

12 July 2016

The Secretary  
NSW Department of Planning & Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ms McNally,

### Section 75W Amendment to MP10\_0016 - Scottish Hospital Paddington

This letter constitutes a request to amend the Project Approval for MP10\_0016 (Scottish Hospital Paddington) issued in May 2012 under the former Part 3A of the Environmental Planning (EP&A) Act 1979, and is prepared on behalf of Brookfield Multiplex Constructions Pty Ltd. The application is made in respect to land at 2 Cooper Street Paddington, legally described as Lot 2 DP 607572.

Following issue of the Project Approval, the EP&A Act was amended on 1 October 2011 to repeal the Part 3A Major Projects development assessment system. Despite this, provisions of the former Part 3A continue to apply to projects which had Director General's Requirements issued prior to 1 October 2011, including the subject project. Modification of the Project Approval is therefore to be undertaken in accordance with the former Part 3A assessment framework.

The former s75W of the Act enables a proponent to seek the Minister's modification of a Project Approval. Modification to amend MP10\_0016 is therefore sought under the former s75W of the EP&A Act 1979.

### Approvals History

The following approvals apply to the site:

- Major Project Approval was granted to the proposal in May 2012.
- A 75W modification was subsequently approved on 19 March 2015 in relation to conditions A3, A6 and E17.
- Plan amendments were approved on 2 May 2015 to fulfil condition B1.

### Conditions to be modified

Modification is sought to the approval in respect to eight (8) elements. Each is addressed separately below. Supporting documentation in respect to each of the modifications is provided with this application and is listed against each item for ease of reference.

## 1 Replacement of metal roof with concrete roof

It is proposed that the approved metal roof for both the Brown Street ILU and Stephen Street RACF/ILU building be replaced with concrete slab. The return fascias on the building elevations will remain clad in metal to maintain the appearance of a metal roof when viewed from the public domain.

The change in material is required for improved material longevity due to the site's proximity to the salt water body of Sydney Harbour, acoustic performance and thermal performance. It will also ensure ease of access to the roof for maintenance reasons.

### Supporting Documentation Provided

JPR Drawing Ref:

- A-X-B-1111 LEVEL 09 – ROOF PLAN – BROWN STREET BUILDING (AA) 16/06/16
- A-X-P-1106 LEVEL 06 PLAN (AA) 16/06/16
- A-X-P-1108 LEVEL 08 PLAN (AA) 16/06/16
- A-X-P-1109 LEVEL 09 ROOF PLAN (AA) 16/06/16
- A-X-R-1109 LEVEL 07 PLAN – RACF (AA) 16/06/16
- A-X-R-1110 LEVEL 08 – ROOF PLAN – RACF (AA) 16/06/16
- A-X-S-1108 LEVEL 06 PLAN – STEPHEN STREET BUILDING (AA) 16/06/16

See **Appendix A**

### Impact Assessment

The change in material will have no significant impact on the appearance of the building. There will be reduced reflectivity from the concrete roof into nearby apartment buildings surrounding the site. The concrete roof will be more easily maintained and therefore have an improved visual appearance in the long term.

No change to building appearance will result from the public domain due to the retention of metal fascias on the building elevations.

## 2 Clerestory Windows

It is proposed that there be a partial deletion of clerestory windows on the Stephen Street RACF Building and full deletion of clerestory windows on the Brown Street building.

This amendment is proposed to improve the longevity of the roofing materials, as well as to resolve a disalignment of the clerestory with the floor plan below. The clerestory windows in their approved location currently do not serve any purpose or provide any sunlight benefit to the upper level residences.

Deletion of this element will also provide additional thermal and acoustic benefits to the apartments below and reduce maintenance costs for the building.

#### Supporting Documentation Provided

JPR Drawing Ref

- A-X-B-1111 LEVEL 09 – ROOF PLAN – BROWN STREET BUILDING (AA) 16/06/16
- A-X-P-1108 LEVEL 08 PLAN (AA) 16/06/16
- A-X-P-1109 LEVEL 09 ROOF PLAN (AA) 16/06/16
- A-X-R-1110 LEVEL 08 – ROOF PLAN – RACF (AA) 16/06/16

Refer **Appendix A**.

#### Impact Assessment

The change in appearance to the roof structure will be minimal as a result of the removal of these clerestory windows. As their location is set towards the centre of the building, the removal will not be perceivable from the public domain. There will be no reduction in the overall design quality of the building as a result.

### 3 Stephen Street Palms

The approval required the relocation of palm trees from within the site to the Stephen Street frontage. Due to the length of time since the approval, the root balls of the subject palm trees have grown and will cause issues with respect to services reticulation and overland flow.

It is proposed to replace the palm trees along Stephen Street with Weeping Lilly Pilly *Waterhousea floribunda* which will provide increased screening, and locate the subject palm trees to the landscaping of the exercise area shown on the Site Image drawings.

#### Supporting Documentation Provided

Landscape Plan ref

- LA-P-1010 LANDSCAPE PLAN Rev 13 17/06/2016
- LA-P-1017 PLANTING PLAN Rev 7 17/06/2016
- LA-P-1014 PARKLAND Rev 12 17/06/2016
- LA-P-1018 PARKLAND FINISHED LEVELS Rev 7 05/07/2016

Refer **Appendix B**.

#### Impact Assessment

Relocation of the subject palm trees to the landscaped recreation area will ensure these trees are retained on site in a location that suits their current and future size and that will not impact on the provision of services or footings to the approved buildings. Improved screening will result to the Stephen Street building as a result of the introduction of lilly pilly along this frontage.

The proposal will result in an improved landscape solution for the site.

#### 4 Removal of Tree 5

Condition C4 requires the retention of Tree 5, a mature Camphor Laurel, *Cinnamomum camphora*, located near to the Brown Street vehicular entrance to the existing Residential Aged Care building at the west of the site.

Since approval, the layout of the construction vehicle access roadway for the Stage 2 construction works has been refined. In order to protect heritage listed Tree 6, the construction driveway is required to be located from the south to the north of that tree, in the location of Tree 5 therefore requiring its removal.

Tree 5 itself is not listed as a significant tree. Indeed its removal will improve the available conditions for Tree 6 and allow that tree to be better maintained and appreciated in the landscape of the site.

The accompanying letter dated 19 February 2016 prepared by the project Arborist, Tree Wise Men, provides the following reasons for the removal of Tree 5:

- It will provide better Stage 1 hardstand layout benefiting Heritage Listed Tree 6. Trucks and vehicles will not need to exit the gate south of Tree 6 indicated on PM-P-2002-Rev 3. This temporary driveway south of Tree 6 has not yet been constructed.
- It will provide a feasible construction zone for Stage 2 works
- It will benefit the more significant Heritage Listed Tree 6, Weeping Lilly Pilly *Waterhousea floribunda* by reducing competition for soil nutrients and water and allowing space for the crown to grow in a northwesterly direction.
- It will allow for better views of the full crown of Tree 6 from the main vehicular entrance to the site following site landscaping.
- It will allow for the retention of Tree 127 Port Jackson Fig, *Ficus rubiginosa* and Tree 133 Magenta Lilly Pilly, *Syzygium paniculatum* which would have been within the footprint of the hardstand of the Site Establishment – Stage 2, Rev.3 layout. The Site Establishment – Stage 2 Rev.4 with Tree 5 removed deletes the hardstand around Tree 127 and Tree 133. There will also be less Stage 2 hardstand construction required within the TPZs of Tree 122 and Tree 126.
- It will reduce the potential conflicts with the construction of the raised boardwalk adjacent to the new driveway as indicated on the landscape plan.

It is proposed that a replacement tree be located as shown on the revised landscape plans referenced below.

#### Supporting Documentation Provided

Tree Wise Men Report ref

- Arboricultural Assessment of Supporting Removal of Tree 5 Camphor Laurel: MP10\_0016 – “The Terraces” 2 Cooper Street, Paddington, dated 19 February 2016.

Refer **Appendix C**.

Landscape Plan ref

- LA-P-1010 LANDSCAPE PLAN Rev 13 17/06/2016

- LA-P-1017 PLANTING PLAN Rev 7 17/06/2016
- LA-P-1014 PARKLAND Rev 12 17/06/2016
- LA-P-1018 PARKLAND FINISHED LEVELS Rev 7 05/07/2016

Refer **Appendix B**.

#### Impact Assessment

The proposed removal of Tree 5 will result in an improved overall response to tree protection during the construction of Stage 2 works. It will benefit the growing conditions of other trees, especially heritage listed Tree 6. Provision of a replacement tree in an appropriate location in the vicinity will ensure the quantum of trees are retained on site.

The impact of this tree removal is therefore considered to be beneficial overall.

## 5 Removal of Tree 130

Tree 130 is a mature Sydney Red Gum, *Angophora costata* located adjacent to the currently occupied Residential Aged Care building at the western side of the site. The tree was approved for retention by way of Condition C4 of the Major Project Approval.

A number of construction conflicts have been identified that impact on the ability of the tree to be retained. The accompanying letter prepared by the project Arborist, Tree Wise Men, and dated 28 February 2016 provides the following reasons for the removal of Tree 130:

- The rootzone impact assessment for the AIA September 2010 was in error given the misinterpretation of the actual trunk centre.
- Significant excavation is required within the Structural Root Zone (SRZ) to the west (Driveway Ramp) and south (Basement walling) which will destabilise the tree.
- The crown pruning required for the new building and scaffolding is substantial and will impact significantly on the tree form, ULE and amenity value.

It is proposed that three replacement trees (NSW Christmas bush) be located in the same proximate location, being immediately north of the Brown Street building, as shown on the revised landscape plans below.

#### Supporting Documentation Provided

Tree Wise Men Report Ref:

- Arboricultural Assessment of Supporting Removal of Tree 130 Sydney Red Gum: MP10\_0016 "The Terraces" 2 Cooper Street, Paddington, dated 28 February 2016.

Refer **Appendix D**.

Landscape Plan ref

- LA-P-1001 SPECIFICATION NOTES AND PLANT SCHEDULE Rev 6 27/05/16
- LA-P-1010 LANDSCAPE PLAN Rev 13 17/06/2016

- LA-P-1017 PLANTING PLAN Rev 7 17/06/2016

Refer **Appendix B**.

#### Impact Assessment

If this tree is retained, it will interfere with the construction of the approved building and will also become unstable, with risk of injury to residents and visitors. Removal of the tree and replacement with another tree in an appropriate location will maintain the number of approved trees on site in a manner that is beneficial to the project overall.

## 6 Photovoltaic Cells on Brown Street ILU Roof

The BASIX report lodged with the original application relied on the provision of low energy refrigerators to each of the ILU apartments in order to meet energy targets.

Feedback from marketing and sales of the development advised a strong resident preference to supply their own refrigerator. As such, the BASIX assessment has been reviewed to remove the refrigerators and instead achieve the required energy targets by the provision of Photovoltaic Cells on the Brown Street building. This will result in a doubling of PV cell provision on the site from 10KV (on the RACF building) to a total of 20KV.

The updated roof plans referenced below show the location of the proposed PV cells required to meet BASIX targets for the building.

#### Supporting Documentation Provided

JPR Drawing Ref

- A-X-B-1111 LEVEL 09 ROOF PLAN – BROWN STREET BUILDING (AA) 16/06/16
- A-X-P-1109 LEVEL 09 ROOF PLAN (AA) 16/06/16

Refer **Appendix A**.

Updated BASIX Analysis by emf griffiths ref:

- Presbyterian Aged Care BASIX Analysis dated 29/03/2016

Refer **Appendix E**.

#### Impact Assessment

The provision of PV cells on the Brown Street building roof will have minimal visual impact on the appearance of the building. Their bulk will be generally similar to that of the approved clerestory windows (now proposed for removal) and as such will be consistent with the originally approved building scale. Orientation of the PV cells to the north will negate any reflectivity nuisance onto the residential apartments adjacent to the site.

The provision of these PV cells will ensure that the building meets the required BASIX energy targets identified in the original BASIX report helping to reduce reliance on traditional electrical power sources.

## 7 Enclosure of Stephen Street Void

The Stephen Street ILU building shown on the Level 03 Plan (Ref A-P-11-5 Rev 6) contains a void to the lobby two levels below. This void does not continue further up through the building.

A detailed review of the scheme has determined that this void area is non-compliant from a fire safety perspective and needs to be enclosed.

To make the best use of this space it is proposed to extend the kitchen footprint of adjacent apartments S-301 and S-304 into this space, in a manner similar to that undertaken on upper levels. There will be a minor increase in building GFA of approximately 14m<sup>2</sup>.

### Supporting Documentation Provided

JPR Drawing Ref

- A-X-S-1105 LEVEL 03 PLAN – STEPHEN STREET BUILDING (AA) 16/06/16

Refer **Appendix A**.

BASIX Commentary Ref

- BASIX Implications letter prepared by emf griffiths, dated 30 June 2016.

Refer **Appendix F**.

### Impact Assessment

The subject void is located away from the Stephen Street frontage of the building. Whilst its enclosure will result in a minor increase in GFA, the overall bulk and appearance of this building will remain the same. There will be an increase in area provided to two of the ILU apartments, improving the internal amenity of these dwellings.

The design modification will ensure that the building is compliant from a fire safety perspective. There will be no material impact resulting from the proposed modification.

## 8 Brown Street Theatrette

Approved plan ref DA 202 (Level 01 Plan Rev B dated 07/10/2010) includes a large area of storage at the basement level of the Brown Street building. This quantum of storage exceeds the level required for the building under *SEPP (Housing for Seniors and People with a Disability) 2004* and *SEPP 65 (Design Quality of Residential Apartment Development)*. It is proposed that 80m<sup>2</sup> of this space be converted to a theatrette for the use of residents and their visitors and for increased pool amenities.

An updated BCA report has been prepared addressing relevant compliance issues. The provision of storage space for the apartments in this building remains compliant with the *SEPP Seniors* and *SEPP 65* requirements as approved.

Whilst there will be a minor increase in building GFA of approximately 80m<sup>2</sup>, the overall appearance of the Brown Street building will not change.

### Supporting Documentation Provided

JPR Drawing Ref

- A-X-B-1103 LEVEL 01 PLAN – BROWN STREET BUILDING (AA) 16/06/16
- A-X-P-1101 LEVEL 01 PLAN (AA) 16/06/16

Refer **Appendix A**.

BCA Commentary ref

- Letter from Mckenzie Group dated 30 June 2016.

Refer **Appendix F**.

### Impact Assessment

The proposal will result in a minor increase in building GFA of approximately 80m<sup>2</sup>. This is all located below ground level and as such no change will result to the appearance of the building from the public domain or within the site.

The theatrette will provide improved recreational facilities on the site for future residents.

The proposal will retain the required storage provision for the apartments in this building as required by the development consent.

Overall there will be no perceptible change to the appearance or operation of the building from that originally approved.

### Conditions Proposed for Amendment

To reflect the above, it is proposed that the following conditions of approval be amended as detailed below. Additional text is included in **red**. Text for removal is shown ~~struck through~~.

#### CONDITION A3. DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance with the Environmental Assessment dated November 2010 prepared by Urbis and all Appendices, except where varied by

- The Preferred Project Report dated June 2011 and all Appendices;
- The Proponent's Statement of Commitments included in the PPR;
- **The emf griffiths Basix Analysis dated 29/03/2016**; and
- The following drawings:

DRAWING NO.	DRAWING TITLE	REVISION	DATE
Approved Plan Table			

**Except as modified by the following plans:**



DRAWING NO.	DRAWING TITLE	REVISION	DATE
<b>Architectural Plans</b>			
A-X-B-1103	LEVEL 01 PLAN – BROWN STREET BUILDING	(AA)	16/06/16
A-X-B-1111	LEVEL 09 – ROOF PLAN – BROWN STREET BUILDING	(AA)	16/06/16
A-X-P-1101	LEVEL 01 PLAN	(AA)	16/06/16
A-X-P-1103	LEVEL 03 PLAN	(AA)	16/06/16
A-X-P-1106	LEVEL 06 PLAN	(AA)	16/06/16
A-X-P-1108	LEVEL 08 PLAN	(AA)	16/06/16
A-X-P-1109	LEVEL 09 ROOF PLAN	(AA)	16/06/16
A-X-R-1109	LEVEL 07 PLAN - RACF	(AA)	16/06/16
A-X-R-1110	LEVEL 08 ROOF PLAN - RACF	(AA)	16/06/16
A-X-S-1105	LEVEL 03 PLAN – STEPHEN STREET BUILDING	(AA)	16/06/16
A-X-S-1106	LEVEL 04 PLAN – STEPHEN STREET BUILDING	(AA)	16/06/16
A-X-S-1107	LEVEL 05 PLAN – STEPHEN STREET BUILDING	(AA)	16/06/16
A-X-S-1108	LEVEL 06 PLAN – STEPHEN STREET BUILDING	(AA)	16/06/16
<b>Landscape Plans</b>			
LA-P-1000	COVER SHEET	7	17/06/2016
LA-P-1001	SPECIFICATION NOTES AND PLANT SCHEDULE	6	27/05/2016
LA-P-1010	LANDSCAPE PLAN	13	17/06/2016
LA-P-1014	PARKLAND	12	17/06/2016
LA-P-1017	PLANTING PLAN	7	17/06/2016
LA-P-1018	PARKLAND FINISHED LEVELS	7	05/07/2016

(note – LA-P-1000 Rev 7 is proposed to replace the approved Cover Sheet, for consistency)

#### CONDITION C4. TREE MANAGEMENT

Amendment as follows

##### (ii) Tree Management – Tree Retention

Trees must be retained on site, (with the exception of Trees T2, T4, **T5**, T9, ~~and~~ T18 and T130 which are approved for removal) are identified in

- the Tree Schedule provided in Attachment A of the Arboricultural Impact Assessment prepared by Tree Wise Men, dated September 2010;
- **the Arboricultural Assessment of Supporting Removal of Tree 5 Camphor Laurel: MP10\_0016 – “The Terraces” 2 Cooper Street, Paddington , prepared by Tree Wise Men, dated 19 February 2016, and**
- **the Arboricultural Assessment of Supporting Removal of Tree 130 Sydney Red Gum: MP10\_0016 – “The Terraces” 2 Cooper Street, Paddington, prepared by Tree Wise Men, dated 28 February 2016**

The Tree Protection Plans contained in Attachment E **these documents**, together with the 42 **Tree Protection Requirements** (TWMP1–TWMP12) **detailed in** the Attachment D of the Arboricultural Impact Assessment **these documents** are to be implemented to ensure the protection of trees to be retained.

#### CONDITION D7 TREE MANAGEMENT – TREE REMOVAL

Trees that are to be removed on the site are identified to the Tree Schedule provided in Attachment A and Attachment E of the Arboricultural Impact Assessment (in addition to Trees T2, T4, **T5**, T9, ~~and~~ T18, **and T130** which are approved for removal).

All trees assessed as Category A or B in the Tree Wise Men report and that are proposed for removal, are to be replaced with the same species propagated from the original or with similar species to maintain landscape character. All trees assessed as Category C or D in the Tree Wise Men Australia Pty Ltd report that are proposed for removal are to be replaced with a like number of trees of appropriate species to maintain/enhance the landscape character of the site.

All approved tree removal is to comply with Draft WorkCover Code of Practice for Tree Work (1998).

#### Impact of Proposed Condition Amendments on the overall Project

The proposed condition and design amendments will ensure the proposal proceeds on a basis that is operable and continues to meet relevant energy and BCA requirements. The overall landscape appearance of the site will be retained without the risk of damage to property or services, in a manner that protects the landscape heritage values of the site. Further, the proposed amendments will have no impact on the integrity of the landscape or built heritage value on the site.

The issues faced by the project in its approved configuration can be adequately addressed by the proposed amendments in a manner that will not significantly impact the building or landscape appearance, or overall operation of the site. In this regard, the proposed amendments are consistent with the original Project Approval and intent and for this reason it is considered appropriate that the proposed modifications be approved by the Minister for Planning.

## Conclusion

Should the Department require any further information or wish to discuss this application further, please contact me on 8233 9969 or via email [jparker@urbis.com.au](mailto:jparker@urbis.com.au).

Yours sincerely,



Jacqueline Parker  
Associate Director

Encl.

**Appendix A** – Revised Architectural Plans by JPR Architects

**Appendix B** – Revised Landscape Plans by Site Image

**Appendix C** – Arboricultural Assessment of Supporting Removal of Tree 5 Camphor Laurel:  
MP10\_0016 – “The Terraces” 2 Cooper Street, Paddington, dated 19 February 2016 by  
Tree Wise Men

**Appendix D** – Arboricultural Assessment of Supporting Removal of Tree 130 Sydney Red Gum:  
MP10\_0016 “The Terraces” 2 Cooper Street, Paddington, dated 28 February 2016 by  
Tree Wise Men

**Appendix E** –BASIX report by emf griffiths

**Appendix F** – BASIX Implications letter by emf griffiths

**Appendix G** – BCA Statement by Mackenzie Group