

SIR MOSES MONTEFIORE JEWISH HOME

SECTION 75W MODIFICATION
TO MP 10_0044



09 DECEMBER 2016
SA5652
FINAL
PREPARED FOR SIR MOSES MONTEFIORE JEWISH HOME



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Project Code	SA5652
Report Number	Final for submission

TABLE OF CONTENTS

1. INTRODUCTION	3
1.1. OVERVIEW	3
1.2. PROJECT TEAM	4
1.3. REPORT STRUCTURE	4
1.4. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS	5
2. BACKGROUND	10
2.1. CONCEPT PLAN APPROVAL MP09_0188	10
2.2. PROJECT APPLICATION MP10_0044	10
2.3. CONCEPT PLAN MODIFICATION – MP09_0188 MOD 2	11
2.4. CONSULTATION	12
2.5. REASON FOR MODIFICATION APPLICATION	12
3. SITE AND CONTEXT	14
3.1. SITE LOCATION AND DESCRIPTION	14
3.2. EXISTING DEVELOPMENT	15
4. DESCRIPTION OF THE PROPOSED MODIFICATIONS	16
4.1. OVERVIEW	16
4.2. DETAILED DESCRIPTION OF THE PROPOSED MODIFICATIONS	17
4.3. PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT (MP10_0044)	23
5. ENVIRONMENTAL ASSESSMENT	26
5.1. APPLICATION OF SECTION 75W	26
5.2. ASSESSMENT AGAINST THE CONCEPT PLAN APPROVAL MP09_0188 (AS MODIFIED)	27
5.3. CONSISTENCY WITH RELEVANT STRATEGIC PLANNING POLICIES	30
5.4. CONSISTENCY WITH RELEVANT STATUTORY POLICIES	32
5.5. RANDWICK COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2013	38
6. ENVIRONMENTAL IMPACTS	41
6.1. BUILT FORM AND URBAN DESIGN	41
6.2. RESIDENTIAL AMENITY	43
6.3. VISUAL IMPACT AND VIEWS	44
6.4. LANDSCAPING AND PUBLIC DOMAIN	44
6.5. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN	45
6.6. ACCESS AND PARKING	46
6.7. WATER CYCLE AND STORMWATER MANAGEMENT	46
6.8. GEOTECHNICAL CONDITIONS	46
6.9. CONTAMINATION	46
6.10. SUSTAINABILITY	47
6.11. WASTE	47
6.12. SOCIAL AND ECONOMIC IMPACTS	48
6.13. STATEMENT OF COMMITMENTS	48
7. CONCLUSION	49

APPENDICES

APPENDIX A	MODIFIED ARCHITECTURAL PLANS & ARCHITECTURAL DESIGN STATEMENT	51
APPENDIX B	LANDSCAPE PLANS & LANDSCAPE DESIGN REPORT.....	52
APPENDIX C	TRAFFIC IMPACT STATEMENT	53
APPENDIX D	SUPPLEMENTAL FLOOD AND STORMWATER REPORT	54
APPENDIX E	ENERGY EFFICIENCY REPORT	55
APPENDIX F	ADDENDUM CONSULTATION REPORT	56
APPENDIX G	BCA, ACCESSIBILITY & FIRE ENGINEERING	57
APPENDIX H	QUANTITY SURVEYOR'S COST REPORT	58
APPENDIX I	ADDENDUM CONSTRUCTION MANAGEMENT PLAN.....	59
APPENDIX J	UTILITIES STATEMENT	60
APPENDIX K	ACOUSTIC ASSESSMENT	61
APPENDIX L	SITE CONTAMINATION REVIEW	62
APPENDIX M	WATER SAVINGS LETTER	63
APPENDIX N	GEOTECHNICAL INVESTIGATION REPORT	64
APPENDIX O	OUTDOOR LIGHTING STATEMENT.....	65
APPENDIX P	SITE SURVEY	66

FIGURES

Figure 1 – Subject Site	14
Figure 2 – Façade detail at the corner of King Street/Dangar Street	17
Figure 3 – Cross section detail of the Façade Screen	18
Figure 4 – Oblique view showing façade screen	18
Figure 5 – Parapet on part of the King Street façade	18
Figure 6 – Proposed Minor Infill of Building D Notch.....	20
Figure 7 – Façade detail at the corner of King Street/Dangar Street	41
Figure 8 – Cross section detail of the Façade Screen	42
Figure 9 – Oblique view showing façade screen	42
Figure 10 – Parapet on part of the King Street façade	42
Figure 11 – Proposed Minor Infill of Building D Notch.....	43

TABLES

Table 1 – Project Team	4
Table 2 – Director General's Assessment Requirements	5
Table 3 – Numerical Comparison of approved scheme to proposed modified scheme.....	16
Table 4 – Assessment of the proposed Project Application modification against the Concept Plan Approval	27
Table 5 – A Plan for Growing Sydney	30
Table 6 – Assessment of the proposed modification against SEPP Seniors	32
Table 7 – RDCP 2013 Assessment.....	38
Table 8 – Assessment against the CPTED Criteria	45

STATEMENT OF VALIDITY

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Land Details: Sir Moses Montefiore Jewish Home
100 – 102 King Street and 30 – 36 Dangar Street, Randwick (Lot 202 DP879576)

Applicant Details: Sir Moses Montefiore Jewish Home

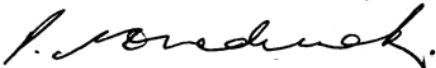
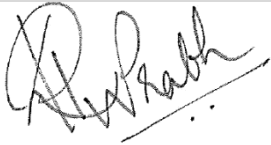
Applicant Address: 30-36 Dangar Street, Randwick

Project Summary: Modification to the Approved Project Application MP10_0044 (as previously modified) for Building D at the 'Sir Moses Montefiore Jewish Home' Seniors Housing and Aged Care Facility

Declaration

We certify that the contents of the Section 75W report to the best of our knowledge, have been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000*; and
- The information contained in this report is true in all material particulars and is not misleading.

	
Peter Strudwick	Vijay Prabhu
Date: 09 December 2016	Date: 09 December 2016

GLOSSARY OF TERMS

AHD	Australian Height Datum or Mean Sea Level
Council	Randwick City Council
CPTED	Crime Prevention Through Environmental Design
DGRs	Director General's Requirements
DP&E	Department of Planning and Environment
EAR	Environmental Assessment Report
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
FEAR	Future Environmental Assessment Requirement
ILU	Independent Living Units
LGA	Local Government Area
PAC	Planning Assessment Commission
RAC	Residential Aged Care
RDGP 2013	<i>Randwick Comprehensive Development Control Plan 2013</i>
RL	Reduced Level with reference to the Australian Height Datum
RLEP 2012	<i>Randwick Local Environmental Plan 2012</i>
SCC	Site Compatibility Certificate
SEPP 55	<i>State Environmental Planning Policy no 55 – Remediation of Land</i>
SEPP 65	<i>State Environmental Planning Policy no 65 – Design Quality of Residential Apartment Development</i>
SEPP BASIX	<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>
SEPP HSPD	<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>

1. INTRODUCTION

This Section 75W Modification Report has been prepared on behalf of the Sir Moses Montefiore Jewish Home (Montefiore) and accompanies an application made under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with respect to a proposed modification to the Project Approval MP10_0044 as it relates to land at 100 - 102 King Street and 30 - 36 Dangar Street, Randwick.

1.1. OVERVIEW

The proposed modifications to the Project Application MP10_0044 follow a recent modification to the Concept Plan Approval under MP09_0188. This modification, approved in August 2016, included amendments to the building envelopes for Buildings C, D and E, and the introduction of a new Building F envelope due to the redistribution of Seniors Housing associated with the project.

This redistribution included increasing the proportion of Independent Living Units (ILUs) and special care/dementia beds originally approved, and reducing residential aged care beds.

The proposed modifications to the Project Application MP10_0044 responds to the recent Concept Plan modification approval, and involves the following changes:

- Addition of a part level (Level 7) limited to plant;
- Separation of the built form of Building C and Building D at the north portion except for a Level 4 walkway connecting the two buildings;
- Relocation of the administration block from Level 5 to Level 3;
- Reconfiguration and reallocation of uses within Building D and Building C resulting in 87 additional special care/dementia beds compared to the approved 82 additional special care/dementia beds. This will comprise:
 - Building C: reinstatement of 9 rooms previously identified for removal increasing the room count in Building C from 37 to 46
 - Building D: removal of 4 rooms resulting in a decrease in the room count from 94 to 90 in Building D
- Communal open space and terraces:
 - Deletion of the corner terrace at Level 5 and associated awnings at Level 6 to replace with dementia care rooms
 - Reconfiguration of the Building D internal courtyard to provide two distinct sections, with the western portion to service the aged day care, and the eastern portion dedicated to the residents of Building D
- Reconfiguration of the retail spaces in relation to the plaza and the Building D internal courtyard, and incorporating the administration block in this location;
- Reconfiguration of the public plaza at the Building D King Street frontage in conjunction with the changes to Building D described above;
- Reconfiguration of the basement car parking level, including:
 - Minor amendments to circulation spaces
 - Reduction in basement car parking spaces from 38 to 34 spaces
 - Removal of the surplus 28 at-grade car parking spaces to the west of Building C that were approved as part of the Building D Project Approval and maintaining the existing 26 car parking spaces
 - New loading area to the north east of the basement car parking level under Building D, accessible from the car park entry

The proposed modifications to the Project Application MP10_0044 are further described in detail in **Section 4** of this report.

1.2. PROJECT TEAM

Table 1 below provides the details of the specialist consultant responsible for the design and documentation of the proposed modification.

Table 1 – Project Team

Consultant	Input
Sir Moses Montefiore Jewish Home	Proponent
Equity Development Management	Project Manager
Jackson Teece	Architect
Urbis	Planner
Oculus	Landscape Architect
Traffix	Traffic Consultant
Medland Engineering	ESD Consultant
Renzo Tonin & Associates	Acoustic Consultant
Emerson Associates	Stormwater and Flood Engineer
Blackett Maguire and Goldsmith	BCA
iAccess Consultants	Accessibility
Innova Services	Fire Safety Engineering
CETEC	Contamination Consultant
JK Geotechnics	Geotechnical Engineering
Linker Surveying	Surveyor
Rider Levett Bucknall	Quantity Surveyor
DP Consulting Group	Hydraulic & Fire Protection Consulting Engineers

1.3. REPORT STRUCTURE

This Section 75W Environmental Assessment Report is structured as follows:

- **Introduction and Background:** provides a background of the site and project, including a summary of the existing approvals that apply to the site, and the reasons for the proposed modification (**Section 1**, **Section 2** & **Section 3**);
- **Proposed Modification:** provides a detailed description of the proposed modifications to the approved project application as well as the modifications required to the existing conditions of approval under MP10_0144 (as previously modified) (**Section 4** and **Section 5**);
- **Compliance and Environmental Assessment:** provides an assessment of the proposed modification against the existing Concept Plan approval, the Director General’s Environmental Assessment Requirements, and the relevant strategic and statutory planning policies and instruments. The report also provides an assessment of any environmental impacts of the proposed modification and summarises the changes to the Statement of Commitments approved as part of the existing approval (**Section 6**); and
- **Conclusion:** Concludes the Environmental Assessment Report (**Section 6**).

1.4. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The Director General's Environmental Assessment Requirements (DGRs) were issued for the project on 21 April 2010.

Correspondence between Urban and the Department of Planning and Environment (DP&E) confirmed that the proposed modification did not require any further requirements to be added to the DGRs.

Table 2 below provides a summary of the individual matters listed in the DGRs and identifies where each of these requirements has been addressed in this report and accompanying technical studies.

Table 2 – Director General's Assessment Requirements

DGRs	Location in Section 75W Package	
Key Issues		
Relevant EPIs, Policies and Guidelines		
<p>Planning provisions applying to the site, including permissibility and the provisions of all plans are to be addressed:</p> <ul style="list-style-type: none"> • NSW State Plan 2010; • Metropolitan Transport Plan 2010; • Draft East Subregional Strategy; • Objects of the EP&A Act; • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (HSDP SEPP); • Senior Living Policy Urban Design Guidelines for Infill Development; • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP); • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP); • State Environmental Planning Policy No 1 – Development Standards (SEPP 1); • State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55); • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65); • Randwick Local Environmental Plan 1998; (RLEP 1998); • Development Control Plan 18 – Corner of King and Dangar Streets, Randwick (DCP 18); • Development Control Plan Parking 1998 (Parking DCP); • Randwick Childcare Centre Policy 2006 (Childcare Policy); • Randwick City Section 94A Development Contributions Plan 2007 (Randwick s94A Plan); • Any other relevant DCPs; and 	<p>Section 6</p>	

DGRs	Location in Section 75W Package	
<ul style="list-style-type: none"> The previously approved and now lapsed masterplan for the site. 		
Built form and Urban Design Impacts		
<p>The EA shall address the height, bulk and scale of the proposed development within the context of the locality and the adjacent North Randwick Heritage Conservation Area and nearby heritage items. Detailed height/contextual studies should be undertaken to ensure the proposal integrates with the surrounding environment.</p> <p>The EA shall also include:</p> <ul style="list-style-type: none"> A comparable height study to demonstrate how proposed height relates to the height to the existing/approved developments surrounding the site; A view analysis to and from the site; and Options for the siting of proposed envelopes. <p>The EA shall address the design quality with specific consideration of the facade, massing, setbacks, articulation, use of appropriate colours, materials and finishes, landscaping, safety by design and public domain including an assessment against Crime Prevention Through Environmental Design (CPTED) principles.</p>	Section 7	
Public Domain/Open Space		
<p>The EA must outline the function, landscape character, access rights and legibility of the proposed plaza. The type, function and character of various open spaces on the site must also be addressed. Pedestrian linkages between such open spaces must be indicated.</p>	Section 7	Landscape Plans at Appendix B
Environmental and Residential Amenity		
<p>Solar access, acoustic amenity, visual privacy and potential view loss are to be considered.</p>	Section 7	Architectural Plans at Appendix A
Car parking, Transport and Accessibility (Construction and Operation)		
<p>The EA must demonstrate the provision of sufficient on-site car parking for the proposal.</p> <p>Note: The Department of Planning supports reduced car parking provision in areas well-served by public transport. The EA shall include:</p>	Section 7	Traffic Report at Appendix C

DGRs	Location in Section 75W Package	
<ul style="list-style-type: none"> • A Traffic and Accessibility Impact Study prepared in accordance with the Roads and Traffic Authority (RTA) Guide to Traffic Generating Developments; • An assessment of the implications of the proposed development on non-car travel modes (including public transport, walking and cycling), the potential for the implementation of a sustainable travel plan for staff and visitors and the provision of facilities to promote non-car travel; and • Measures to mitigate potential impacts to pedestrians and cyclists and the operation of the Randwick Bus Depot during the construction stage of the proposed development. 		
Ecologically Sustainable Development (ESD)		
<p>The EA will demonstrate how ESD principles will be implemented in the development and that it has been assessed against a suitably accredited ratings scheme.</p>	Section 7	Energy Efficiency Report at Appendix E and Water Savings Letter at Appendix M .
Contributions		
<p>The provisions of public benefits, services and infrastructure, having regard to relevant Section 94 Contributions Plans or Planning Agreements must be addressed.</p>	Under Clause 13.2 of the <i>Randwick City Council Section 94A Development Contributions Plan 2015</i> , development for the purposes of Seniors Housing is exempt from Section 94 Contributions.	
Drainage/Stormwater		
<p>The EA shall address drainage, groundwater and flooding issues including those relating to stormwater, drainage infrastructure and Water Sensitive Urban Design (WSUD) principles.</p>	Section 7	Stormwater Report and Plans at Appendix D
Contamination and Geological Issues		
<p>Contamination, geological and salinity issues will be identified and address. It will be demonstrated that the proposal accords with SEPP 55 and other relevant guidelines and legislation.</p>	Section 7	Contamination Review at Appendix L Geotechnical Report at Appendix N
Utilities		
<p>The adequacy of the capacity of utilities and the staging of infrastructure works should be addressed, in consultation with relevant agencies.</p>	Section 7	Utilities Statements at Appendix J
Staging		
<ul style="list-style-type: none"> • A detailed staging plan shall be provided, demonstrating how existing services shall be provided during the redevelopment, if required. 		The proposed modifications relating to Building D and Building C that are the subject of this application constitute the entirety of Stage 1 of the development works envisaged

DGRs	Location in Section 75W Package	
<ul style="list-style-type: none"> Relocation strategies for services and the manner in which the operations of the Aged Care Facility will be affected by construction works must be included. 	<p>as part of the Concept Plan approval under MP09_0188 MOD 2.</p> <p>A separate Development Application is to be submitted to Randwick Council to address the works proposed as part of Building E and F. Construction staging relating to Building E & F will be addressed as part of that application.</p>	
Housing Choice		
<p>The EA shall provide an assessment of housing choice and identify the mix of 1, 2 and 3 or more bedroom units and the degree of choice of housing stock on-site.</p>	Section 7	
Resident Facilities		
<p>The EA is to provide details of resident facilities which would provide the opportunity for residents to socialise with one another and with visitors.</p>	Section 7	Architectural Plans at Appendix A
Statement of Commitments		
<p>A draft Statement of Commitments must be included detailing measures for environmental management, mitigation measures and monitoring of the project.</p>	Section 7	
Consultation		
<p>An appropriate and justified level of consultation is to be undertaken in accordance with the Department of Planning's Major Project Community Consultation Guidelines October 2007.</p>	Section 2.4	Addendum Consultation Report at Appendix I .
Requirements Specific to Stage 1 of the Concept Plan		
<p>The following is required in relation to Stage 1 of the Concept Plan:</p> <ul style="list-style-type: none"> Details of the relocation of existing uses and associated parking, servicing and delivery areas; Landscape Plans detailing any trees to be removed, existing and proposed planting, retaining walls, detention basins and paving. The plans shall detail the treatment of proposed temporary at grade parking in the footprint of proposed Envelope E and the proposed public plaza, including lighting and street furniture; A schedule of materials and finishes and a sample board; A stormwater Drainage Plan prepared in accordance with Council's requirements; and 	-	<p>Landscape Plans at Appendix B</p> <p>Architectural Plans at Appendix A</p> <p>Stormwater Plans at Appendix D</p> <p>Construction Management Plan at Appendix I</p>

DGRs	Location in Section 75W Package	
<ul style="list-style-type: none"> • A Construction Management Plan that includes measures to mitigate potential impacts for pedestrians and cyclists and the Randwick Bus Depot during construction. 		
Other Deliverables		
<p>In addition to the above requirements, the EA must be accompanied by:</p> <ul style="list-style-type: none"> • A site Survey; • A site Analysis Plan; • A Location/Context Plan; • Architectural Drawings; • A physical Model; • Shadow Diagrams; • Landscape Concept Plan; • Stormwater Drainage Concept Plan; • Geotechnical Report; and • A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the proposed development. 	-	<p>Architectural Plans at Appendix A</p> <p>Landscape Plans at Appendix B</p> <p>Stormwater Plans and Report at Appendix D</p> <p>Geotechnical Report at Appendix N</p> <p>QS Report at Appendix O</p> <p>Site Survey at Appendix P</p>

2. BACKGROUND

This section provides a summary of the previous planning approvals relating to the site.

2.1. CONCEPT PLAN APPROVAL MP09_0188

Concept Approval MP09_0188 was approved on the 19 July 2011 under Part 3A of the EP&A Act by the PAC for the expansion of the existing residential aged care facilities on the site. Specifically, the terms of approval included the following works:

- Two new building envelopes (known as Buildings D and E) of between 4-6 storeys in height and an additional level (Level 7) above the existing aged care facility (Building C)
- A new child care centre as part of Building E to replace the existing with associated access and car parking;
- Use of the Building D and E and additional level on Building C for a range of residential aged care accommodation and ancillary spaces, noting that Building E also included ILU accommodation on the upper two levels;
- Public space/square on the corner of King and Dangar Streets;
- A retail space of 350sqm at the street level fronting onto the public square/space;
- A total provision of 217 car parking spaces; and
- Associated landscaping and drainage infrastructure

As part of this original Concept Plan approval, various conditions were imposed that provided limitations on certain accommodation types, a maximum GFA, maximum heights, a maximum child care centre capacity, as well as a minimum component for affordable housing across the site.

2.2. PROJECT APPLICATION MP10_0044

The Project Application for Stage 1 of the Concept Plan was approved concurrently with the Concept Plan, and comprised the following works:

- The construction of the proposed Building D, five storeys in height, to a level of RL59.6AHD, including rooftop plant and lift overruns. Maximum building height of 9.53m at the south-eastern corner of Building D to 13.8m at the western end of the building;
- Reconfiguration of uses within Building C;
- The construction of lower level parking (on level 2) within proposed Building D that will connect with the existing lower level car parking area in existing Building C;
- Staff change room facilities, toilets, laundry facilities, loading area, lift lobby and store rooms to be included in the building on the lower level (level 2);
- The demolition of existing internal walls and removal of car parking spaces on level 2 of Building C and their replacement with a cogeneration plant for the generation of electricity using heat given off from an existing gas water heating system on the site, plant rooms, store rooms and new, reconfigured car parking spaces;
- Dementia care rooms (low and high level), each with toilet and bathroom facilities throughout levels 3 (ground floor), 4 and 5 and 6 of proposed Building D;

- Communal lounges, kitchens and dining areas on levels 3 (ground floor), 4, 5 and 6 of proposed Building D for use by residents and staff, along with administration offices, staff rooms, store rooms, laundries and other support services;
- A landscaped courtyard at the centre of level 3 (ground floor) of Building D, which will be accessible from the internal floor area of the building;
- Open space terraces at levels 4, 5 and 6 located in a central atrium above the ground floor courtyard of Building D. Each terrace will project into the atrium so as to be “tiered”, one above the other.
- Rooftop terraces on levels 5 and 6;
- A public square of 1,080m² in area at the frontage of Building D at the intersection of King and Dangar Street, including paved area, landscaping, public seating and planted trees;
- A retail unit on the ground floor of Building D adjacent to and accessible from the public with a GFA of 350m²;
- Construction of a temporary car park within the footprint of proposed Envelope E comprising 18 spaces;
- Level 1 service corridor and associated lifts, lift lobby and stairs; and
- Stairwells and lift cores.

This Project Application Approval was activated, however a redistribution of the proportion of various seniors housing provision across the site has driven various design changes.

Hence, the overall Concept Plan needed to be modified as described in **Section 2.3** below, and has necessitated modifications to the Project Application Approval, which is the subject of the proposed Section 75W modification application as described further in the following sections of the report.

2.3. CONCEPT PLAN MODIFICATION – MP09_0188 MOD 2

In August 2016, the approved Concept Plan was modified to include the following amendments:

- amendment to building envelopes for Building D and Building E (including a new envelope F);
- increase of 68 Independent Living Units (ILUs) (from 36 to 104), an increase of 15 special care/dementia beds (from 94 to 109), reduction of 170 residential aged care beds (from 187 to 17);
- reduction of 40 childcare centre places (from 80 to 40 places);
- increase of 63 car parking spaces (from 217 to 280 spaces);
- use of the tenancy adjacent to the public plaza for retail, business, commercial and community-related uses; and
- modification to access, landscaping and other minor amendments.

As described in **Section 2.4**, the proposed Section 75W modification application to MP10_0044 is submitted in response to the approved amendments to the Concept Plan MP09_0188 as described above.

No further amendments to the Concept Plan MP09_0188 are sought as part of this application.

2.4. CONSULTATION

2.4.1. Community Consultation

As part of the Concept Plan modification MP09_0188 MOD 2, community consultation was undertaken over a course of 8 weeks between July and September 2015, prior to the application being submitted to the Department of Planning and Environment (DP&E) as described in **Appendix F**.

As a result of the pre-lodgement community consultation the following amendments were made to the Concept Plan modifications:

- An increased number of child-care drop off parking spaces provided (now 5, up from the two previously proposed)
- Further decrease to the gross floor area across the development by 2.6%, thereby further reducing the bulk and mass on the proposal
- Further developed landscape plans to enhance screening and buffering between neighbouring buildings
- Prioritised screening and privacy design for the detailed design phase

Following the formal submission of the Concept Plan Modification (MP09_0188 MOD 2), it was notified to adjoining and surrounding property owners.

In response to the issues raised in relation to Building D, the proponent undertook the following:

- Detailed view analysis
- The setting back of the top-most floor (i.e. Level 7 addition) of Building D at the Dangar Street frontage
- Amendments to photomontages to incorporate revisions to Building D

The Department were satisfied with the proposed design solution of Building D (including height and form) as documented in the Response to Submissions, and provided a favourable recommendation to the Planning Assessment Commission (PAC).

The PAC held a public hearing into this matter, and after considering the submissions from the proponent, DP&E, Randwick Council and the community, were satisfied with the view analysis and the extent of impacts on views from adjoining and nearby residents looking over the site.

However, the PAC remained concerned about the potential visual impact of the Dangar Street façade on residents looking at this façade from the pedestrian perspective. Accordingly the PAC imposed a 'Future Environmental Assessment Requirement (FEAR no. 8) as part of the consent under MP09_0188 MOD 2 as described below in **Section 2.5**.

2.5. REASON FOR MODIFICATION APPLICATION

The Concept Plan Modification scheme under MP09_0188 MOD 2 proposed an additional level (Level 7) on Building D to accommodate dementia rooms.

However, as described above, in response to submissions received as part of the exhibition of the application, the Preferred Project Report amended the proposal to reduce the southern and eastern extents of the proposed Level 7.

Following this, the Concept Plan Modification MP09_0188 MOD 2 approval imposed a Future Environmental Assessment Requirement (FEAR No. 8), which states:

"8. Design of Top Storey of Building D

Future project/development application(s) shall demonstrate that the top storey of Building D and associated structures (above RL 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:

- a) Is architecturally treated to achieve a light weight external appearance; and*

b) Employs high quality materials and finishes”

The Future Environmental Assessment Requirement has necessitated further changes to the approved additional Level 7 of Building D, making it impractical to have any dementia care rooms at this level.

This modification application reflects the requirements of FEAR no. 8 by addressing the reconfiguration of the Level 7 design that has been undertaken to reduce the extent of this level, and addressing several other minor amendments to the approved development under MP10_0044 (as modified).

Refer to **Section 4** for a detailed description of the proposed modifications.

3. SITE AND CONTEXT

3.1. SITE LOCATION AND DESCRIPTION

The Sir Moses Montefiore Jewish Home site is located at 100 – 102 King Street and 30 – 36 Dangar Street, Randwick and is shown in **Figure 1** below.



Figure 1 – Subject Site
(Source: maps.six.nsw.gov.au)

Some key details of the site include:

- The site is 29,353 m² in area, with a 180m frontage to King Street to the south and a 165m frontage to Dangar Street to the east.
- The Sir Moses Montefiore Jewish Home owns the entire site, which comprises a single allotment known as Lot 202 in DP 879576.
- The land slopes down from the site's northern and southern boundaries to form a natural basin at the centre of the western end of the site.
- Levels along the northern boundary of the site typically range from 40.5m AHD to the west up to 44.5m AHD to the east. Along the southern boundary, levels range from around 40m to 45.5m AHD from west to east.
- The northern portion of the site is predominantly occupied by the existing residential aged care facility. One of the buildings (Building C) that comprises the existing development extends into the southern portion of the site, which otherwise comprises landscaped area.
- A stormwater detention basin is located in the natural basin in the western portion of the site and is incorporated into on-site landscaping.

The site is located within the eastern portion of an institutional precinct between Darley Street in the west and Dangar Street to the east. The precinct comprises of larger developments occupied by the University of New South Wales (UNSW), State Transit Authority (STA) and the Randwick TAFE.

3.2. EXISTING DEVELOPMENT

The existing aged care facility on the site comprises the following key components:

- Three buildings (Buildings A, B and C) ranging in height from 3 to 5 storeys, with Buildings A and B located in the northern portion of the site, and Building C extending to the Dangar Street frontage;
- Basement/lower level parking located in Building A and C, as well as car parking spaces located in a hardstand area within the footprint of the approved (but unconstructed Building D) in the southeast corner of the site;
- Landscaping in the building's eastern setback and turfed area within the south-eastern corner of the site;
- Vehicular access into the aged care facility via two vehicle crossings – one at the western end of the King Street frontage, the other at the centre of the Dangar Street frontage. Vehicular access to the childcare centre is also provided via the vehicle crossing from King Street.
- Pedestrian access to the aged-care facility via the Dangar Street entrance. Access to the aged day care centre is via the King Street entrance, which includes a porte cochere that accommodates buses stopping to drop off visitors to the day care facility. Pedestrian access to the existing childcare centre is also from King Street.

4. DESCRIPTION OF THE PROPOSED MODIFICATIONS

4.1. OVERVIEW

This Section 75W application seeks to modify the approved Project Application for Building D at the Sir Moses Montefiore Randwick Campus. The key modifications are:

- Addition of a part level (Level 7) limited to plant;
- Separation of the built form of Building C and Building D at the north portion except for a Level 4 walkway connecting the two buildings;
- Relocation of the administration block from Level 5 to Level 3;
- Reconfiguration and reallocation of uses within Building D and Building C resulting in 87 additional special care/dementia beds compared to the approved 82 additional special care/dementia beds. This will comprise:
 - Building C: reinstatement of 9 rooms previously identified for removal increasing the room count in Building C from 37 to 46
 - Building D: removal of 4 rooms resulting in a decrease in the room count from 94 to 90 in Building D
- Communal open space and terraces:
 - Deletion of the corner terrace at Level 5 and associated awnings at Level 6 to replace with dementia care rooms
 - Reconfiguration of the Building D internal courtyard to provide two distinct sections, with the western portion to service the aged day care, and the eastern portion dedicated to the residents of Building D
- Reconfiguration of the retail spaces in relation to the plaza and the Building D internal courtyard, and incorporating the administration block in this location;
- Reconfiguration of the public plaza at the Building D King Street frontage in conjunction with the changes to Building D described above;
- Reconfiguration of the basement car parking level, including:
 - Minor amendments to circulation spaces
 - Reduction in basement car parking spaces from 38 to 34 spaces
 - Removal of the surplus 28 at-grade car parking spaces to the west of Building C that were approved as part of the Building D Project Approval and maintaining the existing 26 car parking spaces
 - New loading area to the north east of the basement car parking level under Building D, accessible from the car park entry

A comparison between the Project Approval under MP 10_0044 and the proposal is provided in **Table 3** below:

Table 3 – Numerical Comparison of approved scheme to proposed modified scheme

Key Features	Project Approval	Proposed Modification
Building height	Maximum height - RL 59.6	Maximum height - RL 60.748
Height in storeys	5 storeys	6 storeys (additional Level 7)
Setbacks	King Street – 19.50 m	King Street – 19.50 m
	Dangar Street – 10 m	Dangar Street – 10 m

Key Features	Project Approval	Proposed Modification
Basement Levels	1	1
Dementia High/Low Care Rooms	82 additional rooms	87 additional rooms
Non-residential GFA	350 m ²	350 m ²
Basement Car Parking Spaces	38	34
At-Grade Surplus Car Parking Spaces	28	26

4.2. DETAILED DESCRIPTION OF THE PROPOSED MODIFICATIONS

The sections below provide detailed descriptions of the proposed modifications.

4.2.1. BUILDING HEIGHT

The Concept Plan modification approval MP09_0188 MOD 2 allows for a maximum building envelope height of RL 61.63 m, with a provision of RL 0.9 m above the maximum RL building envelope height for any minor projections relating to plant or lift overrun as long as it is not visible from the public domain, neighbouring properties or the streetscape.

The proposed modification will respond to this condition by providing an additional level (Level 7) comprising a plant room, which will increase the height of Building D from the previously approved RL 59.60 to RL 60.748.

As discussed previously in **Section 2.4**, the requirements within the Concept Plan modification approval for setbacks from King Street and Dangar Street make it unfeasible to have dementia care rooms on this level, as was originally intended when the Concept Plan modification was sought.

It is noted that two minor encroachments are proposed on Building D that extend outside the Concept Plan envelope approval, including:

- A light weight façade detail on the King Street/Dangar Street corner of the building; and
- Parapet on part of the King Street façade of the building

Extracts of the architectural plans are shown in **Figure 2**, **Figure 3**, **Figure 4**, and **Figure 5** below to clarify these minor encroachments.

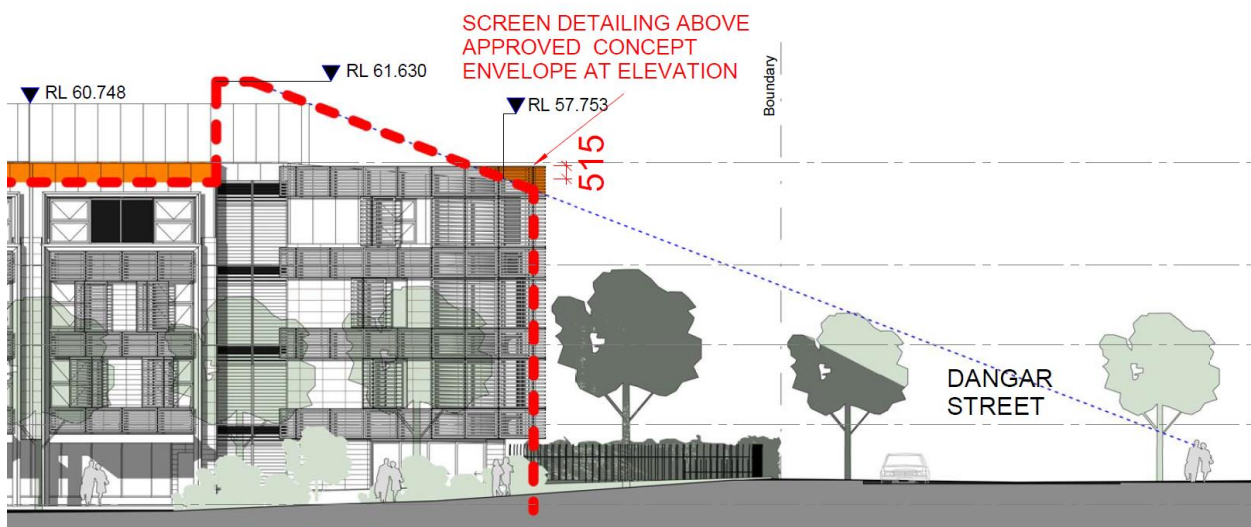


Figure 2 – Façade detail at the corner of King Street/Dangar Street

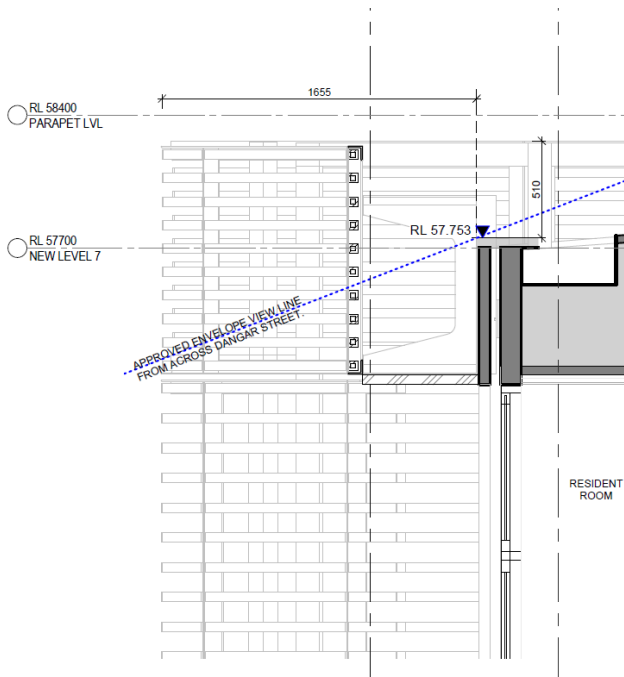


Figure 3 – Cross section detail of the Façade Screen

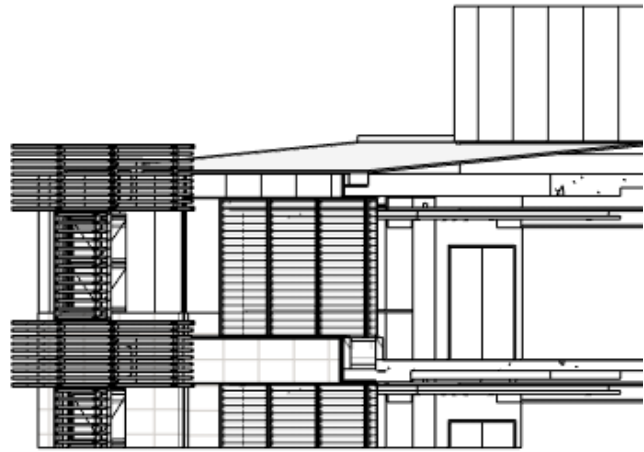


Figure 4 – Oblique view showing façade screen

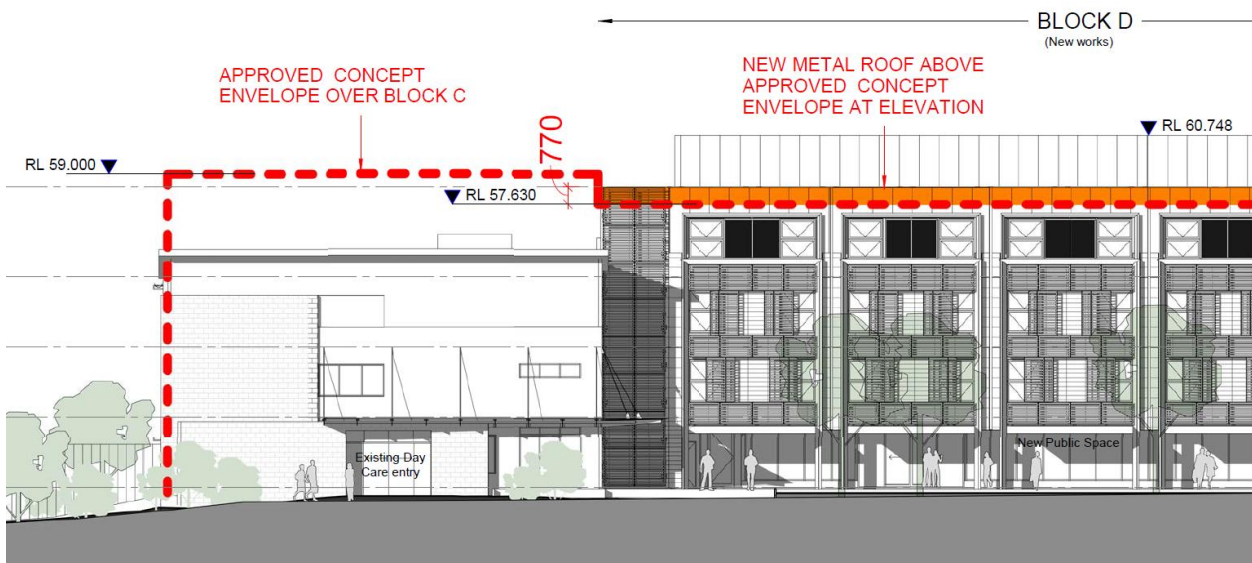


Figure 5 – Parapet on part of the King Street façade

Refer to **Section 6** for justification of these two minor encroachments given their minimal visual impacts when viewed from the public domain.

4.2.2. BUILDING ELEVATIONS

It is proposed to modify the materials and finishes for the elevations of Building D as well as the southern portion of Building C to reflect the design detailing that has progressed since the project approval.

The proposed materials and finishes will include the following:

- ceramic tiles in warm grey and charcoal colours;
- ceramic battens in light brown, off-white, and charcoal colours;
- Metal wall cladding panels in mid-grey, zinc, copper, and charcoal colours;
- Composite Timber soffits;
- Precast concrete in off-white, warm grey, and light grey colours;
- Clear glazing windows and operable louvred glazing system;
- Aluminium window framing in charcoal or copper colours or natural anodised finish;
- Retractable fabric awnings;
- Metal roof sheeting in a charcoal colour;
- Glazed balustrade with stainless steel supports;
- Glazed awnings with charcoal painted steel; and
- Timber veneer cladding

Refer to the materials and finishes details provided within the Architectural Plans at **Appendix A** for further details.

4.2.3. COMMUNAL OPEN SPACE AND LANDSCAPING

Terraces

It is proposed to delete the Level 5 terrace at the north-east corner of Building D associated with the previously approved activity room adjacent to it, and incorporate two (2) dementia care rooms in this space.

It is also proposed to delete the Level 6 awnings associated with the Level 5 terrace, and incorporate two (2) dementia care rooms in this space on Level 6.

Building D Internal Courtyard

The Building D internal courtyard is proposed to be separated into two distinct sections, with the western portion to be dedicated to the existing aged day care centre within Building C, and the eastern portion dedicated for use by the residents of Building D, maintaining direct access from this building.

4.2.4. SETBACKS AND BUILDING SEPARATION

The proposed modification will maintain the setbacks from King Street and Dangar Street as identified by the Concept Plan approval.

Separation of Building D & Building C

It is proposed to modify the previously approved design of Building D and Building C to separate the two built forms at the northern portion by removing previous connections at Level 3, Level 4, and Level 5 as shown in the Architectural Plans at **Appendix A**.

This modification will result in minor reconfiguration and change of uses within Levels 5, 6, and 7 of Building C and Building D as described in **Section 4.2.7** below, but will ensure that the built form of Building C and Building D remain within the approved concept plan envelope at this location.

Infill of Minor Notch in Building D Envelope

The approved concept plan envelope also features a minor corner notch at the south west corner of the north wing of Building D at Levels 5, 6, and 7 as shown in yellow in **Figure 6** below.

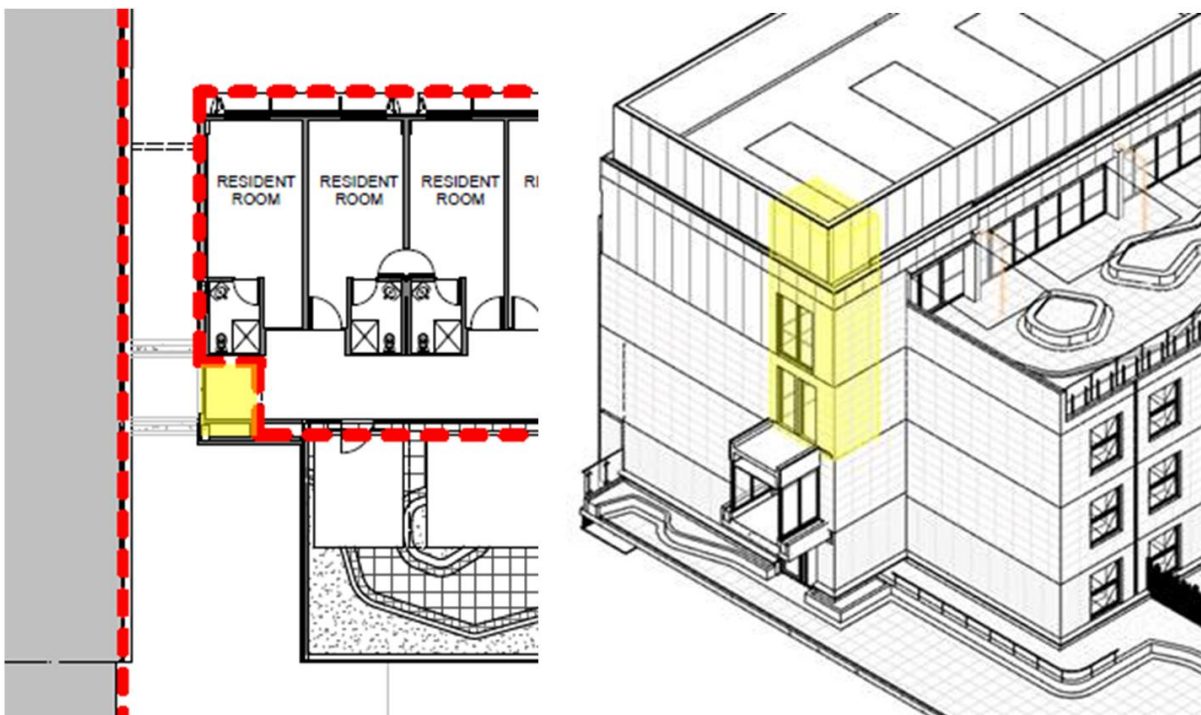


Figure 6 – Proposed Minor Infill of Building D Notch

It is proposed to infill this minor notch in the concept plan envelope with the built form of Building D to rationalise the architectural and structure design at this location. Refer to **Section 6** for justification of this minor infill given it will have no impact on views or overshadowing of open spaces.

4.2.5. BUILDING USES

Dementia care rooms

The proposed modification will involve a reorganisation of room layouts on Level 3, 4, 5, and 6 within Building D, and on Level 4 and 5 of Building C.

The reconfiguration and reallocation of uses within Building D and Building C will result in the following changes to room numbers:

- Building C - reinstatement of nine (9) rooms previously identified for removal increasing the room count in Building C from 37 to 46;
- Building D - loss of four (4) rooms resulting in a decrease in the room count from 94 to 90 in Building D;

The proposed modification will result in a net increase of five (5) rooms compared to the Stage 1 Project Approval (MP10_0044). This equates to 87 additional special care/dementia beds as part of the proposed modification compared to the approved 82 additional special care/dementia beds.

The proposed modification will comply with the Concept Plan modification approval which allows for up to 109 additional special care/dementia care rooms.

Non-residential space and associated public plaza

Spaces allocated to retail/business/commercial or community uses have been reconfigured to include the south-east corner building footprint (previously dementia care rooms), resulting in minor reconfiguration of the public plaza fronting King Street and the removal of 3 dementia care rooms along the Dangar Street frontage.

Relocation of Administration Offices

The Administration offices, which were previously within Level 5 of Building C, are proposed to be relocated adjacent to the newly reconfigured retail spaces on Level 3 fronting the Building D internal courtyard.

4.2.6. CAR PARKING AND VEHICULAR ACCESS

It is proposed to reconfigure the basement car parking level, including amendments to circulation routes and a reduction in car parking spaces from 38 car parking spaces to 34 spaces.

It is also proposed to remove the earlier proposed temporary carpark (with 28 spaces) over the Building E site, and maintain the existing 26 at-grade car parking spaces.

4.2.7. LEVEL BY LEVEL DESCRIPTION OF MODIFICATIONS

Level 1 Modifications:

- The modification to the approved Building D project approval scheme at Level 1 is limited to the removal of a tunnel, shown with dotted lines on drawing no. DA-122 within the Architectural Plans at **Appendix A**.

Level 2 modifications:

- Reconfigure the laundry holding area, store room, maintenance workshop, office and staff room in the north-east portion of the basement, and the incorporate a cool room and receiving pantry;
- Minor amendments of circulation spaces and layout of car parking spaces;
- Reduce basement car parking spaces from 38 to 34 spaces;
- Remove temporary car parking spaces over the Building E site, and maintaining the existing informal parking arrangements at this location accommodating approximately 26 car parking spaces;
- Incorporate a small loading bay in the north-east portion of the basement; and

- Minor amendments to the store and plant rooms, including the deletion of two previously proposed fire egress stairs to reflect a rationalisation of the fire egress and fire engineering solutions.

Level 3 modifications:

- Separate Building D and Building C at the north-west end– delete seating area and dementia care room within the north-west portion of Building D to incorporate aged day care courtyard area;
- Reconfigure Building D courtyard into two sections to reflect the separation of Building D & C, and to dedicate the western portion to the aged day care centre within Building C;
- Reconfigure the non-residential space (retail/commercial/business or community) within the southern portion of Building D to include the south-east corner previously occupied by dementia care rooms; and
- Relocate the administration block from previously approved location in Building C Level 5 to the north of the non-residential space; and
- Reconfigure circulation corridors to accommodate the changes described above; and
- Reconfiguration of rooms on this level will result in a reduction of dementia care rooms from 20 to 15 rooms in Building D.

Level 4 modifications:

- Delete the previously approved Synagogue within Building C and reinstate previous uses;
- Delete wellness and physiotherapy areas within Building C (as these uses are no longer required in keeping with the changing care needs of the facility) and reinstate previous uses.
- Separate Building D and Building C at the north-west end – delete seating area and dementia care room within the north-west portion of Building D;
- Convert high care room within southern portion of Building C to storage room;
- Incorporate a bridge between Building C and D;
- Reconfiguration of the rooms on this level will result in a reduction of dementia care rooms from 28 to 27 rooms in Building D, and an increase in 4 rooms in Building C resulting from the changes described above.

Level 5 modifications:

- Separate Building C and D at the north-west end;
- Remove the administration block from the current location in Building C and maintain current resident rooms;
- Delete external terrace at the north-east corner of Building D and replace with 2 additional dementia care rooms;
- Reconfiguration of the rooms on this level result in an increase of dementia care rooms from 26 to 27 rooms in Building D, and increase of 5 rooms in Building C;

Level 6 modifications:

- Delete awning associated with north east terrace and add 2 additional rooms resulting in an increase of dementia care rooms from 19 to 21 at this level in Building D.

Level 7 modifications:

- Additional part level (Level 7) consisting of a plant room.

4.3. PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT (MP10_0044)

The proposed modifications necessitate amendments to the conditions of consent (MP10_0044), as shown below in red (new wording) and ~~red struck-through~~ (wording to delete).

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

Construction of a building of 5 6 levels toward the south-eastern corner of the site providing:

- Residential aged care accommodation and support services;
- A ~~retail unit~~ retail/business/commercial or community space at the ground level of 350 m²;
- Parking facilities; and
- A public square at the corner of King and Dangar Streets.

Purpose: To reflect the wording of the previously approved Concept Plan modification (MP09_0188 MOD 2) permitting retail, business, commercial or community uses within the ground level space.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated October 2007 prepared by Urbis and all Appendices, except where varied by

- The Preferred Project Report submitted on 7 September 2010 and all Appendices,
- The Proponent's Statement of Commitments included in the PPR; ~~and~~
- ~~The Section 75w modification report submitted in December 2016 and all Appendices, and~~
- The following drawings:

Architectural (or Design) Drawings prepared by Jackson Teece			
Drawing No.	Revision	Name of Plan	Date
DA120	B 1	Stage 1 Site Plan Site Plan	48/04/11 30/11/16
DA121	B	Stage 1 Block C & D Level 1	48/04/11
DA122	B 1	Stage 1 Block C & D Level 2 Block D Level 2 Carpark	48/04/11 30/11/16
DA123	B 1	Stage 1 Block C & D Level 3 Block D Level 3	48/04/11 30/11/16
DA124	B 1	Stage 1 Block C & D Level 4 Block D Level 4	48/04/11 30/11/16
DA125	B 1	Stage 1 Block C & D Level 5 Block D Level 5	48/04/11 30/11/16
DA126	B 1	Stage 1 Block C & D Level 6 Block D Level 6	48/04/11 30/11/16
DA127	B 1	Stage 1 Block C & D Level 7 Block D Level 7 Roof	48/04/11 30/11/16
DA130	B 1	Stage 1 Block C & D Elevations Block D Elevations	48/04/11 30/11/16
DA311	B 1	Stage 1 Block C & D Elevations Block D Elevations	48/04/11 30/11/16
DA350	B 1	Stage 1 Block C & D Detailed Elevations Block D Detailed Elevations	48/04/11 30/11/16
DA351	B 1	Stage 1 Block C & D Detailed Elevations Block D Detailed Elevations	48/04/11 30/11/16
DA412	B 1	Stage 1 Sections Sections	48/04/11 30/11/16
DA413	B 1	Stage 1 Sections Sections	48/04/11 30/11/16

Architectural (or Design) Drawings prepared by Jackson Teece			
Drawing No.	Revision	Name of Plan	Date
DA700	B 1	Stage 1 Demolition Plan Demolition Plan	18/04/14 30/11/16
Landscape Concept Plans prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
PA-L 102	K	Landscape Plan Detail Plan East	22/11/16
PA-L02	F	Level 4 and 5 Landscape Plan	4/10/16
PA-L103	F	Level 6 Courtyard Landscape Plan	4/10/16
PA-L-203	C	Building D Plaza Sections	21/11/16
PA-L-300	D	Indicative Planting Schedule and Precedent Images	17/11/16

Except for:

- Any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standard incorporated in the BCA; and
- Otherwise provided by the conditions of this approval.

Purpose: To reflect updated architectural and landscape drawings submitted with this Section 75W modification application

A5. Ecological Sustainable Development

The development shall be carried out so that the following energy efficiency targets are met (as recommended by the [Sustainability Strategy ESD Report](#) prepared by [Cundall Associates dated 6 September 2010](#) [Medland Engineering dated 10 November 2016](#) and the [Water Savings Letter](#) prepared by [DP Consulting Group Pty Ltd dated 07 November 2016](#)):

- Carbon: achieve a reduction of 40% compared against the existing building; and
- Water: achieve a reduction of 25% compared against the existing building.

Purpose: To reflect the ESD Report and Water Savings letter submitted with this Section 75W modification application.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B14. Works in Relation to Council Stormwater Infrastructure

Prior to issuing a Construction Certificate, full design details and specifications for all works relating to Council controlled stormwater pipelines/infrastructure within the Project Application development site must be submitted to and approved by Council. Works shall be in generally in accordance with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October, 2009 as amended by the Preferred Project Report Appendix H [except as modified by the stormwater drainage concept plan prepared by Emerson and Associates dated 24 November 2016](#).

B16. Stormwater Detention

Onsite stormwater detention shall be provided for the development in general accordance with the design parameters established with the development consent for Development Application 551/2002 and with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October 2009 as amended by the Preferred Project Report Appendix H, [and as modified by the stormwater drainage concept plan prepared by Emerson and Associates dated 24 November 2016](#). Full design details for the stormwater infrastructure serving the approved works must be submitted to Council for approval, and be approved, prior to the issuing of a Construction Certificate.

PART D – DURING CONSTRUCTION

D5. Remediation Work

~~Remediation works shall be carried out in accordance with the recommendations of the Site Contamination Review prepared by CETEC, dated July 19 2010, and submitted with the Environmental Assessment.~~

Remediation works shall be carried out in accordance with the recommendations of the Site Contamination Review prepared by CETEC, dated 07 October 2016.

Purpose: *To clarify wording of the condition and update reference to the updated Site Contamination Review accompanying this Section 75W modification application.*

D6. Demolition Work Plan

A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and carried out in accordance with the document titled 'Site Contamination Review: Sir Moses Montefiore Jewish Home', prepared by CETEC, dated 19 July 2010 except **as modified by the Site Contamination Review prepared by CETEC dated 07 October 2016.**

- The Work Plan must include the following information (as applicable):
- The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant detail, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant Work Cover licences and permits.

5. ENVIRONMENTAL ASSESSMENT

5.1. APPLICATION OF SECTION 75W

The project was declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies on 1 December 2008.

Following the repeal of Part 3A of the Act on 1 October 2011, the project is saved by transitional provisions provided in Schedule 6A of the Act.

Pursuant to the version of the Act in force prior to 30 September 2011, Section 75W provides that the proponent may request the Minister to modify the Minister's approval for a project as follows:

75W Modification of Minister's approval

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister's approval, including:

(a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and

(b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.

(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with an approved project.

The requirements of s75W of the Environmental Planning & Assessment Act 1979 (EP&A Act) have been considered by the Courts on several occasions. The Land and Environment Court has observed that the language of s75W is not constrained by the qualification (contained in s96 of the EP&A Act) that the development as modified be "substantially the same" as the development already approved. (*Williams v Minister for Planning (2009) 164 LGERA 204*). In other words, the power under s75W to modify is broader than the test under s96.

We submit that the proposed modifications are appropriate for assessment under S75W of the Act because:

- The proposal will not result in a change to the approved uses in Building D and is limited to changes in location and number of previously approved dementia care units, administration offices, and retail uses;
- Building D (MP10_0044) forms Stage 1 of the Concept Plan MP09_0188. The proposed amendments to the built form of Building D will be contained within the approved building envelope under MP09_0188 MOD 2, ensuring that any adverse visual impacts and environmental amenity impacts are minimised; and
- The amended Building D design will maintain substantially the same configuration as the previously approved Building D built form under MP10_0044, except for an additional part Level 7 as enabled by MP09_0188 MOD 2.

5.2. ASSESSMENT AGAINST THE CONCEPT PLAN APPROVAL MP09_0188 (AS MODIFIED)

As noted above, MP10_0044 formed Stage 1 of the Concept Plan approval under MP09_0188.

The Concept Plan has been modified since the original approval to include:

- Amendments to building envelopes C, D and E (including a new envelope F);
- Increase of 68 Independent Living Units (ILUs) (from 36 to 104), an increase of 15 special care/dementia beds (from 94 to 109), and reduction of 170 residential aged care beds (from 187 to 17);
- Reduction of 40 childcare centre places (from 80 to 40 places);
- Increase of 63 car parking spaces (from 217 to 280 spaces);
- Use of the tenancy adjacent to the public plaza for retail, business, commercial and community-related uses; and
- Modification to access, landscaping and other minor amendments.

The proposed modification to the Project Application MP10_0044 responds to these Concept Plan modifications.

Table 4 below demonstrates compliance of the proposed Project Application modification against the relevant conditions of consent of the Concept Plan approval (as modified).

Table 4 – Assessment of the proposed Project Application modification against the Concept Plan Approval

Relevant conditions of consent	Comment	Compliance
Schedule 2 Part A – Terms of Approval		
<p>1 – Development Description</p> <p>Concept Plan approval is granted for the development as described below:</p> <ol style="list-style-type: none"> Three new building envelopes (known as Building D, E and F) of between 4-7 storeys in height and an additional level (level 6) above the existing aged care facility (Building C); A new child care centre as part of Building F to replace the existing, with associated access and car parking; Use of Buildings D, E and F and additional level on Building C for the purpose of a range of seniors housing, residential aged care accommodation and ancillary spaces; Public space/square on the corner of King and Dangar Streets; A retail/business/commercial or community space of 350 m² at the street level fronting onto the public square/space; A maximum provision of 280 car parking spaces; and Associated landscaping and drainage infrastructure. 	<p>The proposed modification of the Building D project approval meets the development description.</p> <p>There are no proposed uses additional to those approved as part of the Concept Plan and Project Application.</p> <p>The Public space/square on the corner of King and Dangar Streets is to be maintained as part of this modification application, along with the 350 m² retail/business/commercial/community space.</p> <p>It is proposed to reduce the number of basement car parking spaces from 38 to 34. This reduction in car parking spaces will comply with the relevant parking rates under SEPP Seniors and the Randwick DCP 2013, and will adequately service the proposed uses relating to Building D.</p>	Yes
<p>3 - Residential Aged Care Facility Accommodation Provisions</p>	<p>The proposed modification will involve a net increase in additional special care/dementia care beds from the approved 82 to 87 beds, thereby</p>	Yes

Relevant conditions of consent	Comment	Compliance
<p>The approved accommodation is limited to the following:</p> <ul style="list-style-type: none"> a. 17 additional residential aged care beds b. 109 additional special care/dementia beds; and c. 104 independent living units/serviced self-care apartments 	<p>meeting the 109-additional bed limitation established by the Concept Plan.</p> <p>The reconfiguration of the dementia care units and ancillary uses within Building D & C will better optimise the functioning of the facility, while ensuring adequate access to environmental and social amenities for the residents.</p>	
<p>6 – Maximum Height</p> <p>No part of the development shall exceed the following maximum building envelope heights:</p> <ul style="list-style-type: none"> a. RL 59.00 for building envelope C; b. RL 61.63 for building envelope D; c. RL 64.83 for building envelope E; and d. RL 58.53 for building envelope F. e. RL 0.9 m above the maximum RL building envelope 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. 	<p>The proposed modification will sit within the approved maximum building envelope of RL 61.63 and will involve an increase in the maximum height of Building D from the approved RL 59.60 to RL 60.748.</p> <p>This is described in detail within the Architectural Plans at Appendix A.</p>	Yes
Schedule 2 Part B – Modifications		
<p>1 – Affordable Housing</p> <p>A minimum of 10% of accommodation across the entire facility shall be provided as affordable places in accordance with the provisions of Part 6 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p>	<p>Currently, 12% of the facility’s residents (who are on a ‘very low income’) have their rent waived.</p> <p>The proportion of ‘very low income’ residents will be maintained at a minimum of 10% across the site as part of Building D (subject of this application) and Building E & F (to be addressed in a separate DA to Randwick Council).</p>	Yes
Schedule 3 – Future Environmental Assessment Requirements		
<p>7 – Design of Building C, D, E, and F</p> <p>Future development application(s) shall demonstrate that any development facing Centennial Apartments, King Street and Dangar Street shall manage light spill and also adequately consider potential noise impacts.</p>	<p>Outdoor lighting is proposed for Building D in relation to landscaping, security, general movement and safety. The lighting design and installation will be in accordance with the requirements of Australian Standard “AS4282-1997 Control of the obtrusive effects of outdoor lighting” as confirmed by Medland Engineering at Appendix O.</p> <p>An Acoustic Report has been prepared by Renzo Tonin and is provided at Appendix K. This report contains recommendations for detailed design to ensure that potential noise impacts will be mitigated.</p>	Yes
<p>8 – Design of Top Storey of Building D</p> <p>Future project/development application(s) shall demonstrate that the stop storey of Building D and associated structures (above RL 57.753) provide an appropriate setback behind the street</p>	<p>The proposed modification of Building D meets the requirements of FEAR no. 8, except for a minor protrusion involving a façade detailing element as detailed in Section 4.2.1 and Section 6.1.</p>	Yes

Relevant conditions of consent	Comment	Compliance
<p>frontage 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:</p> <ul style="list-style-type: none"> a. is architecturally treated to achieve a light weight external appearance; and b. employs high quality materials and finishes. 	<p>Refer to the Architectural Plans at Appendix A. for further details.</p>	
<p>12 – Parking</p> <p>Future development application(s) shall include a construction and operational (including staff, visitors and volunteers), traffic and parking management plan to minimise congestion impacts on limited on-street parking.</p>	<p>Refer to the Traffic Report at Appendix C addressing the operational plan of traffic management.</p> <p>A Construction Traffic Management Plan has been included as part of the Construction Management Plan at Appendix I.</p>	<p>Yes</p>

5.3. CONSISTENCY WITH RELEVANT STRATEGIC PLANNING POLICIES

The following strategic planning documents are relevant to the assessment of the proposal:

- NSW: Making it Happen;
- A Plan for Growing Sydney; and
- Draft Central District Plan

A summary assessment of the proposal's compliance with the above is provided in the sections below.

5.3.1. NSW: MAKING IT HAPPEN

'NSW: Making it Happen' provides is the State Government's plan which guides policy and budget decisions for delivering community priorities. The plan contains nine key areas of focus including: transport, health, education, environment, police and justice, infrastructure, family and community services, economy and accountability.

The priorities that are relevant to the site and this modification application are:

- Creation of 150,000 new jobs by 2019; and
- Increasing housing supply across NSW by delivering more than 50,000 approvals every year.

The Modification application will align with the relevant priorities of the State Plan as it will maintain substantially the same parameters as the previous Project Approval, except for a loss of 3 dementia care rooms. The proposed reconfiguration of the dementia care units within Building D will better optimise the functioning of the facility, while ensuring adequate access to environmental and social amenities for the residents, ensuring higher quality housing is provided. In addition, the proportion of 'very low income' residents will be maintained at a minimum of 10% across the site as part of the modification application, improving access to housing.

The proposed modification will maintain the future employment generation potential of the site both during construction and during operation.

5.3.2. A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney was adopted in December 2014. The plan positively encourages well designed, higher density development within walking distance of public transport infrastructure with a key focus on urban renewal in appropriate areas such as the development site. **Table 5** below provides an assessment of the planning proposal and concept design against the relevant objectives of the Plan.

Table 5 – A Plan for Growing Sydney

A PLAN FOR GROWING SYDNEY ACTION	DESIGN RESPONSE
<p>Accelerate Housing Supply and Local Housing Choices</p>	<p>The proposal seeks to amend the existing project approval to facilitate reconfiguration of the approved dementia care units within Building D to allow for higher quality rooms, and deliver 5 additional dementia care rooms than previously approved.</p> <p>The proposed modification will enable the provision of seniors housing choice that reflects the demand experienced by Montefiore, and experienced at a broader level within the Community.</p>

A PLAN FOR GROWING SYDNEY ACTION	DESIGN RESPONSE
<p>Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity</p>	<p>The proposed modification will maintain the future local employment opportunities through both the construction and operation of the site further supporting the local employment market.</p> <p>The proposed ground level non-residential uses and public plaza located along the King Street frontage in the south-east corner of the site are proposed to be maintained as part of this modification application. These uses will promote a vibrant local focal point of activity, while minimising detrimental amenity impacts.</p> <p>The proposed modification will not introduce any new uses other than as envisaged and approved as part of the approval under MP09_0088 and MP10_0144.</p>
<p>Undertake long term planning for Social Infrastructure to support growing communities</p>	<p>The proposal, inclusive of its modifications, directly contributes to the provision of vital social infrastructure within the area that supports the local Community.</p> <p>The proposed reconfiguration and increase in number of dementia care units reflects the changing needs of the community experienced by Montefiore.</p>

5.3.3. DRAFT CENTRAL DISTRICT PLAN

The Draft Central District Plan sets out priorities and actions for Greater Sydney's Central District, which includes the local government areas of Bayside, Burwood, Canada Bay, Inner West, Randwick, Strathfield, the City of Sydney, Waverly and Woollahra.

The draft District Plan is on formal public exhibition until the end of March 2017, and is expected to be finalised towards the end of 2017.

The site is located close to the Randwick Education & Health Strategic Centre, and has a housing target of 2,250 additional homes by 2021.

The proposed development will help achieve this housing target by increasing the supply of aged care rooms in response to the increased demand that Montefiore has experienced, and in a well-connected location that is close to health care facilities.

5.4. CONSISTENCY WITH RELEVANT STATUTORY POLICIES

The following statutory planning documents are relevant to the assessment of the proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPPBASIX);
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; (SEPP Seniors)
- State Environmental Planning Policy No 55—Remediation of Land; (SEPP55)
- State Environmental Planning Policy No 65 —Design Quality of Residential Apartment Development (SEPP 65)
- Randwick Local Environmental Plan 2012; (RLEP2012)
- Randwick Comprehensive Development Control Plan 2013 (RDCP2013)

A summary assessment of the proposal's compliance with the above is provided in the sections below.

5.4.1. SEPP (Building Sustainability Index: BASIX) 2004

The DGRs issued for the original Project Application note SEPP BASIX as a relevant SEPP.

However, as stated in the Sustainability Strategy report that was submitted with the original Project Application, as a majority of the subject development is classed 9C under the Building Code of Australia, it is not subject to BASIX, and its benchmarks are not an appropriate fit for approved residential aged care facility, which is the subject of this modification application.

An Energy Efficiency report has been prepared by Medland that confirms that the proposed modified scheme will achieve the required carbon reduction targets. This report is provided at **Appendix E**.

Similarly, a Water Savings Letter has been prepared by DP Consulting Group Pty Ltd confirming that the modified scheme will achieve the required water reduction targets. This report is provided at **Appendix M**.

5.4.2. SEPP (Housing for Seniors or People with a Disability) 2004

The objectives of the Seniors SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and be of good design.

In accordance with Clause 11 of SEPP Seniors, the proposed development is for a 'residential aged care facility' as it offers accommodation for seniors that includes meals and cleaning services

The Project Approval was for low and high level dementia care for residents with dementia and other cognitive impairments requiring specialised care in a secure and caring environment. The proposed modification will maintain the approved uses and is limited to a reduction in residential aged care rooms from the approved 93 dementia care rooms to 90 rooms.

A full compliance of the proposed modification against the relevant development standards of the Seniors SEPP is provided in **Table 6** below.

Table 6 – Assessment of the proposed modification against SEPP Seniors

CONTROL	COMMENTS	COMPLIANCE
Part 1A Site compatibility certificates		
Clause 24 Site compatibility certificates required for certain development applications	A site compatibility certificate (SCC) was issued by the Department of Planning and Infrastructure on 14 August 2009 for the site as Seniors Housing was not permitted on the site at that time. Following gazettal of the RLEP2012 seniors housing is permitted on the site with development consent.	Yes

CONTROL	COMMENTS	COMPLIANCE
Clause 26 Location and Access to Facilities	The granting of the SCC shows that the site is accessible to essential services including The Randwick Commercial Core which includes a variety of retailers and services. Montefiore will continue to provide for in house services and private transport to external services/facilities in order to meet this requirement.	Yes
Part 3 – Division 2 Design Principles		
Clause 33 – Neighbourhood amenity and streetscape	The proposed modification will sit within the envelope approved as part of the Concept Plan approval MP09_0188 MOD 2, which was assessed against the provisions of SEPP Seniors and found satisfactory.	Yes
Clause 34 – Visual and acoustic privacy	Building D will maintain substantial setbacks from King Street and Dangar Street, providing adequate acoustic and visual buffers from the neighbouring residential uses.	Yes
Clause 35 – Solar access and design for climate	Building D has been designed to ensure solar access is maximised as shown in the architectural plans at Appendix A .	Yes
Clause 36 – Stormwater	A Stormwater Report has been prepared and is provided at Appendix D . This report provides recommendations and specifications to ensure that the proposed modified development will comply with the requirements of the relevant Council codes and technical specifications.	Yes
Clause 37 – Crime Prevention	The proposed modification will maintain the retail/commercial/community uses along the King Street frontage, providing a degree of activity in the proposed public square and encouraging passive surveillance. The proposed modification will maintain the general CPTED principles of the original project approval as described in detail in Section 6.5 .	Yes
Clause 38 – Accessibility	The site achieves high levels of accessibility to local services and to public transport services which connects the site with Randwick and the Sydney CBD.	Yes
Clause 39 – Waste Management	The development is served by an existing loading dock located in Building A. The concept plan approval identified the existing loading dock to service the expanded development. This arrangement is to continue under the proposed modification. Garbage collection is to continue to be undertaken by private contractor, with garbage collection occurring in the existing loading dock.	Yes
Part 4 Development standards to be complied with		
Clause 40 – Development standards – minimum sizes and building height		
(2) Site size Minimum 1,000sqm	The site has an area of 29,353 m ² .	Yes
(3) Site frontage Minimum 20m at the building line	Each frontage of the site exceeds 20m.	Yes
Part 6 – Development for vertical villages		
(1) Application of clause This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which	The site is located within the Randwick LGA on land zoned R3 Medium Density Residential. The Randwick LEP 2012 lists 'residential flat buildings' as a permissible use with consent on land zoned R3 Medium Density Residential.	Yes

CONTROL	COMMENTS	COMPLIANCE
development for the purposes of residential flat buildings is permitted.		
<p>(2) Granting of consent with bonus floor space</p> <p>Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.</p>	<p>The proposed modification will result in an increase in GFA on the site, representing an increase in FSR from 0.75:1 to 0.98:1.</p> <p>However, it is noted that the proposed modification will comply with the parameters of the concept plan approval MP09_0188 (as modified), including building height and built form envelopes.</p>	Yes
<p>(6) Requirements relating to affordable places and on-site support services</p> <p>A consent authority may only grant consent to a development application as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p style="padding-left: 40px;">(i) the proposed development will deliver on-site support services for its residents, and</p> <p style="padding-left: 40px;">(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p>	<p>Currently, 12% of the facility's residents (who are on a 'very low income') have their rent waived.</p> <p>The proportion of 'very low income' residents will be maintained at a minimum of 10% across the site as part of Building D (subject of this application) and Building E & F (to be addressed in a separate DA to Randwick Council).</p>	Yes
<p>Part 7 Development standards that cannot be used as grounds to refuse consent Division 2 Residential care facilities Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities</p>		
<p>(a) Building height</p> <p>8 metres or less (2 storeys)</p>	<p>The proposed modification will result in a development with a maximum height of RL 60.748, which exceeds this standard.</p> <p>However, it is noted that the proposed modification is in accordance with the existing concept plan approval (MP09_0188 MOD 2) for the site which permits the proposed scale of development.</p>	N/A
<p>(b) Density and scale</p>	<p>The proposed modification will result in a total site FSR of 0.98:1.</p>	N/A

CONTROL	COMMENTS	COMPLIANCE																
FSR of 1:1 or less																		
(c) Landscaped area 25 m ² per residential care facility bed	The proposed modification will generally maintain the landscaped areas on the site as per the previous approval. It is noted that the proposed modification is in accordance with the existing concept plan approval (MP09_0188 MOD 2) for the site which permits the proposed built form envelopes and quantum of aged care rooms.	N/A																
(d) Parking for residents and visitors (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	34 car parking spaces are proposed as part of this modification, with 1 space allocated per 2 staff and per 10 beds, and with 1 space allocated per 40 m ² of retail space as per table below extracted from the Traffic Report at Appendix C . This car parking provision will comply with the relevant requirements under SEPP Seniors as well as the Randwick DCP 2013.	Yes																
<table border="1"> <thead> <tr> <th>Type</th> <th>Number</th> <th>Minimum Parking Rates</th> <th>Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Residential Care</td> <td>87 Beds 40 peak staff</td> <td>1 space per 2 staff and 1 space per 10 beds</td> <td>29</td> </tr> <tr> <td>Retail</td> <td>350m²</td> <td>1 space per 40m²</td> <td>9</td> </tr> <tr> <td colspan="3" style="text-align: right;">Totals</td> <td>34</td> </tr> </tbody> </table>		Type	Number	Minimum Parking Rates	Spaces Required	Residential Care	87 Beds 40 peak staff	1 space per 2 staff and 1 space per 10 beds	29	Retail	350m ²	1 space per 40m ²	9	Totals			34	
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5.4.3. SEPP NO. 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a state-wide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A Site Contamination Review was completed by CETEC as part of the original Project Application documentation.

An Addendum Site Contamination Review has been prepared by CETEC to support the proposed Section 75 W Modification Application. This report highlights that a detailed investigation has been conducted which indicates that Part 2 of the site (comprising areas of the site adjacent to the intersection of King and Dangar Streets) is contaminated with Hydrocarbons, Lead and PAH.

The addendum report notes that subsequent remediation of the contamination was conducted to comply with the former National Environment Protection Measure (NEPM) Health Investigation Limits (HILs) for a combination of residential buildings with minimal opportunities for soil access and recreational open space. The report notes that, since previous investigations, the NEPM for site contamination has been revised and the HILs for PAH in particular have been changed.

The report recommends that further analysis of PAH concentrations and determination of BaP TEQ should be conducted prior to commencing development works as further remediation of soils maybe required.

The report also recommends that a detailed Remediation Action Plan (RAP) be undertaken for the proposed works at the site once construction certificate plans have been issued. The RAP should, as a minimum, contain details of the remediation required for lead impacted soils in containment cells that are likely to be disturbed by the proposed works and for remediation of Hydrocarbon, Lead and PAH impacted soils that meet the old NEPM HILs for a combination of residential building with minimal opportunities for soil access and recreation open space areas.

Further validation, monitoring and a notice of completion will also be required following the completion of any remediation works on site.

The report concludes that the site is suitable for the proposed development subject to further investigations and remediation of soil contamination being undertaken throughout the project. Refer to this addendum Site Contamination Review at **Appendix L**.

Demolition works will be undertaken in accordance with the Addendum Construction Management Plan (CMP) provided at **Appendix I**.

A detailed Construction Management Plan will be prepared prior to commencement of construction.

5.4.4. SEPP NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Clause 4 of SEPP 65 states that the “*policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if*” . . . “*(c) the building concerned contains at least 4 or more dwellings*”.

While the SEPP does not contain a definition for ‘dwellings’, the Standard Instrument - Principal Local Environmental Plan defines ‘*dwelling*’ as ‘*a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile*’.

The type of residential accommodation in Building D cannot be considered as ‘separate domicile’ as it is limited to dementia care units in the form of a single room accommodation for a person who is reliant on specialist care services provided in that room.

The requirements of SEPP 65 do not apply to this modification application given it relates to development for ‘*residential aged care facilities*’ as described in Clause 11 of SEPP Seniors, rather than dwellings.

The proposed modifications to Building D will not negatively impact on the compliance of the overall concept plan with SEPP 65. A detailed assessment against the provisions of SEPP 65 will be provided as part of the separate detailed Development Application to Randwick Council for Building E & F.

5.4.5. RANDWICK LOCAL ENVIRONMENTAL PLAN 2012

The principle local planning instrument applying to the site is the *Randwick Local Environmental Plan 2012* (RLEP 2012).

5.4.5.1. Permissibility and Land uses

The site is zoned R3 Medium Density Residential Zone under RLEP 2012.

The objectives of the R3 Medium Density Residential Zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

The proposed modification will retain the *Seniors Housing* as its primary land use. RLEP 2012 identifies *Seniors Housing* as a permissible use within the R3 Medium Density Residential Zone.

No new uses are proposed other than those approved as part of the Project Approval MP10_0044.

The proposed modifications in terms of land use are limited to:

- Reconfiguration and reallocation of uses within Building D and Building C resulting in 87 additional special care/dementia beds compared to the approved 82 additional special care/dementia beds; and

- Relocation and reconfiguration of the ground level non-residential spaces within the approved Building D footprint.

5.4.5.2. Clause 4.3 Height of Buildings

The subject site has a dual building height control applicable to it. Of relevance to Building D, is the building height control of 9.5 m.

The approved development has a maximum height of RL 59.60 which exceeds the applicable maximum height control.

The proposed modification seeks to increase the maximum height of Building D to RL 60.748.

This will comply with the Concept Plan modification approval (MP09_0188 MOD2) which provides for a maximum building height of RL 61.63 for Building D.

The proposed modification will respond to the relevant conditions of approval under MP09_0188 MOD2 as described in **Section 6.2**.

5.4.5.3. Clause 4.4 Floor Space Ratio

The applicable maximum FSR control for the site is 0.75:1. The GFA of the approved Concept Plan (as modified), exceeds the applicable maximum FSR control for the site under RLEP 2012.

The GFA of Building D as approved under MP10_0044 was 5,229 m²

The proposed modification of Building D will increase its GFA to 6,525 m², resulting in a final FSR of 0.98:1.

This will comply with the Concept Plan modification approval (MP09_0188 MOD2) which provides envelope controls for future development on the site.

5.4.5.4. Clause 5.10 Heritage Conservation

The site is not identified as being an item of environmental heritage under the RLEP2012 or the *Heritage Act 1977* and is not located within a heritage conservation area. However the site is located within close proximity to the locally listed brick chimney stack at 88-98 King Street and the North Randwick Heritage Conservation Area.

The proposed modification to the Project Application MP10_0044 is not anticipated to have any adverse heritage impacts as it will sit within the building envelopes approved as part of the approved Concept Plan MP09_0188 MOD 2, which will ensure the retention of the significant views of the chimney stack from King Street and its landmark quality.

5.4.5.5. Clause 6.4 Stormwater Management

A Supplemental Flood and Stormwater Report has been prepared by Emerson Associates and is provided at **Appendix D**.

The report states that the Building D works will required Building D rainwater and ground level areas higher than RL 44.45 m AHD discharging directly to Basin 'M-1' together with the following works:

- Adjustment of the orifice diameter for the outlet from detention tank 'M-1';
- Mounding and walling along Dangar Street to preclude flood levels; and
- Protection to residential and commercial floor levels along the King Street frontage to Council DCP 2013 requirements.

The report confirms that the construction of Building D will not require any changes to the detention system apart from slightly increasing the orifice diameter for Basin 'M-1' as this basin already serves this area.

5.5. RANDWICK COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2013

The Randwick Development Control Plan 2013 (RDCP2013) applies to the site.

It is noted that recent amendments to the *Environmental Planning and Assessment Act 1979* have further clarified the role of Development Control Plans. As a result of these amendments consent authorities are now required to adopt a flexible approach in applying DCP provisions and allow alternative solutions should appropriate planning justification for a proposal be provided by the applicant.

Table 7 below provides an assessment of the proposed modifications against the provisions of the RDCP 2013.

Table 7 – RDCP 2013 Assessment

RDCP 2013 Control	Comments
Floor Space Ratio	<p>The total FSR of the site including the existing development, the approved Stage 2, and the proposed Stage 1 modification (the subject of this report) is 0.98:1</p> <p>This will exceed the applicable maximum FSR control under the LEP/DCP.</p> <p>However, the proposed modification will sit within the building envelope approved under MP09_0188 MOD 2.</p> <p>The GFA area calculations have been included within the architectural plan-set.</p>
Building height	<p>The site is subject to a dual building height control of 9.5m (relevant to Building's C and D) and 12m (relevant to Building E and F).</p> <p>The approved development exceeds the height controls.</p> <p>The modification application proposes to increase the height of Building D from RL 5.60 (approved under MP10_0044) to RL 60.748, which will comply with the approved building envelope under MP09_0188 MOD 2.</p> <p>Projections above the maximum building envelope are limited to plant that will not be visible from the public domain and will not extend more than 0.9 above the maximum RL. This is in compliance with the Concept Plan modification approval MP09_0188 MOD2.</p>
Building Depth	<p>The Building Depth controls of the DCP apply to residential flat buildings.</p> <p>Building D comprises residential aged care units (low and high level dementia care). These dementia care units are each intended to function as a single room accommodating a person who is reliant on specialist care services provided in that room. It is intended that meals are to be taken outside of the dementia care units wherever practicable.</p> <p>The design and layout of Building D will ensure that the residents have access to a high level of environmental amenity. The proposed modification will maintain access to high quality private and communal open space areas, as well as the communal and recreational facilities associated with Building D and the broader site.</p>
Setbacks	<p>Building D will feature the following setbacks to:</p> <ul style="list-style-type: none"> • King Street – 20 m • Dangar Street – 10 m <p>The proposed modification to Building D will maintain the setbacks that were approved as part of the project approval under MP10_0044, and will comply with the DCP 2013 requirements as it will be consistent with the existing streetscape.</p>
Building Facade	<p>The Architectural Plans at Appendix A provide details on the building facades.</p> <p>The proposed façade will feature stepping, steel framed ceramic baton screens and fenestration to provide façade articulation in keeping with the provisions of the DCP.</p>

RDCP 2013 Control	Comments
Roof Design	<p>Refer to the Architectural Plans at Appendix A for details on the proposed roof design.</p> <p>The proposed design features a flat roof design in keeping with the surrounding built form.</p> <p>Detailed design analysis has been undertaken to ensure that the visual impacts of the roof are minimised when viewed from the surrounding public domain.</p> <p>In addition, the roof form will fit wholly within the approved building envelope under MP09_0188 MOD 2.</p>
External Wall Height & Ceiling Height	<p>Building D will provide minimum ceiling heights of 2.7 m for all habitable rooms.</p> <p>The proposed modification will not comply with the external wall height requirement of 8 m.</p> <p>However, it is noted that the proposed modification will comply with the approved building envelope under MP09_0188 MOD 2 for Building D, but for a minor encroachment of façade detailing to a section of the Dangar Street frontage.</p>
Pedestrian Entry	<p>The pedestrian entrances to the site previously approved under MP10_0044 & MP09_0188 (as modified) will not be altered as a result of this modification application.</p> <p>The proposed plaza fronting King Street will provide the main pedestrian entry to the retail uses at this frontage.</p> <p>Building D will not be directly accessible from King Street or Dangar Street, with access to the main areas of this building being provided via an internal circulation route from Building C through the proposed administration zone at Level 3 of Building D.</p> <p>Refer to the Architectural Plans at Appendix A for further details.</p>
Internal Circulation	<p>The internal circulation spaces of Building D have been designed to the requirements of the future staff and residents of the residential aged care facility, and will feature spacious corridors with access to communal open spaces and terraces.</p>
Apartment Layout	<p>Building D relates to residential aged care units for dementia care, so the requirements within this section of the DCP do not strictly apply.</p> <p>However, the layout and arrangement of the dementia care rooms within Building D have been carefully designed to maximise the resident's access to communal open spaces and good environmental amenity.</p>
Balconies	<p>Building D relates to residential aged care units for dementia care, so the requirements within this section of the DCP do not strictly apply.</p>
Colours, Materials and Finishes	<p>Refer to the Architectural Plans at Appendix A for detailed information on the colours, materials and finishes proposed as part of the modified Building D design</p>
Solar access and overshadowing	<p>Building D has been designed to ensure solar access is maximised as shown in the architectural plans at Appendix A.</p>
Visual Privacy	<p>The proposed modification of Building D will maintain the 10m landscaped setback to King Street defined as part of the Concept Plan modification approval.</p> <p>This setback, in combination with the width of the King Street carriageway and front setbacks of residential properties on the southern side of King Street will provide adequate separation distance between Building D and properties to the south.</p> <p>Similarly, the 10m landscaped setback to Dangar Street is maintained as part of the proposed modification. This setback, in combination with the width of the Dangar Street carriageway, substantial street-tree plantings and front setbacks of residential properties on the eastern side of Dangar Street, all combine in providing an adequate privacy outcome between the Building D and properties to the east.</p>

RDCP 2013 Control	Comments
	<p>The upper levels of Building D are limited to residential aged care rooms that do not have balconies.</p>
<p>View sharing</p>	<p>A Visual Impact Analysis was submitted as part of the Concept Plan modification application (MP09_0188 MOD 2), which formed the basis of the approval of the additional height on Building D.</p> <p>The Visual Impact Analysis concluded that the additional height proposed on Building D as part of the concept plan modification is located at the least sensitive part of the site, and has been designed to reduce its visual impact when viewed from the street frontage and surrounding properties. The approved building envelopes will result in a negligible impact on real views from a small number of apartments on King Street and Wentworth Street, which still enjoy good amenity in terms of their outlook.</p> <p>The proposed Application modification identifies that the amended Building D design (with a Level 7 plant room addition) will sit wholly within the maximum height envelope approved as part of MP09_0188 MOD 2 for Building D.</p>
<p>Safety and security</p>	<p>The Department of Urban Affairs and Planning publication “Crime Prevention and the Assessment of Development Applications” sets out four main principles to guide the design of new developments to minimise the risk of crime. The proposal has been designed to consider these four principals and is considered to be fully compliant.</p>
<p>Location</p>	<p>The proposed modification will provide car parking spaces in line with the Concept Plan approval, and will be set back significantly greater than 1 m from the site boundary.</p> <p>As confirmed by the Traffic Report at Appendix C the proposed modification scheme will provide adequate parking to enable the uses within Building D to function effectively.</p>
<p>Configuration</p>	<p>Suitable circulation space has been provided under the modified Building D basement design vehicles to enter and exit in a forward direction.</p> <p>Vehicle circulation spaces in the car parking area has been designed to comply with the relevant Australian Standards</p>
<p>Parking Facilities Forward of Front Façade Alignment</p>	<p>No parking facilities are proposed forward of the front façade alignment.</p>

6. ENVIRONMENTAL IMPACTS

6.1. BUILT FORM AND URBAN DESIGN

The proposed modification will respond to the recent amendments to the concept plan approval for the site. The modified design for Building D will sit within the amended envelope, ensuring that any built form and urban design impacts resulting from the proposal are those that have already been considered and approved as part of the concept plan approval (MP09_0188 MOD 2).

See below discussion of the minor encroachments beyond the concept plan envelope proposed as part of this modification application.

Light-weight façade detail on the King Street and Dangar Street corner of Building D

- This has been provided to accentuate the corner, and provide visual interest to the building, as shown below in **Figure 7**, **Figure 8**, and **Figure 9** below;
- The façade detail consists of ceramic battens mounted on a steel frame that sit proud of the building façade;
- It is a transparent detailing, and will not present as a solid form and does not contribute to the bulk of the building, aligning with the intent of FEAR No.8;
- The degree of protrusion is 515 mm above the pedestrian view line established under FEAR No.8;

This represents a 3.8% increase to the building height over approximately 25% of the façade length. Because this protrusion does not run for the full length of Dangar Street façade, it will only protrude above the view line for a short distance at the corner;

- The area of the additional Dangar Street façade mass (comprising transparent detailing and material) represents only 1% of the façade when viewed from Dangar Street; and
- This height (including the batten) is at RL 58.268, which remains less than the originally approved concept plan (which was RL58.53).

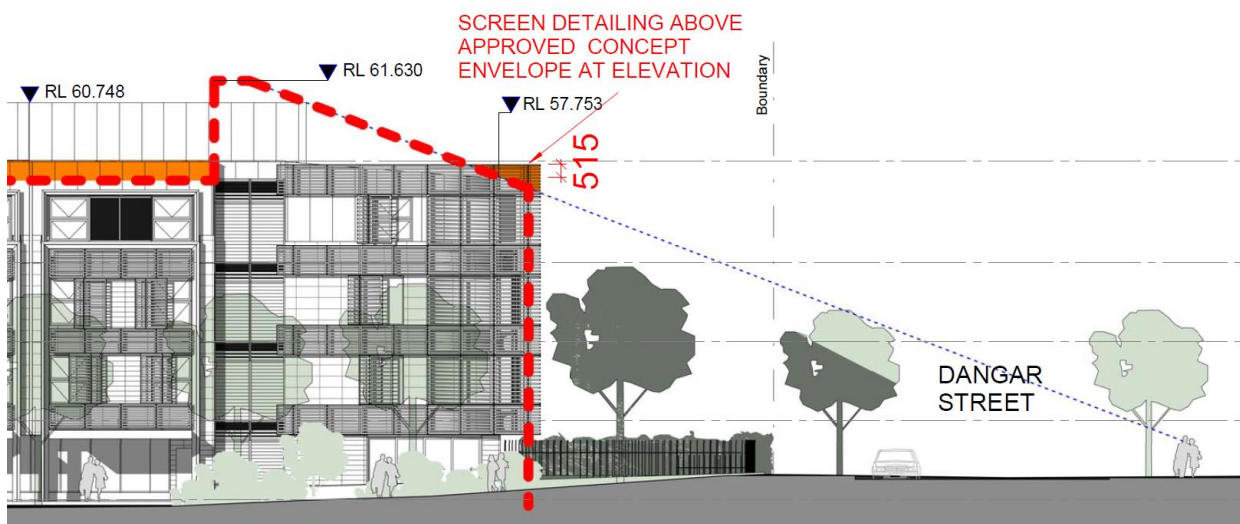


Figure 7 – Façade detail at the corner of King Street/Dangar Street

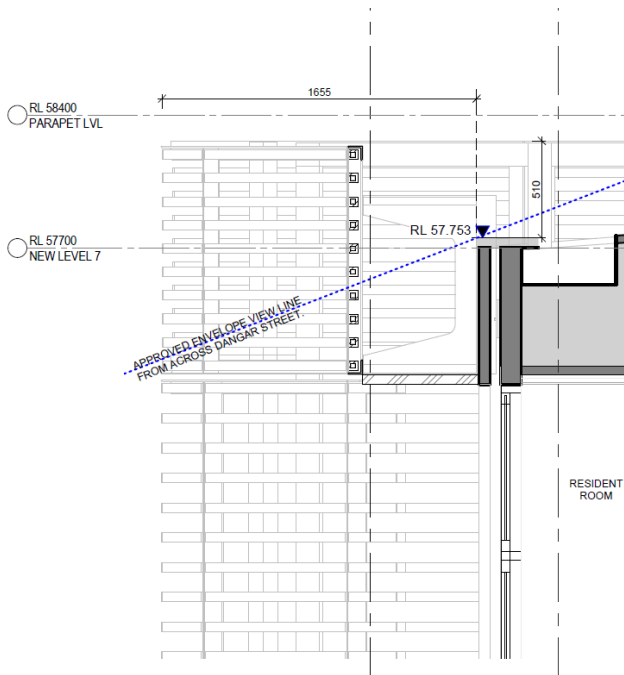


Figure 8 – Cross section detail of the Façade Screen

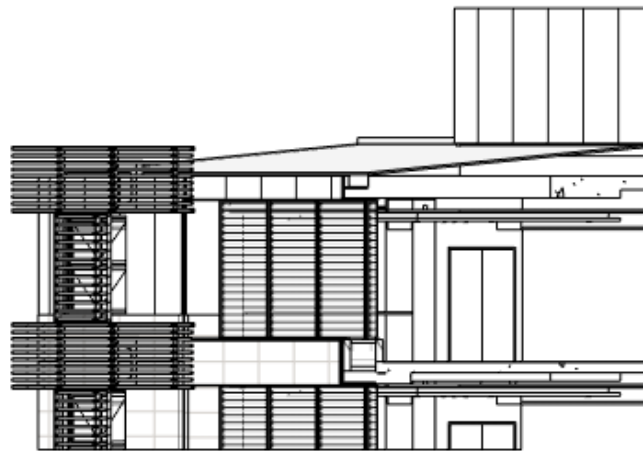


Figure 9 – Oblique view showing façade screen

Parapet on part of the King Street façade of Building D

- An additional 770mm parapet is proposed at the King Street frontage reverting to a metal roof with minimum pitch, as shown in **Figure 10** below;
- In the context of the adjoining Building C, it remains less than the approved envelope of that building (RL 59). Similarly, it remains less than the adjoining envelope allowance dictated by the pedestrian view-plane from Dangar Street;
- Furthermore, this façade sits a further 10m set-back from King Street than does Building C (providing a total setback of 20m from the property boundary). It will be imperceptible from the King Street frontage from a pedestrian's perspective;
- In overall façade mass terms, it represents 2.5% of the approved façade envelope of Buildings C and D as they present to King Street;
- This height (including the additional parapet height) is at RL 58.4 and remains less than the originally approved Concept Plan (which was RL58.53).

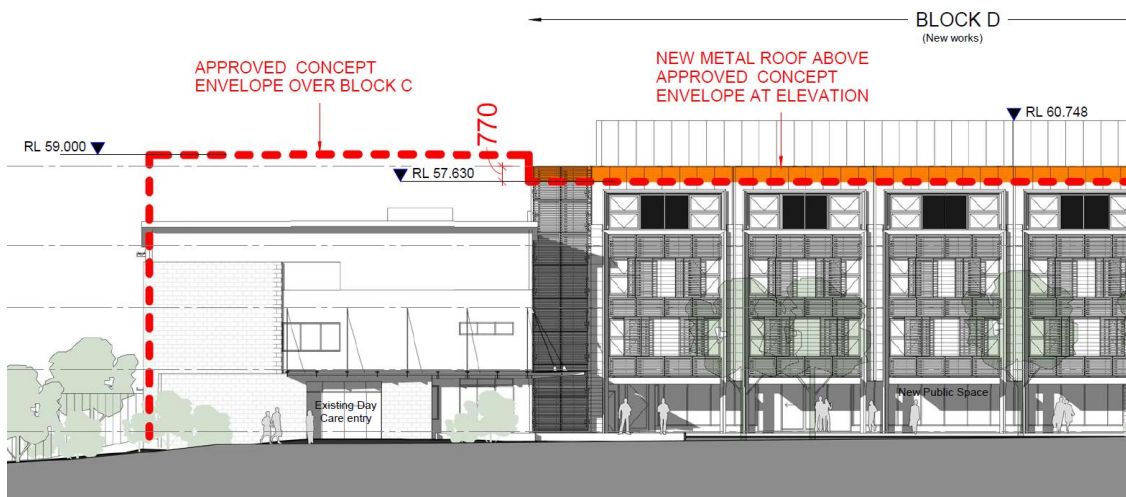


Figure 10 – Parapet on part of the King Street façade

Northwest Corner Infill of Building D

The approved concept plan envelope features a minor corner notch at the south west corner of the north wing of Building D at Levels 5, 6, and 7 as shown in **Figure 11** below.

It is proposed to modify the Building D envelope at this location to infill this minor notch for the following reasons: dc

- To provide structural connections between column and beam systems without significant transfers;
- To provide additional room for mechanical services within cupboards and the ceiling at the end of the corridor;
- To rationalise the architectural form to align better with the overall built form at this location; and
- To allow better junctions with cladding materials and minimise risk of junction failure.

It is noted that the proposed minor infill will only be visible from the internal courtyard and rooms within Building C and D facing internally, and will not be visible from neighbouring properties.

There will be no increased overshadowing impacts or view impacts as a result of this infill.

It is also noted that the minimal amount of floor space gained as a result of the proposed infill is limited to corridor space.

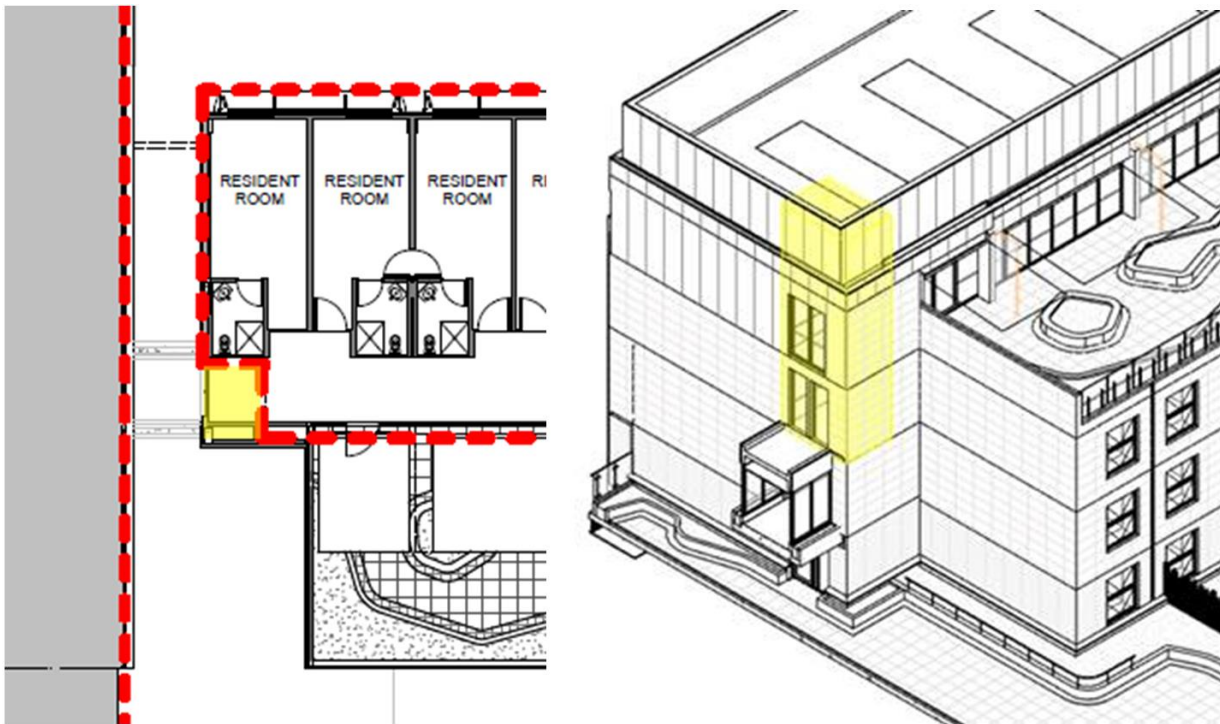


Figure 11 – Proposed Minor Infill of Building D Notch

6.2. RESIDENTIAL AMENITY

The requirements of SEPP 65 do not apply to this modification application given it relates to development for *'residential aged care facilities'* as described in Clause 11 of SEPP Seniors, rather than dwellings.

The nature of the detailed design changes to Building D has not compromised the internal living spaces and amenity associated with the building.

The proposed modifications to Building D will not negatively impact on the compliance of the overall concept plan with SEPP 65. A detailed assessment against the provisions of SEPP 65 will be provided as part of the separate detailed Development Application to Randwick Council for Building E & F.

The proposal fits within the envelope established by the Concept Plan and hence impacts such as building bulk, privacy and solar access have all been appropriately managed.

It is noted that the proposed separation of Building D and Building C within the north-west portion, and the setting back of Building D from Building C at this location will have a positive impact on amenity by increasing sun light access for rooms in Building C, as well as increasing the proportion of landscaped open space within the Building D courtyard.

6.3. VISUAL IMPACT AND VIEWS

A Visual Impact Analysis was submitted as part of the Concept Plan modification application (MP09_0188 MOD 2), which formed the basis of the approval of the additional height on Building D.

The Visual Impact Analysis concluded that the additional height proposed on Building D as part of the concept plan modification is located at the least sensitive part of the site, and has been designed to reduce its visual impact when viewed from the street frontage and surrounding properties. The approved building envelopes will result in a negligible impact on real views from a small number of apartments on King Street and Wentworth Street, which still enjoy good amenity in terms of their outlook.

The proposed Application modification identifies that the amended Building D design (with a Level 7 plant room addition) will sit wholly within the maximum height envelope approved as part of MP09_0188 MOD 2 for Building D.

6.4. LANDSCAPING AND PUBLIC DOMAIN

It is proposed to modify the approved landscape design associated with the public plaza at the King Street/Dangar Street corner.

This will reflect the proposed reconfiguration of the non-residential space fronting King Street to include the corner building footprint (previously occupied by dementia care rooms), and will have a positive benefit by enhancing the public interface of the development at this corner.

Courtyards are maintained on Levels 3, 4, 5, and 6 of Building D to provide secure passive recreation spaces for dementia care residents. The outdoor terrace at Level 3 of Building D facing Dangar Street has also been maintained, and will provide respite space and a viewing area from the dementia wing.

The proposed deletion of the terrace space in the north-east corner of Building D will help alleviate any overlooking, noise and privacy issues to the neighbouring residential uses along Dangar Street. Further, the rooms proposed to be incorporated into this space on Level 5 and Level 6 will sit within the approved concept plan envelope.

In accordance with the recommendations of the Stormwater Report at **Appendix D**, the landscaping has been designed to mitigate the potential flooding risk for Building D.

Refer to the revised Landscape Plans along with a Landscape Statement at **Appendix B**.

6.5. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Crime Prevention Through Environmental Design (CPTED) seeks to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing or concealing crime benefits.
- Removing conditions that create confusion about required norms of behaviour.

The Department of Urban Affairs and Planning publication “*Crime Prevention and the Assessment of Development Applications*” sets out four main principles to guide the design of new developments to minimise the risk of crime. The proposal has been designed to consider these four principals and is considered to be fully compliant with these principals as summarized in **Table 8** below.

Table 8 – Assessment against the CPTED Criteria

CRITERIA	DESIGN RESPONSE
Surveillance	<ul style="list-style-type: none"> • The proposed retail/commercial/community uses on the ground floor fronting King Street will ensure that activity is maintained throughout the day. • Dementia care units with windows overlooking King Street and Dangar Street will promote casual surveillance. • Strategic landscape and lighting design will enhance surveillance opportunities by directing movement to areas of greatest surveillance.
Access Control	<ul style="list-style-type: none"> • The main pedestrian paths are in keeping with the natural desire lines of pedestrians, ensuring easy access to the road network and the public plaza. • Paving and landscape will provide visual interest and define pedestrian paths. • Accessibility for all age groups and the disabled has been an important consideration in the design.
Territorial Reinforcement	<ul style="list-style-type: none"> • Hard and soft landscape is another contributing element to defining and establishing positive territorial behaviour. • The developments edge and the street trees delineate the boundary between the pedestrian environment of the development and the public realm of the street, distinguishing between pedestrian routes into the development and pedestrian routes bypassing the development.
Space Management	<ul style="list-style-type: none"> • Materials and finishes have been selects to be robust and hard wearing. • Lighting is proposed to ensure security and safety • Surveillance cameras will be used at key entry points

6.6. ACCESS AND PARKING

A Traffic report has been prepared by Traffix and is provided at **Appendix C**.

The Traffic Report concludes the following:

- The traffic generation for the full concept plan was assessed as acceptable during the development of the concept plan. As such, the traffic generation of the interim arrangement proposed under Stage 1 (i.e. Building D) can also be considered acceptable;
- The parking requirement for the proposed modified development under Council's DCP is for 34 car spaces for the site. In response, 34 car parking spaces have been provided within the Building D basement to service the staff and visitors to the site; and
- The proposed access and internal design will comply with AS 2890 and are considered acceptable.

6.7. WATER CYCLE AND STORMWATER MANAGEMENT

A Stormwater Report has been prepared and is provided at **Appendix D**. This report provides recommendations and specifications to ensure that the proposed modified development will comply with the requirements of the relevant Council codes and technical specifications.

The report states that the Building D works will required Building D rainwater and ground level areas higher than RL 44.45 m AHD discharging directly to Basin 'M-1' together with the following works:

- Adjustment of the orifice diameter for the outlet from detention tank 'M-1';
- Mounding and walling along Dangar Street to preclude flood levels; and
- Protection to residential and commercial floor levels along the King Street frontage to Council DCP 2013 requirements.

The report confirms that the construction of Building D will not require any changes to the detention system apart from slightly increasing the orifice diameter for Basin 'M-1' as this basin already serves this area.

6.8. GEOTECHNICAL CONDITIONS

A Geotechnical Investigation has been prepared by JK Geotechnics for the whole campus, including Building D, and is provided at **Appendix M**. The report makes several recommendations regarding demolition, excavation, mitigation of vibration and ground surface movements, seepage, fill, basement tanking, retention and the use of batters, installation of footings and piles and subsurface preparation.

As per the existing approval these recommendations will be implemented at the Construction Certificate stage of this project modification approval.

6.9. CONTAMINATION

A Site Contamination Review was completed by CETEC as part of the original Project Application documentation.

An Addendum Site Contamination Review has been prepared by CETEC to support the proposed Section 75 W Modification Application. This report highlights that a detailed investigated has been conducted which indicates that Part 2 of the site (comprising areas of the site adjacent to the intersection of King and Dangar Streets) is contaminated with Hydrocarbons, Lead and PAH.

The addendum report notes that subsequent remediation of the contamination was conducted to comply with the former National Environment Protection Measure (NEPM) Health Investigation Limits (HILs) for a combination of residential buildings with minimal opportunities for soil access and recreational open space.

The report notes that, since previous investigations, the NEPM for site contamination has been revised and the HILs for PAH in particular have been changed.

The addendum report recommends that further analysis of PAH concentrations and determination of BaP TEQ should be conducted prior to commencing development works as further remediation of soils maybe required.

The addendum report also recommends that a detailed Remediation Action Plan (RAP) be undertaken for the proposed works at the site once construction certificate plans have been issued. The RAP should, as a minimum, contain details of the remediation required for lead impacted soils in containment cells that are likely to be disturbed by the proposed works and for remediation of Hydrocarbon, Lead and PAH impacted soils that meet the old NEPM HILs for a combination of residential building with minimal opportunities for soil access and recreation open space areas.

Further validation, monitoring and a notice of completion will also be required following the completion of any remediation works on site.

The addendum report concludes that the site is suitable for the proposed development subject to further investigations and remediation of soil contamination being undertaken throughout the project. Refer to this addendum Site Contamination Review at **Appendix L**.

Demolition works will be undertaken in accordance with the Preliminary Construction Management Plan (CMP) prepared as part of the original Project Application, provided along with an addendum at **Appendix I**.

A detailed Construction Management Plan will be prepared prior to commencement of construction

6.10. SUSTAINABILITY

The DGRs for MP10_0044 required the development to be assessed against a 'suitably accredited rating scheme' to meet industry best practice in terms of ESD.

As noted in the Sustainability Strategy prepared by Cundall and submitted as part of MP10_0044, possible sources for 'suitably accredited rating schemes' including 'the Green Building Council of Australia', NABERS, and BASIX are tools that are not appropriate to an aged care development. The report notes that using a tool that is not appropriate to the building type creates fundamental issues in the benchmarking of performance. Given this, the Sustainability Strategy recommended an alternative approach, which included:

- **Carbon:** to achieve a reduction of 40% compared against the existing building; and
- **Water:** to achieve a reduction of 25% compared against the existing building

Based on this recommendation, the Project Application approval MP10_0044 incorporated a condition of consent requiring Building D to achieve reductions in carbon emissions by 40% and water usage reduction by 25% with respect to the total for the current Buildings A, B and C.

An Energy Efficiency report has been prepared by Medland Engineering, and is provided at **Appendix E**. This report confirms that the proposed modified Building D development can achieve the carbon emission reduction target of 40%.

Similarly, DP Consulting Group Pty Ltd have prepared a letter (**Appendix M**) confirming that a water savings target of 25% can be achieved for the proposed modified Building D development.

6.11. WASTE

It is proposed to delete a previously approved loading bay/refuse zone located to the west of Building C (Level 2), and remove the associated Level 1 service tunnel connecting this zone to Building A.

However it is noted that no changes are proposed to the approved waste servicing arrangements, which will be accommodated by the site's main service area comprising an existing loading dock and service area located in Building A.

6.12. SOCIAL AND ECONOMIC IMPACTS

The proposed modification will align with the concept plan approval and will have positive social and economic impacts as listed below:

- The proposal will maintain the provision of seniors' living within close proximity to the medical and community services of the Randwick City Centre including the Prince of Wales Hospital. This will promote convenient access to these services which is consistent with State government policy;
- The proposal will deliver dementia care (high and low level care) to cater to changing demographic needs;
- It is considered that there is a general lack of alternative sites within the same ring around Randwick shops and the medical hub that would enable the achievement of key strategic outcomes;
- The proposal will represent Stage 1 of the approved Concept Plan and will promote the economic use of a presently underutilised site; and
- The development will continue to provide an employment generating use in a residential area close to public transport routes will promote the use of public transport in by commuters both during construction and post construction.

6.13. STATEMENT OF COMMITMENTS

The previous Statement of Commitments that were approved for the site are still relevant to the amended Project Application, except as per the updates below:

- Deleting reference to McLachlan Lister as Project Manager, and replace with 'Contractor'. The Contractor is responsible for the site and responding to complaints.
- Updated references to the following reports to reflect updated reports accompanying this modification application:
 - Construction Management Plan (**Appendix I**)
 - Stormwater Management Plan (**Appendix D**)
 - BCA report (**Appendix G**)
 - Contamination Review (**Appendix L**);
 - Energy Efficiency report (**Appendix E**); and
 - Water Savings Letter (**Appendix M**).

7. CONCLUSION

The proposed modification to the existing Project Approval MP10_0044 has been prepared under Section 75W of the Environmental Planning and Assessment Act 1979.

The proposed modification to Building D responds to the recently approved modification to Concept Plan MP09_0188 MOD 2. As part of the Concept Plan Modification Approval, Future Environmental Assessment Requirement no. 8 (FEAR no.8) required changes to the previously approved Building D Project Approval.

This modification application reflects the requirements of FEAR no. 8 by addressing the reconfiguration of the Level 7 design that has been undertaken to reduce the extent of this level, and addressing several other minor amendments to the approved development under MP10_0044 (as modified).

The proposed modifications will generally comply with the approved envelope under Concept Plan MP09_0188 MOD 2, except for minor encroachments that will not have any adverse environmental impacts.

Furthermore, the proposed internal reconfiguration and relocation of uses within Building D and Building C will improve the quality and amenity of the development for future residents and staff.

The proposed modification has been assessed against the relevant matters for consideration under Section 75W, including relevant Strategic Planning Policies, Environmental Planning Instruments such as LEPs and DCPs, and State Environmental Planning Policies, and has been found to satisfy the relevant provisions.

The proposed modification will not have any additional environmental impact in addition to those approved under the previous Project Application approval and the recent Concept Plan modification approval.

The proposal will deliver dementia care (high and low level care) to cater to changing demographic needs, and maintain the provision of seniors' living within close proximity to the medical and community services of the Randwick City Centre including the Prince of Wales Hospital. This will promote convenient access to these services which is consistent with State government policy.

It is therefore submitted that the proposed modification to the Project Approval under MP10_0044 be considered favourably for approval.

DISCLAIMER

This report is dated 24 August 2016 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Sir Moses Montefiore Jewish Home (**Instructing Party**) for the purpose of Section 75W Modification Application to MP 10_0144 (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A MODIFIED ARCHITECTURAL PLANS & ARCHITECTURAL DESIGN STATEMENT

APPENDIX B

LANDSCAPE PLANS & LANDSCAPE DESIGN REPORT

APPENDIX C

TRAFFIC IMPACT STATEMENT

APPENDIX D

SUPPLEMENTAL FLOOD AND STORMWATER REPORT

APPENDIX E

ENERGY EFFICIENCY REPORT

APPENDIX F

ADDENDUM CONSULTATION REPORT

APPENDIX G BCA, ACCESSIBILITY & FIRE ENGINEERING

APPENDIX H

QUANTITY SURVEYOR'S COST REPORT

APPENDIX I

ADDENDUM CONSTRUCTION MANAGEMENT PLAN

APPENDIX J

UTILITIES STATEMENT

APPENDIX K

ACOUSTIC ASSESSMENT

APPENDIX L

SITE CONTAMINATION REVIEW

APPENDIX M WATER SAVINGS LETTER

APPENDIX N GEOTECHNICAL INVESTIGATION REPORT

APPENDIX O OUTDOOR LIGHTING STATEMENT

APPENDIX P

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