

Alexander Scott

Subject: FW: Request to modify Scottish Hospital Seniors Living & Aged Care Facility MP 10_0016 MOD 2 (Woollahra LGA)

From: JEGATHESAN Jana [<mailto:Jana.JEGATHESAN@rms.nsw.gov.au>]

Sent: Tuesday, 30 August 2016 11:31 AM

To: Leanne Grove <Leanne.Grove@planning.nsw.gov.au>

Subject: RE: Request to modify Scottish Hospital Seniors Living & Aged Care Facility MP 10_0016 MOD 2 (Woollahra LGA)

Hi Leanne,

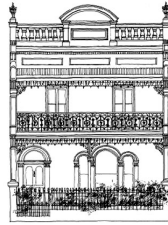
Roads and Maritime raises no objection to modify the approved seniors housing and aged care facility which includes:

- Internal alterations and additions to the Brown Street and Stephen Street buildings, construction of a theatrette and filling of an internal void
- Amendments to the roof material and window treatment to the Brown Street and Stephen Street buildings
- Changes to the approved planting within the site
- Addition and photovoltaic cells to the Brown Street building roof.

Regards,

Jana Jegathesan
Land Use Planner
Network Management | Journey Management
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
Level 7 27 Argyle Street Parramatta NSW 2150



THE PADDINGTON SOCIETY Inc.
For Community and Heritage
Est 1964

31 August 2016

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

Dear Secretary,

Section 75W Amendment to MP10_0016, Scottish Hospital Paddington

The Paddington Society objected to the original plans for the proposed Terraces development on the Scottish Hospital site, on grounds including:

- overdevelopment of the site –“too big, too deep and intrusive”
- the scale of the proposed buildings in a low scale residential area and the resulting adverse impact on surrounding residents
- the destruction of heritage landscape, including negation of remaining evidence of the original sandstone-walled terraces which defined the site, and
- removal of approximately 80 of the 151 mature trees.

The Society's submission (Submission no. 71, 20 December 2010) was only one of 103 submissions from the public, local and State government authorities, politicians and interest groups in response to the initial proposal.

Nevertheless the proposal was approved by the PAC in May 2012, after consideration by the Department of Planning and Infrastructure and amendments including reduction in the Brown Street building height from nine storeys to eight, changes to the street façade of the Stephen Street building and alternative options for landscape treatment within the boundary setback on Stephen Street in order to address concerns of residents.

The Minister's approval is now being sought for modifications to the original proposal in respect to 8 elements. Of particular concern in this proposal are:

- changes to landscape plans including replacement of palm trees with other species (amendment 3) and further removal of significant mature trees heretofore identified for preservation (amendments 4 and 5), and
- modifications to building use involving increased gross floor area (amendment 8).

Specific comments on these proposed amendments follow.

Amendment 3 Stephen Street Palms

The original approval included the relocation of several palms from elsewhere on the site to the Stephen Street boundary, to be interspersed with Weeping Lilly Pilly. It is now proposed the palms be relocated to the exercise area and Stephen Street be planted entirely with Weeping Lilly Pilly.

In the absence of any report from the arborist on this proposal, it might be inferred that the main reason for this proposal is economic or opportunistic. It does not respond to any element of the landscape plan. Relocation of the palms to create an exercise area on part of what was originally the lower lawn - then characterised by lawn and large shade trees - would completely change the landscape character in this area in contravention of Condition D7 of the development approval.

An unrelieved stand of Weeping Lilly Pilly along Stephen Street would result in a bland landscape solution and one which will only add to the bleakness created by the large building (including loading dock) being constructed so close to the boundary in this narrow street.

Amendment 4 Removal of Tree 5

Tree 5 is a mature 18m Camphor Laurel currently classified with Retention Value B. It is one of the largest remaining trees on the site. The Department and the PAC considered it of sufficient significance to be not only retained but listed among trees specified to be subject to special protection measures in the construction period (Approval document, Condition C5). The reasons given by the arborist are of 3 kinds:

1. improved convenience in construction phase;
2. benefits to other significant trees identified for retention, specifically Trees 6, 127 and 133
3. new plantings can be added as required.

Reasons related to 1 are matters of convenience for the builder and should not override the destruction of trees identified as deserving retention.

Reasons related to 2 include that it will reduce competition for and improve views of Tree 6, a Weeping Lilly Pilly which similar to Tree 5 has been identified as of sufficient significance to be retained and protected in the construction period. The arborist's report has not explored alternatives to removal of Tree 5, such as pruning of either or both trees and measures to improve water retention and soil nutrition, to the extent that these problems are serious.

Trees 127 (Port Jackson Fig) and 133 (Magenta Lilly Pilly) have previously been identified for retention. According to the arborist, both these trees are threatened by construction works unless Tree 5 is removed. This recommendation makes a nonsense of the original recommendation for retention of all these trees (among the minority of then existing trees to be preserved). Clearly the real reason is convenience for construction. All these trees should be retained.

Reason 3, new plantings, is no substitute for existing significant mature trees.

Amendment 5 Removal of Tree 130

Tree 130 is a 16m Sydney Red Gum (Angophora) rated as of Retention Value A. This tree species is protected under the Woollahra Tree Preservation Order. The reasons given for its removal all relate to improved convenience in the construction phase, apparently exacerbated by an error in the surveyor's plan putting the tree's trunk "marginally" further from the proposed driveway ramp to the basement than it actually is, and giving rise to the possibility that the tree will be undermined in construction of the proposed ramp.

There is no evidence that any alternatives to removal of this significant tree have been considered. In view of its high retention value, Tree 130 should be preserved even if this entails modifications to the construction plan. In view of the "marginal" nature of the survey error, this should be feasible.

Amendment 6 Photovoltaic Cells on Brown Street ILU roof.

The reduction of electricity requirements and consequent replacement of electricity generators with solar panels is welcome. As Paddington is a Heritage conservation Area installation of the solar panels should comply with the *Woollahra DCP 2015*, Chapter E6, Section 6.3, i.e. they should not be visible from the public domain. From the roof plans provided, the panels appear to be on a flat roof surrounded by a low parapet, which should ensure they are not visible.

Amendment 8 Brown Street Theatrette

While the conversion of an unnecessary storage area in the basement level of the Brown Street building to a theatrette would not affect the footprint of the building, it would involve an increase in GFA of 80 sq m. Considering major and widespread concerns about the scale of the development as expressed in submissions, this new usage previously considered unnecessary should not be permitted and the applicant should be required to take advantage of the freeing up of space to reduce the profile of the building. This would also ensure that the installation of a theatrette did not result in an increase in traffic and visitor impact on the site.

Additional changes Removal of Tree 18

As an addendum to all the above, we would like to object to the apparent disappearance of Tree 18 that was once such a prominent feature of the lower lawn. This is the first opportunity we have had to look at the revised landscape plans, and we note with dismay that Tree 18 is no longer shown anywhere – a tree that was such an important element in the approved development landscape plans.

This tree has a history. T18 was originally a heritage listed Port Jackson Fig, 20m high with a canopy in excess of 30m, Retention Value A. In mid 2011 some 9 or 10 months before the development approval, the Presbyterian Church submitted DA 130/2011, "Removal and Replacement of Heritage listed Port Jackson Fig." The arborist's report claimed the tree could be subject to failure and thus dangerous. The accompanying drawing showed the tree replacement close to its original position.

Council approved the removal on the basis that it be replaced as shown on the application drawing. Tree 18 was removed and a much smaller replacement was eventually planted as required. Then at the beginning of this year the replacement Tree 18 was removed and, according to the latest landscape plans, will not be replaced. Tree 19, also marked to be retained and the last tree left standing on the lower lawn, was also removed about this time apparently also without approval.

If Condition D7 of the development approval is to be met and the original landscape character is to be maintained, it is fundamental that Tree 18 be replaced and as close to its original position as possible. It must be stressed that this removal is also in contravention of the original Council approval conditions.

Summary

For the reasons stated above, The Paddington Society requests that Amendments 3, 4 and 5 relating to changes in the landscape plan be refused. We also ask that the unapproved removal of the replacement for Tree 18 be rectified by the planting of a similar tree as close to its original site as possible.

We consider any approval to remove trees that are designated to be retained sets a worrying precedent. More than enough trees have been removed from this site - well over the 61% approved and stage 2 is not begun. Will the eastern half of this site become as barren as the western side is now?

In respect to Amendment 8, the Society requests that the freeing up of space by the deletion of storage space in the basement of the Brown Street building be required to be used to reduce the profile of the building.

We have no objections to Amendment 6 provided that the result complies with the *Woollahra DCP 2015*. We have no objections to Amendments 1, 2 and 7.

Yours faithfully,

Will Mrongovius,
President, The Paddington Society
Per John Millbank,
Executive Committee
Ph 02 9331 5773



Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

File: SF/FB55069
Job ID: DOC16/389145
Your Ref: MP 10 0016 MOD 2

Mr Brendon Roberts
Acting Team Leader
Key Site Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Alexander Scott

Dear Mr Brendon Roberts

RE: Heritage Council comments on Section 75W request to modify the project approval for the Scottish Hospital Seniors Living and Aged Care Facility (MP 10-0016 MOD 2), Paddington.

I refer to your letter dated 2 August 2016 inviting comments on modifications to the above State Significant Development application for 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. The amendments include: replacement of metal roofs with concrete roofs; partial deletion of clerestory windows on the Stephen Street RACF Building and full deletion of clerestory windows on the Brown Street building; the relocation of palm trees from within the site; removal and replacement of Tree 5; removal and replacement of Tree 130; the provision of Photo Voltaic cells on the Brown Street building roof; enclosure of Stephen Street Void; and conversion of existing space to a theatre for residents and their guests.

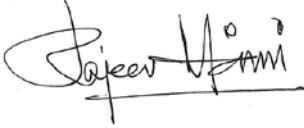
As delegate of the Heritage Council of NSW, I provide the following comments:

- The proposed development is not proposed to alter the fabric of or impact on the significance of any State heritage item in the vicinity.
- Although No 2 Cooper Street, Paddington is not on the State Heritage Register it has been identified as being of State significance with portions identified as having archaeological potential. The proposed works do not impact on this item.
- No SHR items require protection from potential damage during construction works associated with the proposed modifications to the proposal.
- If any archaeological relics are uncovered during the course of the construction, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains, shall be submitted to the Heritage Division. Depending on the results of the

assessment, an excavation permit may be required under the NSW Heritage Act, 1977 before construction can continue in that area.

If you have any questions regarding the above advice, please contact James Quoye, Heritage Officer, Heritage Division, Office of Environment and Heritage, at e-mail: james.quoye@environment.nsw.gov.au or on telephone: 9873 8612.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line drawn underneath.

Rajeev Maini

Acting Manager, Conservation

Heritage Division

Office of Environment & Heritage

As Delegate of the NSW Heritage Council

1 September 2016

1 September 2016
The Hon Rob Stokes MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

**Modification to Scottish Hospital
Seniors Housing and Care Facility MP10_0016**

I write in support of community concern about proposed modifications to this development, which include construction of a theatre in the internal void and the addition of photovoltaic cells on the Brown Street building and changes to landscaping including additional tree removal.

There are longstanding community concerns about overdevelopment of this site, loss of remnant rainforest and historic gardens and tree canopy, notwithstanding community support for the approved aged care accommodation. There is particular concern about further proposals for tree removal and relocation.

Constituents who have contacted me point out that there is no arborist justification for the proposed relocation of palm trees from across the site to the Stephen Street boundary where they will be interspersed with Weeping Lilly Pilly trees. They say the relocation would result in an unrelieved visual presentation of the large industrial building approved for Stephen Street. They also say it is inconsistent with the approval Condition D7 which requires protection of the previous extensive gardens.

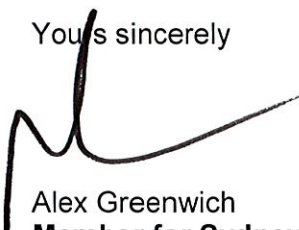
My constituents are concerned about the proposed removal of trees 5 (mature Camphor Laurel), 127 (Port Jackson Fig), 133 (Magenta Lilly Pilly) and 130 (Sydney Red Gum) which are highly valued by the Paddington community and retained under consent conditions. Removal of these trees would add significantly to the already approved loss, leaving little tree cover from what was an historic garden.

My constituents are concerned that all advanced replacement trees be planted as early as possible. According to them, the large heritage listed Port Jackson Fig Tree 18 has been removed but no replacement planted.

I share constituents' concern about another group of trees requested for removal to make construction easier. The trees are an essential part of this important heritage site within heritage Paddington and I support their call for all current trees to be retained with landscape plan amendments 3, 4 and 5 refused.

Could you please ensure the protection of remaining trees and green landscaping in the Scottish Hospital development and inform me what action you will take?

Yours sincerely



Alex Greenwich
Member for Sydney

CC: Alexander Scott, Department of Planning and Environment

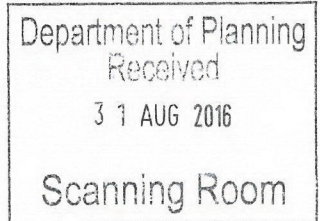


Att Ben Lusher
Director
Key Sites Assessments
Department of Planning and Environment
GPO Box 39 Sydney 2001



Dear Sir,

**Re Request to Modify the Project Approval for the Scottish Hospital Seniors Living and Aged Care Facility
Section 75W Amendment to MP10_0016**



Modification to the approval is sought in respect to 8 elements.

We object to items 3, 4, 5, 6 and 8. We also object to the removal of Tree 18

The key issue here is that progressively the significant gardens of the Scottish Hospital are quite literally being destroyed. There are virtually no trees retained in the eastern half of the site and now we are seeing applications for the removal of trees required to be retained under the project approval in the western half of the site.

The consent was granted on the basis that these trees would be retained and could be retained. The consent was granted on the basis that the project could be constructed with these trees in place and it should be constructed with these trees in place.

Item 3, Stephen St Palms.

The approval called for relocation of several palms from elsewhere on the site to the Stephen St boundary to be interspersed with Weeping Lilly Pillies. Apparently this is no longer feasible due to the increase in size of the root balls since the approval, and these are to be replaced with more Weeping Lilly Pilly. There is no evidence submitted that these root balls have increased in size.

There is no report from the arborist on this, but it is now only 4 years since approval and palm trees are notoriously slow growing, it is unlikely then that is the reason for the proposed change.

It would be preferable for the proposed relocated palms to be replaced with new good sized palms than have a solid wall of Weeping Lilly Pilly - a particularly uninspiring landscape solution and one which will only add to the bleakness of the chasm created by this large building so close to the boundary on this very narrow street.

As for the 'Palm Circle' the proposal for the relocation of these palms - here Condition D7 of the approval, which calls for maintenance of the landscape character, is not being met - this was parkland - lawn and large shade trees - there was no palm in this area

We object to the change from Lilly Pilly dispersed with palms to palms only. No sound argument has been put to support this amendment.

Item 4 Removal of Tree 5

Here we have a report by the arborist, but it seems there is no good reason for the removal of this tree other than the builder's inconvenience. It is the responsibility of the builder to construct

without impact on the trees to be retained. It has always been a garden where significant trees compete for the sky. Changes to construction access are no justification for the removal of this tree.

This Camphor Laurel is one of the largest trees on the site and it should be retained.

This is just the beginning, by the end of this construction process the west side of this site will look very much like the eastern side does now – there will always be construction excuses for the removal of trees. This was a very significant heritage garden. As it is, we calculate, up to date 75% of the trees have been removed from the site. At the time of the proposal and approval it was to be a mere 61% tree removal.

We object to the removal of this large and important tree. Refinement of construction access is no justification for removal. It may not be listed as significant, but it is a very significant piece of the existing garden.

Item 5, Removal of Tree 130

The arborist's report recommends the removal of this significant Retention Value A Sydney Blue Gum because the arborist and that architect made a mistake about the location of the tree.

If a mistake has been made about the location of the tree listed for retention then the design of the building should be modified to rectify the mistake, not remove the tree!

We object to the removal of this significant tree. The justification is no justification at all.

We are not aware that NSW Christmas Bushes are appropriate as a replacement tree in the Scottish Hospital Garden.

Item 6, Photovoltaic cells on Brown St ILU roof.

This is a Heritage Conservation Area and installation should comply with Woollahra DCP 2015, Chapter E6, Section 6.3.

We object to any photovoltaic cells visible in the public domain of the Heritage Conservation Area.

Item 8, Brown St Theatre

This is proposed on the ground floor of the Brown St Building, eastern side, an increase of GFA of approx. 80 sq.m.

Considering the FSR of this building already far exceeds what should have been allowed – this should not be permitted.

We object to any additional floor space on the site, with its consequent traffic and visitor impacts.

Additional issue, Tree 18

The original consent approved the retention of a large fig in the lawn, Tree 18.

Council approved the removal of this tree before consent for the project and after one of the multi stems collapsed and it was (incorrectly) assumed after the arborist's report that the remainder of the tree was unsound. (cutting down the tree showed no evidence of disease). The council condition of approval was that T18 would be replaced by another fig in the location of the fig to be removed.

A replacement fig was planted, but in the wrong location. When this was pointed out another T18 fig was planted in the correct location for retention.

This new fig T18 has simply disappeared. It was removed without consent early this year. The new plans submitted for approval do not show fig T18. We seek your examination of this failure to comply with the original consent. T18 should be replaced in its original position.

In summary we submit that no valid argument has been put for the removal of the palms or trees T5, T18 and T130.

We have made no reportable donations in the last 2 years.

[REDACTED]

[REDACTED]



**Transport
for NSW**

Mr Brendon Roberts
Acting Team Leader
Key Sites Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Alexander Scott

Dear Mr Roberts

**Section 75W Request to Modify the Project Approval for the Scottish Hospital Seniors
Living and Aged Care Facility (MP10_0016 MOD 2)**

Thank you for your letter dated 2 August 2016, requesting Transport for NSW (TfNSW) review and comment on the above.

TfNSW has reviewed the submitted information and has no further comment on the development application.

If you require further clarification regarding this matter, please don't hesitate to contact Para Sangar, Senior Transport Planner on 8202 2672.

Yours sincerely



2/9/16

Mark Ozinga
**Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning**

Objective Reference CD16/11157