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Shivesh Singh - Seniors Living Development, Scottish Hospital, 2 Cooper Street, Paddington (MP_0160)

From: Helen Lochhead
To: plan_comment
Date: 16/12/2010 8:30 PM
Subject: Seniors Living Development, Scottish Hospital, 2 Cooper Street, Paddington (MP_0160)
CC: gordon@thpads.com
Attachments: Scottish hospital submission.PDF

As local residents and concerned citizens we are writing to formally object to the above application.

The continuing use of the site for Aged Care is supported however the overall height, scale, bulk and cumulative impacts of the proposal as it stands is not supported and should be refused.

The attached submission outlines the reasons in support of this position.

If you have any queries please do not hesitate to contact me

Helen Lochhead
0411862755

15 December 2010

Attention: Shivesh Singh
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir

**Re: Seniors Living Development, Scottish Hospital, 2 Cooper Street, Paddington
(MP_0160)**

I am writing to formally object to the above application. The continuing use of the site for Aged Care is supported however the overall height, scale, bulk and cumulative impacts of the proposal as it stands is not supported and should be refused.

Introduction

Paddington is significant Conservation Area protected by detailed LEP and DCP controls.

The provision of Aged Care on the site of the Scottish Hospital is supported but the current Part 3A proposal before the department is not. The overall height, scale, bulk and cumulative impacts of the proposal as it stands is not supported and should be refused.

The proposal destroys the heritage significance of the last intact Gentry Estate in Paddington.

In 2002 after some 5 years of debate and protest Woollahra Council approved a 13,600 sqm (FSR 0.9:1) development on the site. We objected to the application on the grounds that it was too big and too intrusive. The new application being 19,500 sqm (FSR 1.32:10) appears to be some 45% bigger than the 2002 approved design. The characteristic FSR of the area is 0.75:1.

The only public benefits appear to be the provision of 12 new aged care beds and a 0.136 ha addition to Dillon Reserve.

The impact on the grounds and house of The Scottish Hospital is unacceptable and the application should be refused.

Project Brief

We appreciate the service and challenges provided by Presbyterian Aged Care NSW & ACT with 88 beds existing on the Scottish Hospital site however it would appear the provision of an additional 82 apartments on the site to support the new aged care facility is excessive.

While it is acknowledged that increased housing is important the average area per apartment is some 160 sqm GFA. This is excessive. The scale and bulk would be very different if the average ILU was 50-100 sqm GFA. The average terrace house accommodating a family ranges from 80-130 m².

We also note that the scale of the RACF would be reduced if the heritage building became part of the nursing home, rather than being 9 apartments on average of 220 sqm GFA.

We submit that the proposal does not achieve the right balance between development, housing density, affordability, impact on surrounding streets and heritage preservation and should be refused.

Planning and assessment framework

DGR'S

We support all the Planning Principles adopted by Woollahra Council and seeks assessment as if these were a requirement of the Director General.

Draft East Subregional Strategy

We support the continuing use of the place for aged care and its consequent employment benefits.

Paddington, with some 38 dwellings per hectare is already high density load. Any new dwellings should be small and affordable.

SEPP (Major Development) 2005

The proposal falls below the non-discretionary threshold of \$100 million.

As noted before the declaration assumed that the previous approved DA was some 17,500 sqm GFA (FSR 1.18:1). Council actually approved a DA for 13,600 sqm GFA (FSR 0.9:1), some 30% smaller than claimed by the applicant. This application should really be assessed by the Council.

SEPP (Housing for Seniors and People with a Disability) 2004

The proposal does not comply with **Clause 33 Neighbourhood Amenity and Streetscape** and should be refused.

The proposal does not "retain, complement and sensitively harmonise" with its Conservation Area. Six storey buildings are very close to the public street frontage. A nine storey building is proposed. The surrounding controls permit FSR 0.75 and heights of 9.5 metres. The controls if applied would facilitate harmony with the Conservation Area. The proposal does not comply with these controls or the surrounding area.

The analysis of the design response presented in Section 8 of the EA does not describe the real impact. The real impact is actually described in Appendix Q, The Solar Access Report.

The proposal compromises **Clause 35 Solar Access and Design for Climate** as the dwellings will be substantially shaded by existing trees. The applicant may argue that the trees are not a consideration. If so they are not a consideration in any visual analysis.

Seniors Living Policy – Urban Design Guidelines for Infill Development 2004

The proposed building forms do not respond to the context of the site.

Heritage and landscape elements are not retained and respected.

The built edge to Cooper Street and Stephen Street is not improved.

The bulk and scale will negatively impact neighbours on all surrounding streets

SEPP 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code (RFDC)

Context - The proposal does not comply with the heritage and Conservation Area context and the new buildings will not contribute to the quality and identity of the area.

Scale – The scale is inappropriate. The excessive height, bulk and scale does not suit the scale of and will dominate the historic Scottish Hospital, the street and surrounding buildings. The scale of surrounding buildings is best understood by the surrounding LEP controls.

Built Form – The built form is excessive in height, bulk and scale and inappropriate in form and detail. It will dominate the Conservation Area and the Scottish Hospital and the surrounding neighbourhood.

Density – The density is inappropriate, exceeding the surrounding density controls by over 75%.

Landscape – The landscape is inappropriate, with some 72 healthy trees being removed from the heritage listed grounds and garden.

Amenity – The amenity of the residents in the surrounding streets will be impacted by scale and bulk of the development, the increased traffic and the loss of trees.

Social dimensions and housing affordability – Affordability is questionable given the size of the proposed apartments

Aesthetics – The proposal does not exhibit design excellence and is not compatible with the Scottish Hospital or the Conservation Area. The buildings are overly complicated in massing and detail attempting to mitigate the excessive bulk and scale

The proposal does not comply with SEPP 65.

Woollahra LEP 1995 and Woollahra Council DCP's

The applicant should have regard to Council's LEP and DCP. Matters of height, density and heritage are dealt with elsewhere. The proposal is not consistent with the Paddington Heritage Conservation Area DCP 2009.

Woollahra Council Planning Principles for the Scottish Hospital Site

All the Planning Principles are supported.

The approved DA is a benchmark for density and bulk in the view of the Council and our view as does not accept the principles created by GMU for the site. The GMU principles have delivered the inappropriate outcome.

We agree with Council that excavation should not extend beyond the footprint of proposed buildings

We agree with Council that landscaping is not to be used to justify additional bulk. The only true material provided by the applicant to explain the impact of the built form is found in Appendix Q, Solar Access Assessment.

The Proposal

Demolition

We object to the removal of 71 healthy trees from the site. These trees should be retained. We do not support the justification that these trees are of "low conservation value" or are intrusive.

The trees and canopy contribute significantly to the local ecology as well as the overall character and amenity of the area. There are few opportunities in this built up area for large canopy trees and the trees on this site make a unique contribution that should be retained.

Environmental Assessment

Built Form and Urban Design Impacts

The Paddington Society does not agree with the "Preferred Option Diagram" for the site layout. The diagram "encloses" the terraces, develops in the Glen Street view corridor, does not setback sufficiently to Brown and Stephen Street, proposes development on the Brown Street gully, does not retain trees on Stephen Street, proposes development on the axis of Cooper Lane, proposes street widening to Stephen Street and assumes trees as some sort of height datum. We support none of these principles.

Proposed heights are incompatible with the Scottish Hospital and surrounding streets.

Brown Street ILU should not exceed the 15m approved in 2002 so as not to dominate the heritage significance of the Scottish Hospital and to not permit 6 floors to dominate Brown Street

RACF should not exceed the 12m approved in 2002 so as not to dominate the heritage significance of The Scottish Hospital or Stephen Street.

Stephen Street ILU should not be built at all to retain uninterrupted views into the site down Glen Street.

Woollahra Council have in their Planning Principles identified consequent FSR of 0.9:1 as appropriate for the site.

Existing inappropriate height as exhibited at 40 Stephen Street should not be used as justification for height on the site. The new rules were specifically created to prevent such things again in Paddington.

The proposed fracturing and stepping of form designed to "minimise" the impact of height creates an inappropriate architectural response. This is particularly apparent when so many trees are removed, exposing all this large development to public view.

The proposed buildings are not compatible with the height of buildings around the site or with the Scottish Hospital itself.

Heritage

Conservation Management Plan

The Conservation Management Plan fails to properly consider the heritage significance of the grounds and gardens. The CMP simply restates what fabric is in the LEP listing, and of exceptional significance, being the evidence of horticultural terraces and associated steps, paths and stone edging paths dating from 1889 or earlier and trees nominated on the Register of Significant trees held by Woollahra Council. There does not appear to be a landscape conservation management plan provided.

Justification for the removal of fabric of exceptional significance in the terrace gardens is not provided.

There is no justification provided for the removal of 88 healthy trees not appearing to be "based on their safety, relative significance, amenity value, and contribution to the landscape as a whole."

Recommendation Priority 1 of The Conservation Management Plan for the Setting is to;

- "Carry out conservation works to the remaining sandstone retaining wall and coping stone"
- "Retain and conserve the original stone stair located in the garden to the north of The Scottish Hospital"

The Conservation Management Plan offers no further guidance on the policy for the grounds and gardens of the last of the Gentry Estates. We recommend that a proper study is undertaken into the cultural significance of the grounds and gardens of The Scottish Hospital before any approvals are granted for this project. There is no conservation analysis of the cultural landscape of The Scottish Hospital.

Archaeological Statement and Impact

With regard to the terraces the archaeologist identifies that the "remains of the 19th century garden are likely to be unique within the local area and part of a rare resource generally".

The archaeologist identifies that the "proposed development will impact on the whole area once occupied by the terrace garden. Most of the remains will be removed. Why?

We need to be clear about the cultural significance of the terraces, the location of the fabric and why it may be removed. It may require substantial modification of the design. As far as we can ascertain the terraces are not even "interpreted" where they remain and a new dementia garden area is proposed in this location.

Landscape Heritage Impact

With regard to the terraces the Landscape Heritage Impact assessment identifies that "The terraces at the Scottish Hospital are rare if not unique in the eastern part of Sydney" and the "site has exceptional and high landscape heritage significance".

The assessment also states "The proposal provides for the retention and interpretation of the terraced slope to the north of the historic building". The conclusion of the report does not appear to be backed by any evidence. "The proposed development will result in considerable changes to the landscape but these are considered to be within the limits of acceptable change". This is not justified by another statement in the assessment. We agree that "the surviving section of terraced garden and the mature trees ...have exceptional/high historic, aesthetic and social significance for the area". This significance is not retained if the terraces are removed.

As noted above whilst an arboricultural study of the trees has been undertaken no heritage assessment of the trees appears to have been done. What trees relate to what phase of ownership and use in the site's historical chronology. No thorough landscape conservation analysis has been reported.

Excavation is proposed very close to many trees. Excavation and changes to the water levels could have a serious impact. Given the large basement it is impractical to "replace any trees assessed as Category A, B, C or D" as recommended by the landscape heritage consultant. We oppose the removal of the terraces and any existing trees without a thorough understanding of the landscape significance of this place. No justification for the removal of healthy trees is provided.

Heritage Impact Statement

We disagree that the impact on the Scottish Hospital Building is negligible and oppose any new construction in the roof.

We disagree that the impact on the Scottish Hospital site generally is acceptable for the reasons outlined above. The terraces should be retained and all healthy trees should be retained. The buildings are too high and dominant. The terrace view to the north should be "opened" not closed as proposed.

We disagree that the impact on the Paddington Conservation Area is acceptable. The buildings along Stephen Street are not set back 7 metres as recommended by the applicant's heritage consultant. The setbacks are as little as 2.5 metres, with any a excavation consequently right on the Stephen Street boundary. Given the Brown Street gully, buildings on Brown Street should be set back at least some 25 metres from Brown Street. All existing healthy trees should be retained.

The impact on the heritage significance is at worst unacceptable and at best unknown. The application should be refused on heritage grounds.

Public Domain

Paddington enjoys green views of the gardens and grounds of the Scottish Hospital from Brown Street, Glenview Street, Neild Avenue, Dillon Reserve, Stephen Street and Glen Street. The proposed design has a negative impact on every one of those views and the amenity of surrounding neighbourhood, with a nine storey building highly visible to Brown and Glenview Streets, the same building visible to Dillon Reserve and down Glen Street. In addition buildings up to six floors high align Stephen Street and impact views down Glen Street.

The cumulative impacts on the surrounding streets are unacceptable.

We do support expanding Dillon Reserve as public domain. We would expect proper community consultation about the changes in design to Dillon Reserve.

Landscaping and Open Space

The landscape design should be founded on a proper heritage assessment of the grounds and gardens. The work to date simply relies on the LEP listing by Woollahra Council. There has been no;

- proper detailed analysis of the heritage significance of the existing gardens,
- no assessment of when the 150 trees were placed in the gardens,
- no assessment of the significance of the Brown Street Gully, and
- poor knowledge about the remnant fabric of the terraces

There is no conservation analysis of the cultural landscape of The Scottish Hospital.

The arboricultural assessment does not assess the heritage significance of the trees.

The arboricultural assessment "recommends" the removal of over 70 trees simply because they are within "construction zones". This is no reason for removal. The trees should be retained. Most would be normally protected by Council tree protection controls. For example;

- T13 is 18m high, some 24m in diameter and in good condition (Retention Value B). It should be retained.
- T72 is a Hoop Pine, 20m high and in good condition (Retention Value A). It should be retained.
- T35 is 17m high, some 15m in diameter and in fair condition with good vigour (Retention Value B). It should be retained.
- T37 is 19m high, some 20m in diameter and in fair condition with good vigour (Retention Value B). It should be retained.
- T43 is some 17 m high, some 15m in diameter and in fair condition with good vigour (Retention Value B). It should be retained.
- T112 is some 16m high, some 9m in diameter and in fair condition with fair vigour (Retention Value B). It should be retained.
- T114 is some 20m high, some 20m in diameter and in fair condition with good vigour (Retention Value B). It should be retained.

A large number of trees in good and fair condition are proposed for removal. A total of 35 trees with Retention Value B are to be removed. They should all be retained.

As noted we also recommend that the removal of T116 be reviewed. This tree could be saved and is probably holding up a significant section of Brown Street.

Excavation is perilously close to many trees proposed to be retained. Notwithstanding the "pruning analysis" for two of the trees T18 and T81 identified in the arborist report the basement excavation will require additional branch and root pruning for these and many other trees.

We also note that the dementia garden appears to be in the most important part of the original terraces and the upper terraces are "privatised" as private courtyards.

Consequently we object strongly to the landscape plan proposed as it neither understands or respects the cultural heritage of the place.

View Loss

All the applicant studies and models assume vegetation. None of this vegetation is guaranteed and in many instances the material presented is misleading or simply wrong. The trees shown on the model are not correct. The best way to appreciate the impact on views into and around the site is to examine the 3D perspectives presented in Appendix Q, the Solar Access Assessment.

The views prepared do not respect the aperture of the human eye. All perspectives for the LEC are required to be 50mm views for accuracy.

To suggest as does the EA that there is no loss of view is clearly incorrect.

The impact on Brown Street, Dillon Reserve and on Stephen Street is unacceptable.

The impact on Views from Glenview and Glen Streets is unacceptable.

Parking, Transport and Accessibility

We understand that in fact the car park is designed to accommodate 176 cars, not 124 as stated. This is a huge consequent basement excavation. The amount of car parking on the site is excessive. This site is well connected to public transport. This quantum of parking will impact on the traffic on the surrounding narrow streets, the water table, the trees root zones and will contribute to the bulk of the development. The parking provision appears to be excessive for the location and the proposed uses

Stephen Street is a narrow Paddington Street, some 10 metres wide. It is inappropriate for service trucks to use this narrow street, particularly if service vehicles are required to reverse into the building. Reversing trucks are dangerous and noisy. The Transport Assessment incorrectly assumes that Stephen Street narrows at Glen Street. It does not. It narrows at Dillon Reserve.

Note that both access to Stephen Street and to Glen Street from Goodhope Street is very narrow. In fact Council identify Stephen Street as a no through road, presumably to discourage traffic in this typically narrow street Paddington Conservation Area.

We are not aware of any existing "disused" vehicle entry from Stephen Street.

Stage 1 anticipates that all access to the site would be from Stephen Street until Stage 2 is complete. Stephen Street is not suitable for this traffic, even on a temporary basis.

We oppose any entry to the site from Stephen Street

We also note that access for the disabled requires a 290 metre journey along Glenview Street (in part 1:12), Liverpool Street and MacDonald Street to access the bus stop. It is very poor access for such a significant development.

ESD

The Paddington Society supports the achievement of high ESD standards.

The scale of the development, the size of the apartments, the size of the excavation of the basement and the quantity of excavated material that will leave the site are contrary to sustainable principles.

The removal of nearly so many trees, the construction of basement parking and the consequent impact on the water table and local ecology is contrary to sustainable principles.

Threatened Species

The removal of nearly 88 trees from the site will impact on the foraging of the Grey-Headed Flying-Fox and any microbats on the site as well as the local Possum and bird population.

Drainage and Stormwater Management

The Rushcutters Bay flood plain is developing serious issues as Paddington continues to lose deep soil for hard surface. Where will water diverted from the site actually go?

The Scottish Hospital is an important part of the drainage system with its "rainforest" gully along the edge of Brown Street and area of significant deep soil in an otherwise very urbanised area. Changes to the drainage system could change the existing ecology. This could lead to exacerbated stormwater impacts downstream and tree damage.

Geotechnical and Hydrogeological Analysis

No assessment of the impact of the proposal on the hydrogeological environment of the grounds and gardens, in particular on trees on the site has been undertaken.

No consent should be given for any proposal on this site without a thorough understanding of the impacts of hard surfaces and basements on the water environment of the existing trees.

Utilities

The stormwater/sewer system in Stephen Street has serious problems. It regularly is blocked and overflows and requires pumping out. The streets flood on a semi-regular basis as the existing stormwater system does not have the capacity to deal with peak storm events. Increased development in the catchment will further exacerbate this without commensurate mitigation.

Staging

We note that the proposed construction of a new RACF and the transfer of existing residents to the new facility is a primary driver of the design and puts a very large and bulky nursing home on Stephen Street.

There are two alternative strategies that would both reduce the bulk and scale of the development. One is to use the Scottish Hospital as part of the nursing home, reducing the bulk of the Stephen Street building. The second is to relocate residents and build, as previously proposed, a new nursing home on the site of the existing nursing home.

It is also important to avoid the use of Stephen Street for access at any stage.

Housing Choice

Whilst there may be a demand for large 2 and 3 bedroom ILU apartments the Scottish Hospital site is inappropriate for large dwellings (up to 210 sqm GFA average in one building). Dwelling sizes should be as small as possible to minimize the impact on the site, the grounds, the gardens, the historic villa and on Paddington.

Contributions/Voluntary Planning Agreement

We support the dedication of 1366.1 sqm of land as an addition to Dillon Reserve.

We do not support

- Widening of Stephen Street
- 90 degree parking to Stephen Street

Community Consultation

The applicant did not actually engage with surrounding residents to develop a mutually acceptable design solution. The applicant essentially only took questions and at the end of each consultation session without responding and adjusting the design to respond to critical issues the community and Council raised. The scale of the project never changed.

If this is considered appropriate consultation under Part 3A the process is seriously flawed.

Conclusion

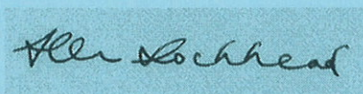
We do not support the assessment submitted to the Department of Planning. It is unacceptable in terms of height, bulk and scale and its consequent cumulative impacts on the local environment and the amenity of the area are unacceptable. In summary,

- There has been no proper responsive community consultation.
- The proposal does not comply with Seniors Living Policy-Urban Design Guidelines for infill development 2004 with regard to context, respect for heritage, built edges and impact on neighbours.
- The proposal does not comply with SEPP 65 or the RFDC with regard to scale, built form, density, landscape, amenity, affordability or aesthetics.
- The proposal does not comply in fact or spirit with the Woollahra LEP 1995
- The proposal does not comply with the Paddington Heritage DCP
- The proposal does not comply with Woollahra Council's Planning Principles for the site
- The proposal destroys the heritage significance of the last intact Gentry Estate in Paddington.
- The previous approval was for 13,600 sqm GFA, an FSR of 0.9:1. The new proposal exceeds this area by 6,000 sqm, an increase to FSR 1.32:1. The surrounding FSR is 0.75:1.
- Only 12 additional aged care nursing home beds result.
- ILU apartments are too many and too large. Any new dwellings should be smaller and provide housing mix.
- 71 healthy trees should not be removed.
- The buildings are excessive and inappropriate in height, bulk and scale.

- The Brown Street ILUI is too high at 9 floors near Brown Street and too close to Brown Street
- The Stephen Street is too high and too close to Stephen Street
- The Stephen Street ILU intrudes into the Glen Street view corridor and should be deleted
- The new buildings dominate the terraces
- The architectural response is too fractured and too stepped in form, trying to mitigate unsuccessfully against its height and bulk.
- No construction should be permitted in the Brown Street gully
- A basement car park for 124/176 cars is too big and impacts on existing trees and water table. The additional car movements will impact on local traffic. 73 car spaces were approved in 2002.
- The Conservation Management Plan fails to properly consider the heritage significance of the gardens and grounds. No landscape conservation management plan is provided.
- No heritage assessment of the trees has been provided.
- The heritage impact on the house and grounds is unacceptable
- No trees should be removed simply because they are within "construction zones"
- The view impact on Brown Street, Glenview Street, Dillon Reserve, Stephen Street and Glen Street is unacceptable.
- No vehicular access should be permitted from Stephen Street. All vehicular access should be from Brown Street.
- No assessment of the impact of hydro-geological on trees has been provided
- The scale of development, the size of apartments, the number of cars, the size of excavation, the quantity of excavated material and the removal of approx 90 trees is not in accordance with sustainability principles

For all of these reasons the application is not supported and should be refused.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Helen Lochhead', is written over a light blue rectangular background.

on behalf of

Helen Lochhead and Gordon Hinds