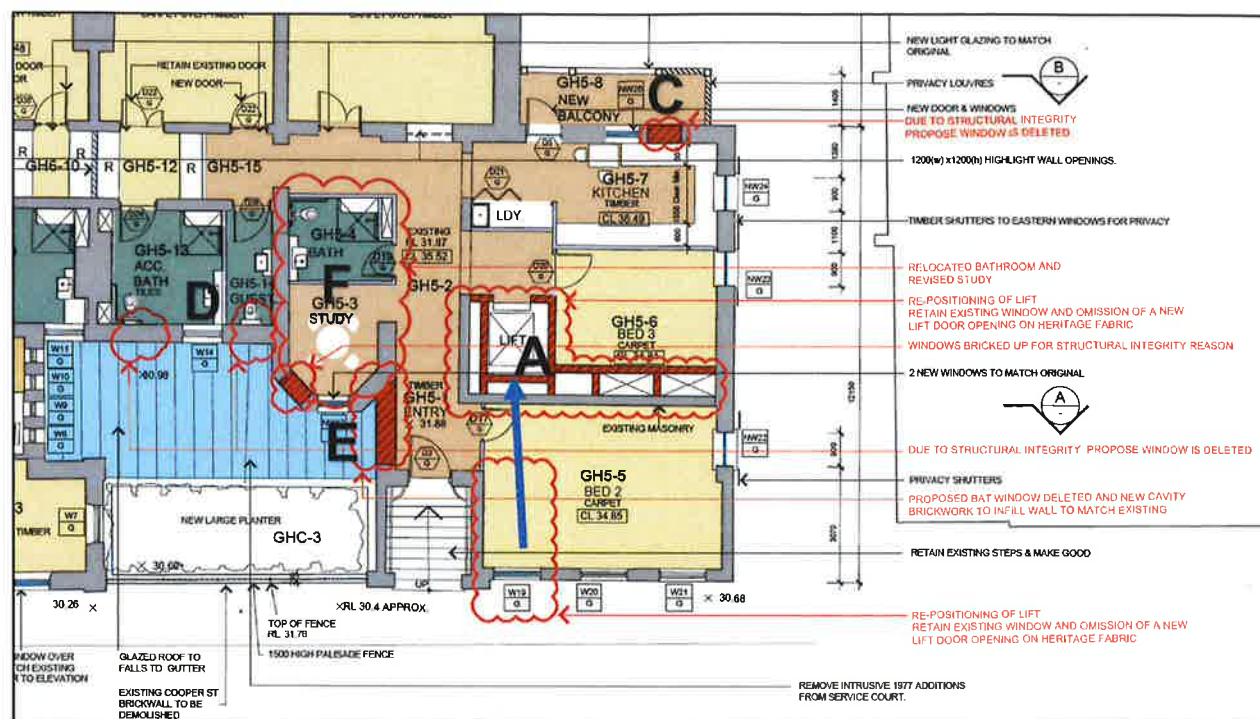


Figure 4: Proposed alterations to Level 6 shown in red, with the Proponent's description shown in red text (Source: Proponent's modification request)

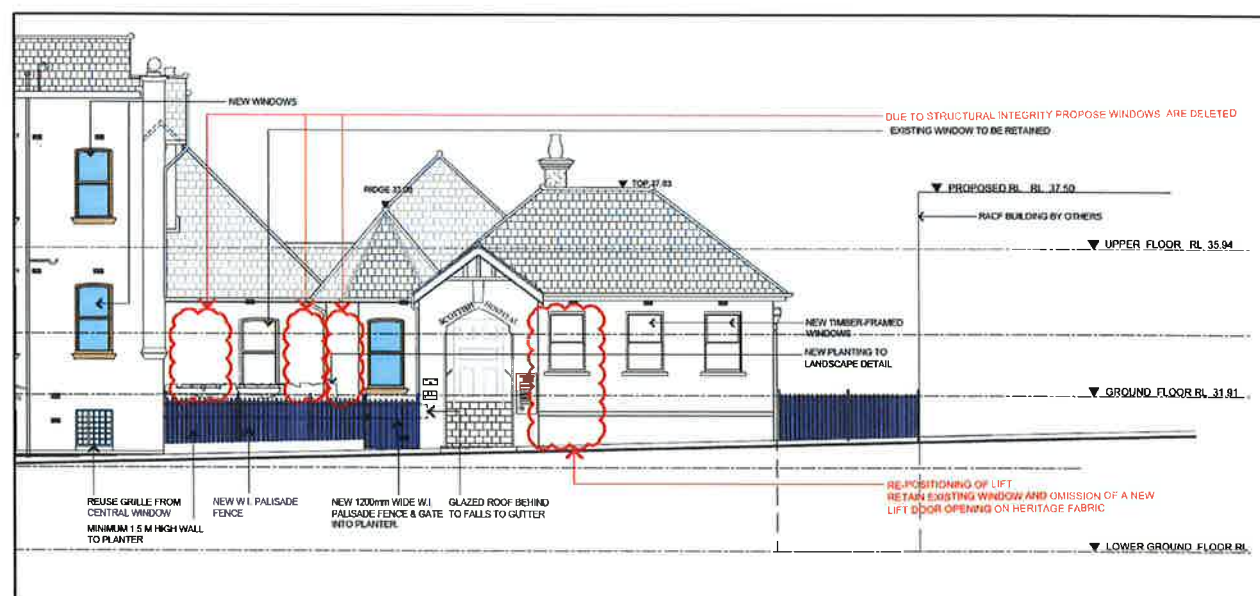


Figure 5: Proposed alterations to the Level 6 elevation shown in red, with the Proponent's description shown in red text (Source: Proponent's modification request)

The Proponent states the proposed alterations have not been carried out and it is not seeking retrospective approval for the proposed alterations.

3. STATUTORY CONTEXT

3.1 Continuing operation of Part 3A to modify approvals

The project was approved on 2 May 2012 under Part 3A of the EP&A Act. Part 3A was repealed on 1 October 2011. In accordance with Clause 3 of Schedule 6A of the EP&A Act, Section 75W of the Act (as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A), continues to apply to transitional Part 3A projects. Consequently, this report has

- it considers and appropriately responds to the concerns raised by the community in relation to potential impacts from the external garbage bin store.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments as delegate for the Minister for Planning:

- (a) consider the findings and recommendations of this report; and
- (b) approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instrument of Modification for MP 10_0016 MOD 3 at **Appendix C**.

Prepared by Brendon Roberts
Senior Planning Officer
Key Sites Assessments

Endorsed by:



Amy Watson
Team Leader
Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8038

APPENDIX B SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department of Planning and Environment's website as follows:

- 1 Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8038
- 2 Proponent's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8038

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
