

11 December 2015

Team Leader –Key Sites Assessments
Department of Planning & Environment
23-33 Bridge Street
Sydney 2000

Attention : Mr Simon Truong

Dear Sir,

SUBJECTLAND: 100-120 King Street and 30-36 Dangar Street, RANDWICK NSW 2031.
APPLICATION NO: MP09_0188 MOD 2
PROPOSAL: Modification Request to the Concept Approval for expansion of the existing aged care facility at the Sir Moses Montefiore Jewish Home.

I refer to the above modification request and this letter contains Council response to relevant issues raised in the request. Please note that a number of residents have submitted letters of objection to the proposal which is provide with Council's submission on this matter.

Following a review of proposal, Council would advise as follows:

Building Envelope

The proposal involves

- an increase in the envelope of Building D by the addition of one storey in the north-eastern corner resulting in a 5 storey building instead of 4 under the Concept approval
- an increase in the envelope of building E and F by two storeys resulting in two 7 storey buildings instead of 5-6 under the Concept approval.

While the proposed concept indicates that there will be a reduction in FSR from the approved FSR of 1.61:1 (46,270 m²) to 1.57:1 (46 023m²), the revised total amount of floor area still represents a significant amount in excess of the maximum allowable GFA under the SEPP HSDP, which adds to the bulk and scale of the proposed development. Council's position in relation to these increases has always been that, the breaches in density and height proposed under the PPR are still at the upper limit that the subject site can tolerate relative to the existing and future character of surrounding development under the established Residential R3 and Residential R2 zonings. Council is concerned that the proposed increase in height represents the first of a series of modifications to incrementally bring in higher and denser infill development within the existing complex. In particular, Council is concerned that these latest breaches in FSR and height are part of a continuum of future potential breaches for additional height and floor area as the demand for independent living units and in situ residential care continues to grow.

The proposal will result in higher buildings fronting King Street than those approved in the Concept Plan. This results in a more intrusive and overbearing built form on King Street than that proposed in the Preferred Project Report (PPR). This serves only to undermine any purported improvement in amenity to the Centennial Apartments under the PPR as well as to residential properties in King Street.

Height

While the SEPP HSDP contains no height bonuses to correlate with the FSR bonus control available under the SEPP, this should in no way justify the proposed increases in height over Buildings D and E especially given that the proposal is considered lacking in the following areas:

- The additional building height and visual bulk in Buildings D, E and F will be visible from King Street especially when viewed side-on along east and west elevations of these Buildings (as indicated in the photomontage presented in "*View 2 – Photomontage from corner of Prince & King Street looking east along King Street including Centennial Apartments*"). The overall visual impact is that the built form appears strongly monolithic and intrusive with a 5-6 storey walled built form effect contrary to the proponent's claim that the open space breaks in between buildings will reduce bulk and scale.
- There is limited detail on facade treatment to Buildings C, D and E in the subject modification proposal. As such, the increased height and visual bulk and scale of these buildings will not be mitigated by the use of suitable architectural and facade design elements but will appear incongruous and intrusive in the existing and future residential character of the King Street as well as Dangar Street streetscapes.
- The provision of "open space corridors" between Buildings C, E and F will have limited effect in softening the increased building height in Buildings D, E and F because
 - the corridor between Buildings E and F predominantly will be a driveway with landscaping limited to small planter beds along the driveway
 - the corridors between Buildings C and E and F do not comprise deep soil landscaped areas and are instead planter beds such that any landscape plantings in these corridors will have limited effect in screening the east and west side elevations of Buildings E and F and the west elevation of Building C when viewed from King Street.
- The increased building height and bulk and scale appears as a walled built form which only serves to accentuate the perception that the whole complex is a walled and gated community with little, if no, pedestrian permeability through the overall site through landscaped corridors and circulation spaces to soften the perception of a wall/gated effect along King Street and Dangar Street (see also issues raised in relation to retail/commercial use below). In this regard, the proposal does not clearly address the pedestrian circulation and linkages between various open areas which should be demonstrated in a schematic form.

Much was previously mentioned in the PPR about the design benefits of the deletion of Envelope F to provide a transitional element to the Centennial Apartments. The creation of a separate Building F in the current modification proposal has merely resulted in the transfer of the previously deleted bulk into a larger Building F thus increasing the massing and scale on King Street, which results in a more intrusive and overbearing built form on King Street.

Amenity impacts

A number of residents in their submissions to the proposed modification have raised concerns regarding lost of significant/iconic views currently available from significant areas of their properties. While the proponent has included a view impact analysis in the *Visual Impact Drawings* Nos. 1-4, the analysis in these drawings are considered generalised in nature and based on a number of incorrect assumptions. In particular, no analysis has been undertaken of the view loss from specific properties in accordance with, and addressing, the view sharing principles established in the case of *Tenacity v Warringah Council*. For example, in relation to potential view loss to the residential properties on the eastern side of Dangar Street, the proponent merely concludes that:

"The residential properties on the eastern side of Danger (sic) Street do not have habitable floors that are affected by the additional height on Building D. Furthermore, the westerly City views from the apartment building further east are blocked by the existing apartment building fronting Dangar Street, and hence are also unaffected by the proposed modification to Building D."

Objections have been received from a number of owner residents in the existing adjacent properties at No. 89-91 and No. 69-87 Dangar Street disputing this assessment as well as the claim that no significant view loss would occur. Specifically, one property has provided a view that is currently enjoyed which includes a continuous scene of the Blue Mountains and the CBD skyline in the one panoramic view. The absence of any detailed view loss analysis from specific affected properties in accordance with the view sharing principles established in *Tenacity v Warringah Council* is considered a fundamental flaw. An application of these principles would indicate that views of CBD/City skylines within a wider uninterrupted panoramic sweep should be considered iconic in nature and, accordingly, should be preserved.

Mixed retail/commercial uses

The modification proposal seeks to increase the amount of the non-residential component and broaden its definition to include not just the previously approved retail use but also business and commercial uses permitted under the existing R3 zone. Concern is raised that this modification will result in purely commercial uses associated with the on-site Home Care business at the expense of a more open and publicly accessible retail component that was always intended in the earlier approved 2001 and 2002 Master Plans, Concept Plan and PPR. The proposed broadening of the definition of non-residential uses in this case appears self-serving and only serves to reinforce the current "gated community" character of the overall complex as evidenced in the following comments in the submitted Section 75W Report (page 16) prepared by Urbis:

- Montefiore is a Jewish organisation and operates within orthodox Jewish principles. This includes observing the Sabbath on Saturday which prohibits retail trading. As such, it may be extremely difficult to attract retail tenants and accordingly it will certainly impact on business viability and successful activation of this space.
- Montefiore has a need for more office space. Its Home Care business is expanding rapidly due to the ageing demographic in the eastern suburbs. Being able to utilise space within the 'plaza precinct' as an office for its Home Care business would be highly beneficial and a good use of the space, particularly as at this location it would be accessible to older people living in the area to attend appointments (noting that use of this space would be the subject of a separate approval).
- Limiting the entire space to retail operations is likely to fail from a viability perspective, and it is considered that by providing flexibility so that the space can be used for a range of activities under the R3 zoning will offer the best opportunity for the area to be successful, active and productive.
- Allowance of this range of activities in the particular space allocated for these uses is consistent with the zone objectives, in particular it *"enables other land uses that provide facilities or services to meet the day to day needs of residents and is of a scale that is acceptable in respect to residential amenity"*.

It should be noted that in August 2003, an amendment to the Randwick LEP 1998 was gazetted allowing the development of "local" shops within the subject site at the intersection of King and Dangar Streets, totalling no more than 350 sqm GFA. Accordingly, historically, Council's support for retail uses in the site (in conjunction with the provision of a public square), has always been predicated on the requirement that a limited retail component permissible on-site should serve the wider community surrounding the Montefiore site. Concern is raised that the current modification proposal seeks to undermine this objective through:

- An increase in the floor area of the non-residential component that potentially goes against the relevant objective of the R3 zone
- An exclusivity in use of this increased non-residential component for only the Montefiore community and not the wider local community contrary to the relevant objectives of the R3 zone.

Should you have any queries, please do not hesitate to contact the under signed on 9399 0793.

Yours faithfully,



David Ongkili
Co-ordinator – Strategic Planning