

ASSESSMENT REPORT

STAGE 1 OF MONTEFIORE AGED CARE FACILITY MP 10_0044 MOD 2

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP10_0044) for the expansion of the Sir Moses Montefiore Jewish Home aged care facility at 100-120 King Street and 30-36 Dangar Street Randwick in the Randwick local government area.

The request has been lodged by Urbis Pty Ltd on behalf of the Sir Moses Montefiore Jewish Home pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the provision of a roof top plant, internal reconfigurations, increase of five special/dementia care beds, external alterations, reduction of six car parking spaces, and provision of new loading area.

2. SUBJECT SITE

2.1 Montefiore

The site is known as Sir Moses Montefiore Jewish Home (Montefiore) and is located at 100-120 King Street and 30-36 Dangar Street Randwick, approximately four to five kilometres south-east of the Sydney CBD. The site has a total area of 29,353 square metres (m²) and currently accommodates an existing aged care facility (**Figure 1**).



Figure 1: Location of Montefiore and its surrounding context, existing aged care facility buildings labelled A to C (Base source: Nearmap)

The site is square in shape with frontages to King Street to the south, Dangar Street to the east and Govett Lane to the north. Its western boundary is shared with medium density residential flat buildings fronting King Street and the University of New South Wales.

The site is occupied by the existing aged care facility buildings (shown below as buildings A, B and C), which range in height from three to five storeys and provide 276 aged care beds. An existing childcare centre is located in the south-west corner of the site. The remainder of the site is occupied by landscaping, hard stand and surface car parking. Vehicular access to the site is from King Street.

2.2 The subject site

The subject site is located within the southern half of the Montefiore site at its the south-eastern corner. The site is bounded by King Street to the south and Dangar Street to the east, buildings A and B to the north and landscaping and the Montefiore Childcare building to the west (**Figure 2**)

The site currently contains building C (aged care), hard and soft landscaping and surface car parking.



Figure 2: The site (outlined in red) (Base source: Nearthmap)

The surrounding area comprises an established urban area, which is characterised by a variety of building forms, heights, ages and architectural styles. Nearby land uses include educational institutions, a bus depot, retail and low and medium density residential uses.

The part of King Street directly opposite the site comprises one and two storey semi-detached and terrace houses. The part of Dangar Street directly opposite the site comprises medium density housing and townhouses up to four storeys in height.

3. APPROVAL HISTORY

On 19 July 2011, the Planning Assessment Commission (the Commission) approved a Concept Plan (MP09_0188) (the Concept Approval) and Stage 1 Project Application (MP10_0044) (the Stage 1 Approval).

The Concept Approval provides for an aged care facility within two stages:

- **Stage 1:** Two 5-storey building envelopes (C and D) toward the south-eastern corner of the site providing residential aged care accommodation, support services and retail space fronting onto a public square

- **Stage 2:** A 4 to 6-storey building envelope (E) towards the south-western corner of the site providing residential aged care accommodation and ancillary spaces, a replacement childcare centre and associated car parking.

The Concept Approval has been modified on three occasions (**Table 1**) and provides for a total of:

- 126 aged care beds (17 residential aged care beds and 109 dementia beds)
- 104 independent living units (ILUs)
- 280 car parking spaces.

The Stage 1 Approval comprises the following:

- refurbishment and alteration of Building C
- a five storey building (Building D) providing for aged care and dementia care beds and support services (approximately 5,200 m²) and a retail unit at the ground level
- 170 car parking spaces
- a public square at the corner of King and Dangar Streets.

The Concept Approval and Stage 1 Approval have been modified as summarised in **Table 1** below.

Table 1: Modifications to the Concept Approval and Stage 1 Project Approval

MOD No.	Summary of Key Modifications	Approval Authority	Approved
Concept Approval			
MOD 1	Modification to Term of Approval A2 to reference Environmental Assessment and Preferred Project Report documents	Acting Director	11/01/2012
MOD 2	Amendment of building envelopes C, D and E (including new envelope F), increase of 68 ILUs, 15 specialist care/dementia beds, 63 car parking spaces, reduction of 40 childcare centre places and amendments to retail unit, general access and landscaping.	Commission	09/08/2016
MOD 3	Removal of the childcare use within Building Envelope F and replacement with two ILUs.	Acting Executive Director	26/07/2017
Stage 1 Project Approval			
MOD 1	Modification to Term of Approval A2 to reference Environmental Assessment and Preferred Project Report documents	Acting Director	11/01/2012

In granting consent to modify the Concept Approval (MP09_0188 MOD 2) the Commission imposed the following Term of Approval (ToA) and Future Environmental Assessment Requirement (FEAR) relating to maximum building heights:

6 Maximum Height

No part of the development shall exceed the following maximum building envelope heights:

- RL 59.00m for building envelope C*
- RL 61.63 for building envelope D*
- RL 64.83m for building envelope E*
- RL 58.53m for building envelope F*
- RL 0.9m above the maximum RL building envelope height for any minor projection through the roof plane for the purpose of any plant or lift overrun that is not visible from the public domain, immediately adjoining property or streetscape.*

8. Design of Top Storey of Building D

Future project / development application(s) shall demonstrate that the top storey of Building D and associated structure (above 57.753) provide an appropriate setback behind the street frontage height so it is not visible from a pedestrian's perspective on the footpath on the eastern side of Dangar Street directly opposite the building and:

- is architecturally treated to achieve a light weight external appearance*
- employs high quality materials and finishes.*

The layout of the Concept Approval and the Stage 1 Approval, as modified, are shown in **Figures 3 and 4**.

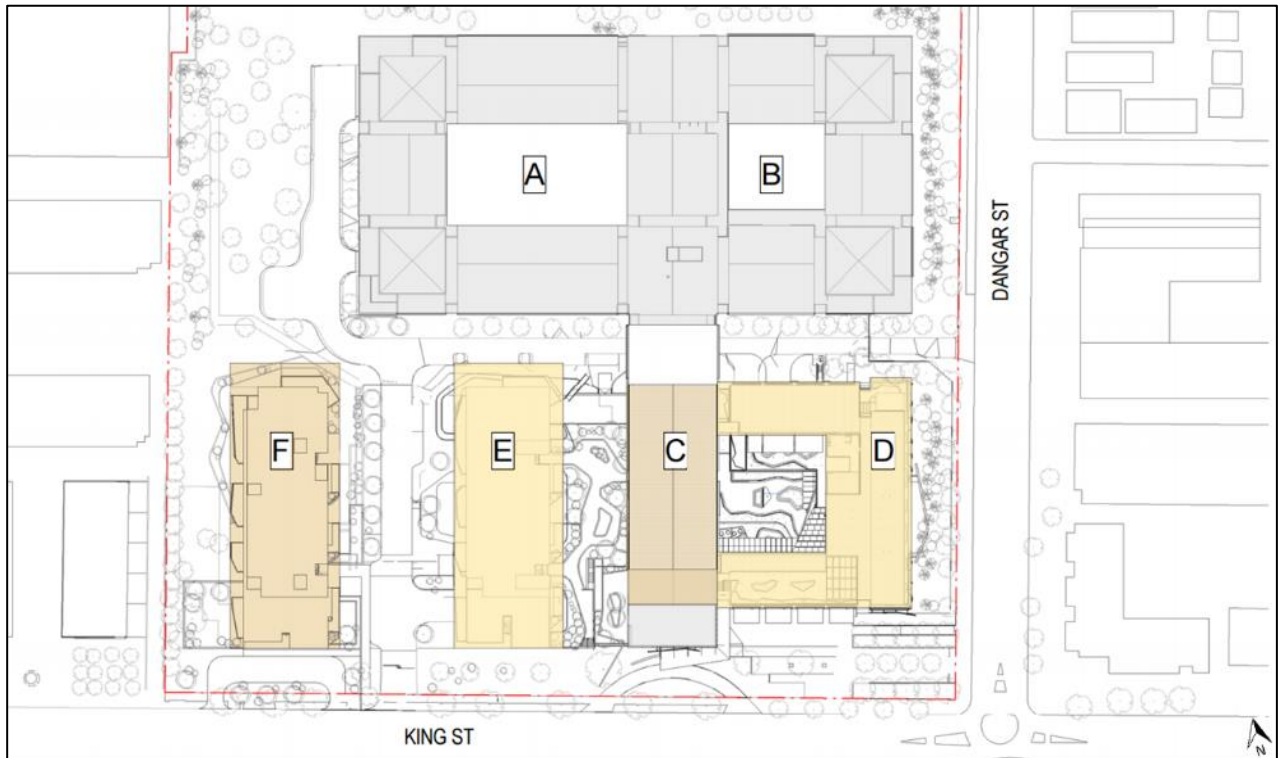


Figure 3: Concept Approval building envelope locations, layouts and heights (Source: MP09_0188)

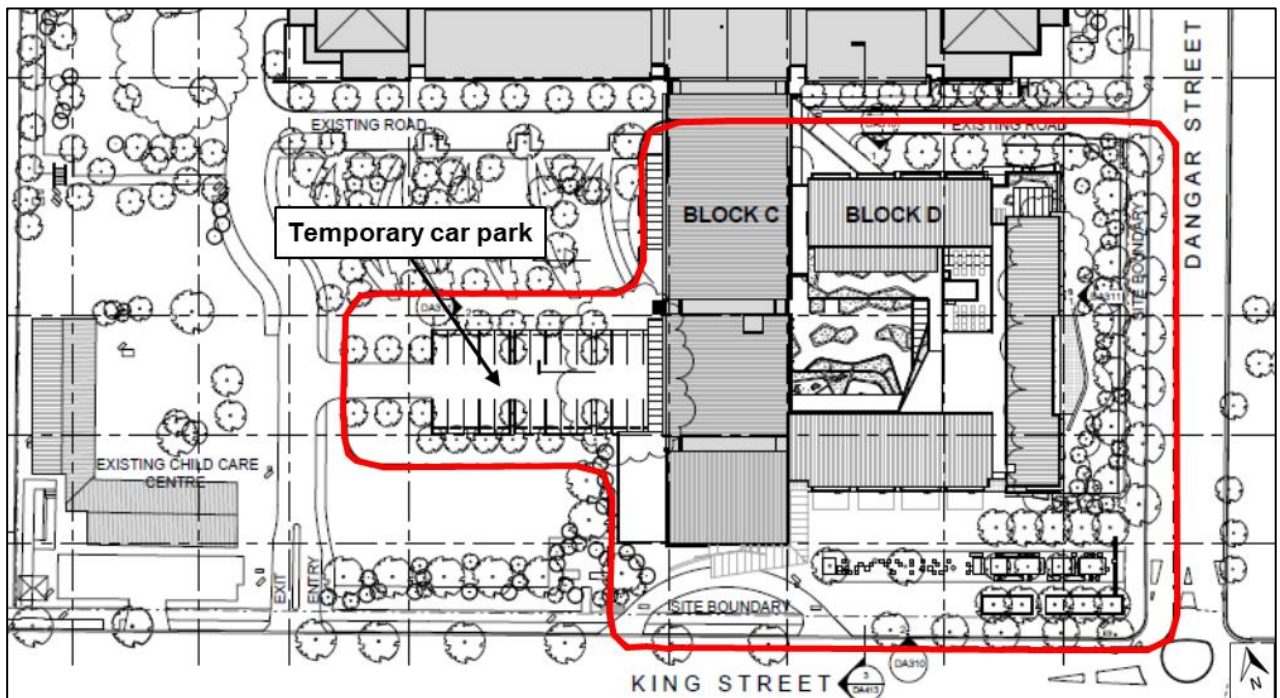


Figure 4: Stage 1 Project Approval boundary (Source: MP10_0044)

This application relates only to the Stage 1 Approval. The application does not propose amendments to the Concept Approval or the existing development within the northern portion of the site.

4. PROPOSED MODIFICATION

On 9 December 2016, the Proponent lodged a section 75W modification application (MP10_0044 MOD 2 seeking approval for:

- increase of five additional special care/dementia beds (from 82 to 87)
- reconfiguration and reallocation of uses within Building D and Building C
- infill of the corner terrace at the second floor level of building D with dementia care rooms
- separation of Building C and Building D (northern component) except for a walkway connecting the two buildings
- provision of a roof top plant room
- reconfiguration of the Building D internal courtyard
- reconfiguration of the retail floorspace and public plaza at the Building D King Street frontage
- reconfiguration of the basement car parking level, including:
 - reduction of 4 basement car parking spaces (from 38 to 34 spaces)
 - reduction of 2 temporary surface car parking spaces (from 28 to 26 spaces)
 - provision of a new loading area to the north east of the basement car parking level under Building D
 - amendments to circulation areas and other associated changes.

The modification is requested on the basis that the Stage 1 Project Approval needs to be updated/amended to reflect the changes to the development that were approved as part of the recently modified Concept Approval (MP09_0188 MOD 2). In addition, internal and external modifications are proposed to improve the efficiency of the development.

The modification application is shown at **Figures 5 to 7** below.

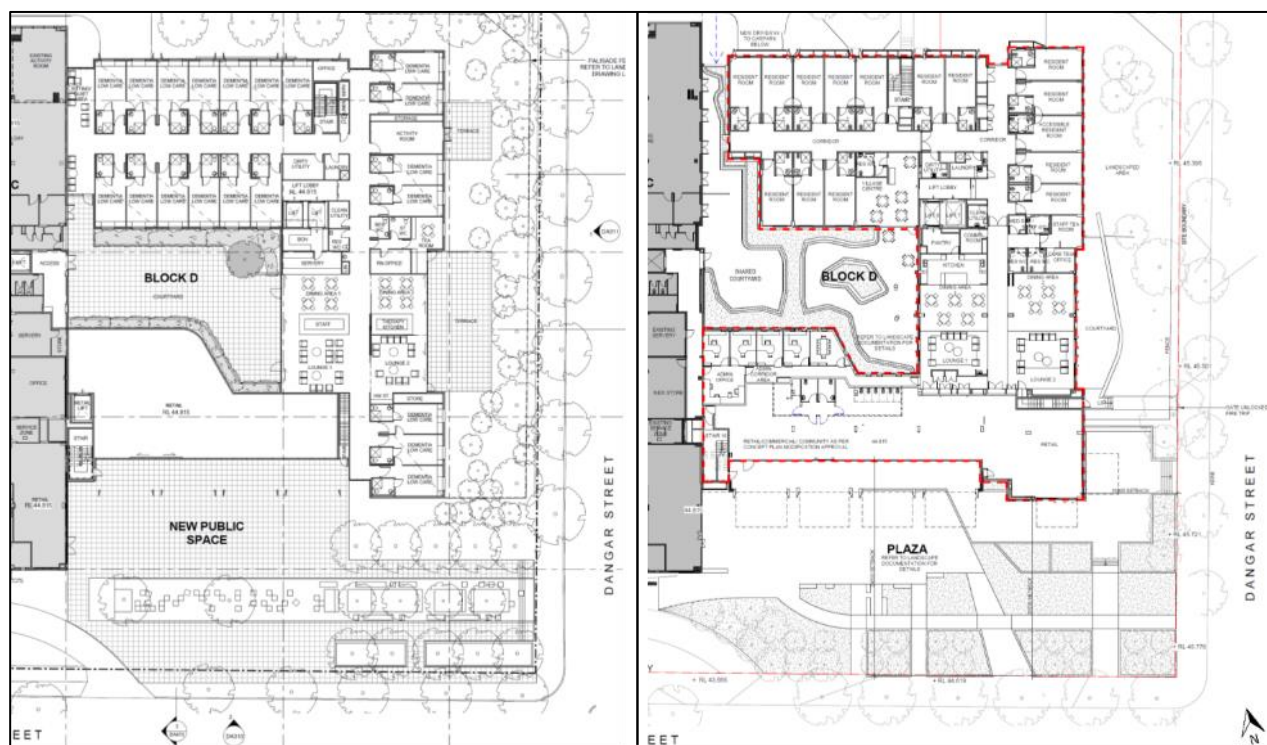


Figure 5: Approved (left) and modified (right) ground floor layout (Source: Proponent's application)



Figure 6: Approved (top) and proposed (bottom) King Street elevation, Concept Approval building edge maximum height (required by FEAR 8) shown as red dashed line (Source: MP10_0044 and Proponent's application)

Table 2: Comparison of the key differences between the Project Approval and proposed modification

Key Features	Concept Approval requirement	Project Approval	Proposed Modification	Difference
Building C Maximum Height	RL 59.00	RL 56.19	RL 56.19	0
Building D Maximum Height	RL 61.63	RL 59.6	RL 60.748	+1.148 m
Building D Building Edge Maximum Height	RL 57.75	RL 59.08 (Dangar St) RL 58.83 (King St)	RL 58.265 (Dangar St) RL 58.52 (King St)	+ 515 mm * + 770 mm *
Height in storeys	6 storeys (setback top floor)	5 storeys	6 storeys (setback top floor)	+ 1 storeys
Building setbacks	King St – 19.50 m Dangar St – 10 m	King St – 19.50 m Dangar St – 10 m	No change	0
Basement Levels	2	1	No change	0
Dementia High/Low Care Rooms	109 rooms	82 rooms	87 rooms	+5 rooms
Non-residential GFA	350 m ²	350 m ²	No change	0
Basement Car Parking Spaces	280	38	34	-4 spaces
At-Grade Surplus Car Parking Spaces		28	26	-2 spaces

* increase above the Concept Approval height

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *EP&A Act*. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the *EP&A Act*, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the *EP&A Act*, and do not constitute a new application as:

- it would not change the principle use of the site as an aged care facility

- it would not alter the approved building envelopes
- the proposed internal and external alterations to the development are minor in nature.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessment may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no more than 25 public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The Department made the modification application publicly available on its website, and referred the application to Randwick City Council (Council), Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) for comment. Letters were also sent to adjoining owners/occupiers about the proposed modification.

Council did not object to the proposal and provided the following comments:

- the protrusions of the parapets above the maximum Concept Approval building envelope height add visual bulk and scale to the development
- the additional plant level will be an overly dominant feature on the building and would overbear neighbouring properties
- the deletion of terraces will detrimentally affect the amenity of future residents
- insufficient justification has been provided for the reduction of car parking and its impact
- the use of the ground floor retail accommodation should not be expanded to include community and commercial uses
- the public square should be redesigned so that it is more usable as an area of passive open space.

RMS did not object to the proposal and stated that the reduction of car parking will not have a significant impact on the operation or efficiency of the classified road network.

TfNSW did not object to the proposal.

There were nine public submissions received objecting to the proposal. Key issues raised in public submissions include:

- increase in the height and bulk of the building
- the increase in height exceeds the Concept Approval maximum height controls
- increase in traffic impacts resulting from the removal of car parking
- additional view loss resulting from the inclusions of the plant room
- the modification sets a precedent for additional height within the surrounding area
- adverse impact from light pollution
- the building setback area should be capable of accommodating trees
- miscellaneous roof structures such as aerials, satellite dishes and air conditioning units should not be allowed
- the proposal is not consistent with the Randwick Local Environmental Plan (RLEP) 2012
- the Commission's decision should be final and no future modifications allowed
- reduction in property values.

6.2 Response to Submissions (RtS)

Following the notification of the modification application the Department placed copies of all submissions received on its website and requested that the Proponent provide a response to the issues raised in the submissions.

On 4 August 2017, the Proponent provided a RtS (**Appendix A**). The RtS contains further information and clarification of the key issues raised by Council and in public submissions. The RtS did not include any amendments to the proposal.

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.

Council considered the RtS and reiterated the following concerns from its original submission:

- the protrusions of the parapets above the maximum Concept Approval building envelope height add visual bulk and scale to the development.
- the use of the ground floor retail accommodation should not be expanded to include community and commercial uses.

Council also stated that the increase of the parapet height establishes a platform for future modification applications to add additional storeys to the development. Council reiterated its position in response to modification 2 of the Concept Approval (MP09_0188 MOD 2) that the development will be overbearing on the surrounding neighbourhood.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are

- building height
- traffic impacts.

All other issues are considered in **Table 4** below.

7.1. Building height

In its assessment of modification 2 of the Concept Approval, the Commission concluded the top floor of Building D was overly dominant and should be amended so it does not have an adverse visual impact on Dangar Street.

The Commission therefore imposed ToA 6 and FEAR 8, which stipulate the following building height parameters for Stage 1:

- Building D shall not exceed a maximum building height of RL 61.63
- the top storey of Building D shall be set back (above RL 57.75 at the building edge) so it is not visible from Dangar Street
- the height of plant and lift overrun shall not exceed 0.9 m above RL 61.63.

The top floor of Building D has been set back to address the Concept Approval requirements as shown at **Figure 7**.

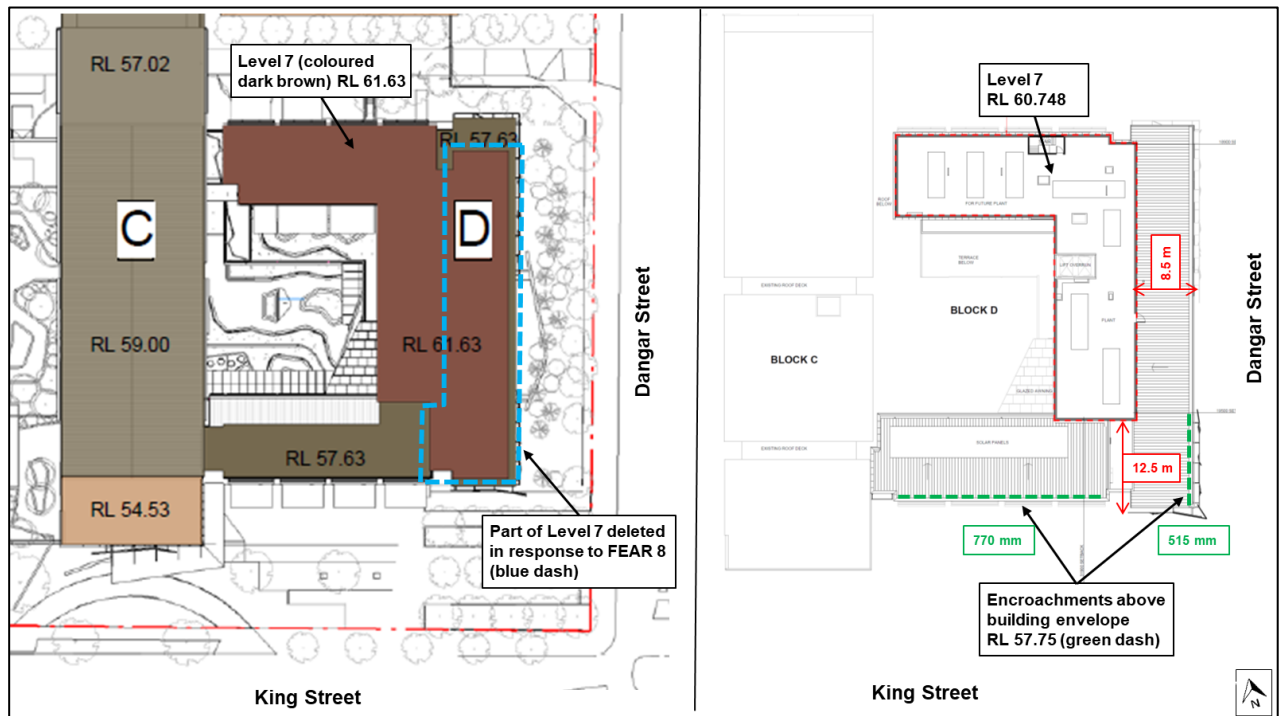


Figure 7: the top floor of the Concept Approval (left) and the modification including setbacks in response to FEAR 8 (right) (Base source: MP10_0188 MOD 2 and the modification application)

The modification includes the following minor height encroachments above the Concept Approval building envelope height (RL 57.75) at the building edge fronting King and Dangar Streets:

- 515 millimetres (mm) fronting Dangar Street, comprising a light weight architectural/façade screen
- 770 mm fronting King Street, comprising the building parapet.

The non-complying sections of the building are highlighted in green in **Figures 7 and 8**.



Figure 8: Modified King Street (top) and Dangar Street (bottom) elevations and the the location of height encroachments (Base source: the modification application)

Concern has been raised in public submissions and by Council the proposal exceeds the Concept Approval building envelope height and the encroachments adversely increase the bulk and visual impact of the building.

The Proponent has stated the 770 mm height exceedance along the King Street frontage is below the maximum height of Building D and adjoining Building C and is minor in nature. The 515 mm exceedance along the Dangar Street frontage extends less than a third of the façade, is lower than the maximum building envelope height (RL 61.63) and forms part of the architectural expression of the building.

The Department notes the architectural screen fronting Dangar Street provides an appropriate architectural treatment to the corner of the building, frames windows at each level of the building and achieves appropriate horizontal and vertical proportions. Similarly, the metal parapet fronting King Street provides an appropriate termination/capping to the elevation and architecturally unifies the four bays fronting the public plaza.

The Department considers the 770 mm and 515 mm encroachments above the RL 57.75 height limit are acceptable as:

- the building is setback 19.5 m from King Street and 10 m from Dangar Street and when viewed from the street, the encroachments are minor and are unlikely to be noticed
- the proposed building edge heights are lower than the Project Approval building edge heights as shown at **Table 2**
- the architectural screen fronting Dangar Street is contained within a relatively small proportion of the overall facade
- the architectural screen and the metal parapet are lightweight constructions that are architecturally integrated into the overall design of the building.

The Department also considers strict compliance with the height control would not result in any significant improvements in terms of the building's overall design and appearance. In light of the above, the Department considers the proposed building heights fronting King and Dangar Streets are acceptable and would not have an adverse impact on the surrounding area, appear overbearing or visually dominant.

7.2. Traffic impacts

The proposal includes the following changes relating to Buildings C and D:

- an increase of five dementia beds (from 82 to 87 beds)
- a reduction of four basement car parking spaces (from 38 to 34 spaces)
- a reduction of two temporary surface car parking spaces (in the location of approved Building E) (from 28 to 26 spaces).

Concern was raised in public submissions about reducing the number of car parking would have adverse traffic impacts and increase parking pressure.

In support of the application, the Proponent provided an updated Traffic Impact Assessment (TIA). The TIA concludes the modified proposal would not materially change the previously approved traffic and parking arrangements and represents an improvement over the current approvals in both traffic generation and parking provisions for the site.

The State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (Seniors SEPP) and the Randwick Development Control Plan (RDCP) 2013 require a site-wide minimum of 248 car parking spaces for the Concept Approval site. The Department notes the Concept Approval allows for up to 280 car parking spaces and therefore the proposal exceeds the minimum car parking requirement.

A breakdown of the required and proposed car parking spaces is provided at **Table 3**.

Table 3: The minimum and proposed car parking rates for the development

Use	Number	Minimum Parking Rate	Spaces required	Spaces Provided
Stage 1 – Buildings A, B and C				
Residential Care (existing)	276 beds 122 peak staff	1 space per 2 staff 1 space per 10 beds	89	150*
Dementia Care (proposed)	87 beds 20 peak staff	1 space per 2 staff 1 space per 15 beds	16	
Retail	350 m²	1 space per 40 m²	9	
Total			114	
Stage 2 – Buildings E and F				
ILUs	154 bedrooms	1 space per 2 bedrooms	77	143

* includes 26 temporary spaces to be deleted when Building E is constructed.

The Department considers the proposed modification would provide for sufficient car parking and not have an adverse traffic impact as:

- the modified proposal would continue to exceed the Seniors SEPP and RDCP minimum car parking requirements for within the Stage 1 site and cumulatively within the Concept Approval site
- regardless of whether Stage 1 (Buildings C and D) is constructed before or after proposed Stage 2 (Buildings E and F), both staged development options would exceed minimum car parking requirements
- the modified proposal would generate less traffic movements than what was previously assessed and approved under the Concept Plan.

The Department is therefore satisfied the proposed modification would continue to provide for sufficient car parking for the Stage 1 development and would not result in any adverse traffic or car parking impact on the surrounding area.

7.3. Other Issues

Table 4: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Consistency with Concept Approval</i>	- The Concept Approval includes the following relevant requirements: - Building C maximum building envelope height of RL 59.00 - Building D maximum building envelope height of RL 61.63 - maximum of 109 dementia care beds - maximum of 280 car parking spaces 350 m² retail accommodation - The proposed maximum height of Building D is 60.75 m and therefore complies with the Concept Approval maximum height. - The Building D parapets are 515 mm and 770 mm higher than the Concept Approval building envelope (RL 57.75). However, this is acceptable as discussed in Section 7.1. - The Building D top storey (above RL 57.75) has been set back so not to be visible from a pedestrian perspective on Dangar Street. - The proposed maximum height of Building C is RL 56.19 and therefore complies with the Concept Approval maximum height. - The proposed increase of five dementia care beds (from 82 to 87 beds) is less than the Concept Approval maximum (109 beds), and is therefore acceptable. - The proposed reduction of car parking spaces within Building D would not result in the overall car parking provision being less than the Seniors SEPP and RDCP minimum and the proposal would continue to comply with the Concept Approval maximum (280 spaces), as discussed at Section 7.2. - The proposal includes the provision of a 350 m² ground floor retail/business/commercial/community tenancy as discussed in the following section. - The Department is therefore satisfied the proposal remains consistent with the Concept Approval.	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
<i>Use of retail accommodation</i>	- The proposal seeks to amend Administrative Condition A1 - Description of Development, to broaden the use of the approved 350 m² retail tenancy fronting the public square to include retail, business, commercial or community uses. - Council has stated the use of the ground floor tenancy should not be expanded and raised concern insufficient information has been provided about the permanency of the unit or how it would be available to the wider Randwick community. - The Department notes this matter was considered in the assessment of modification 2 of the Concept Approval, and the Department concluded (and the Commission agreed) retail / business / commercial / community uses are appropriate uses in this location and provide flexibility for the future use of this space. The development description of the Concept Approval was therefore amended broadening the use of the retail unit to include business, commercial and community uses. - The Department therefore considers the proposed modification represents an administrative change to ensure the uses allowed within the Stage 1 application are consistent with the approved uses under the Concept Approval (as modified by modification 2). - The Department notes this modification does not include details of the fit-out of the tenancy and this would be subject to a separate application to Council for its approval. The Department considers Council's comments (above) would be more appropriately addressed as part of the future fit-out application. The Department recommends a new condition confirming the fit-out of the tenancy is not approved.	The Department has recommended a new condition confirming fit-out of the ground floor tenancy is not approved.
<i>View loss</i>	- The modification includes an increase in building height of 770 mm fronting King Street and 515 mm fronting Dangar Street, as discussed at Section 7.1. - Concerns have been raised in public submissions the increase in building height would adversely impact on views. - View impacts was a key consideration of the Department's assessment of the Concept Approval. The Department assessed the impact in views based on the Applicant's PPR scheme (MP10_0188 MOD 2), which proposed a 6-storey building envelope (i.e. it did not include the top floor setbacks currently proposed, as shown in Figure 7). The Department concluded the PPR scheme would have a negligible to minor impact on views and was acceptable. The Commission agreed the impact on views was acceptable. - The Department notes the proposed modification would result in a minor increase in height approximately three quarters of a storey less than what was previously assessed. - The Department is satisfied the proposed increase in building height would not have an impact on views beyond what was previously considered acceptable.	No additional conditions or amendments necessary.
<i>Light pollution</i>	- Concerns were raised in public submissions about the impact of light spill. - FEAR 7 requires future development applications (DAs) to include a lighting assessment to manage the impact of light spill onto neighbouring properties. - The Proponent submitted an Outdoor Lighting Statement (OLS), which assesses the potential light spill impacts of Stage 1 of the development. The OLS concludes all lighting relating to landscaping, security and safety shall be designed and installed in accordance with the requirements of Australian Standard AS 4282-1997 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i>. - The Department notes condition B4 of the Stage 1 Approval requires the development to comply with AS 4282-1997 to prevent adverse amenity impacts on neighbouring properties. - The Department is satisfied, subject to compliance with the Australian Standard, the impact of light spill can be managed and mitigated.	No additional conditions or amendments necessary.
<i>Landscaping and trees</i>	- Concern was raised in public submissions about the proposed landscaping not including any substantial trees. - The Proponent stated the landscaping proposal has been designed to integrate with the overall development. - The Department notes the landscaping scheme includes deep soil planting areas fronting Dangar and King Streets and includes trees up to 5 m in height. However the majority of trees are 2.5 m or less.	The Department has recommended a new condition requiring the landscaping plan be updated to include at least 4 medium sized trees.

Issue	Consideration	Recommendation
	- The Department agrees the development is capable of accommodating trees of a greater height, and considers this would further soften the overall impact of the development and therefore contribute to addressing some of the neighbouring resident's concerns. - The Department therefore recommends a condition requiring at least 4 medium sized trees that reach a minimum height of 15 m be included within the building setbacks fronting King and Dangar Street.	
<i>Consistency with the RLEP 2012</i>	- Concern was raised about the development not complying with the RLEP 2012. - The Department acknowledges the proposal exceeds height controls under the RLEP 2012. However, notes these exceedances were considered in detail as part of the assessment of the Concept Approval which concluded the height of the development is acceptable. - As the proposal building is less than the overall maximum building envelope height, approved under the Concept Approval, compliance with the RLEP 2012 height control is not necessary in this instance.	No additional conditions or amendments necessary.
<i>Development precedent</i>	- Concern was raised in public submissions that the proposed increase in building height may set a precedent for the development of other tall buildings within the locality. - The Department notes any development of surrounding land would be the subject of separate DAs to be submitted to and determined by Council and subject to the Council's height, floor space ratio and other planning controls. - The Department therefore does not consider the proposal would set a development precedent.	No additional conditions or amendments necessary.
<i>Other minor internal and external alterations</i>	- The proposal includes the following additional internal and external alterations to the building: - reconfigured internal dementia and administrative rooms and retail unit layouts - infill of second floor roof terrace with dementia rooms - reconfiguration of basement car parking layout including new loading bay - amendments to the building facades (including window, doors and architectural treatment) - revised layout and landscaping of the public square. - The internal changes to the building and the infill of the second floor terrace respond to Concept Approval (modification 2) and are wholly contained within the building envelope. The Department considers these changes are acceptable. - The reconfigured basement layout takes account of the broader changes to the development and are acceptable. - The amendments to the building facades result in minor alterations to accommodate the internal changes to the building. - The revised landscaping layout of the public plaza continue to provide for an accessible and usable space and are therefore acceptable. - Overall the Department is satisfied the above changes are minor and would not result in any adverse impacts.	No additional conditions or amendments necessary.
<i>Contamination, stormwater and ecological reports</i>	- The modification includes an updated site contamination, geotechnical, stormwater and ecological reports. - The contamination report includes an addendum site contamination review and updates the likely predicted contaminants on-site and recommends the development be undertaken in accordance with the remediation action plan (Condition D5). It also makes minor alterations to the approved demolition plan for the existing structures in the location of Building D. - The contamination report concludes the site remains suitable for its intended purpose subject to a detailed remediation action plan being undertaken. - The Stormwater report makes minor adjustments to the height of finished floor levels, drainage infrastructure and mounding within the landscaping to address flooding. - The ecological report has been updated to confirm modified Building D will achieve a water savings target of 25% and carbon emissions reduction target of 40%. - The Department considers these changes to be administrative in nature and recommends conditions A5 Ecological Sustainable	The Department has recommended a conditions A5, B14, D5 and D6 be updated to take account of the revised reports.

Issue	Consideration	Recommendation
	Development, B14 Stormwater D5 Remediation and D6 Demolition Plan be revised to refer to the updated reports.	
<i>The Commission's decision</i>	- Concern was raised about modifying the Commission's original decision on the Concept Approval / Stage 1 Approval. - The Department notes the planning process allows the Proponent to submit a modification application should it wish to do so. - The Department also notes the proposal is consistent with the Commission's recommendations about building height under FEAR 8. - The Department has assessed the proposed modification on its merits, having regard to the impacts of the proposal and issues raised in submissions. - The Department concludes, as discussed in this report, the proposed modification is acceptable.	No additional conditions or amendments necessary.

8. CONCLUSION

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

- the top floor of Building D is contained wholly within the Concept Approval building envelope, and has been set back to address the Concept Approval requirements
- the proposed increase in building height would not have an impact on views beyond what was previously considered appropriate and is therefore acceptable
- the proposed building height, which exceed RL 57.75 (at the building edge) fronting King and Dangar Streets is acceptable and would not have an adverse visual impact on the surrounding area
- the proposed modification would provide for sufficient car parking and not have an adverse traffic impact
- the use of the ground floor tenancy for flexible use is acceptable and the fit-out of the unit would be subject to a separate DA for the approval of Council
- the Department recommends a condition requiring the inclusion of at least four medium sized trees within the building setbacks fronting King and Dangar Street
- the proposal is consistent with the Concept Approval

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

9. RECOMMENDATION

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

- consider the findings and recommendations of this report
- determine that the application falls within the scope of section 75W of the EP&A Act
- approve the modification of Stage 1, Montefiore Aged Care Facility (MP 10_0044 MOD 2), subject to conditions
- sign the attached notice of modification (**Attachment A**).

Recommended by:

Recommended by:

Jane Flanagan
A/Team Leader
Modification Assessments

Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8143

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8143

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8143

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8143