

29 April 2016

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

Attention : Mr Simon Truong

Dear Sir,

SUBJECT LAND: 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 the Response to Submissions (RtS) submitted by the proponent dated 13 April 2016. Following a review of the RtS, Council notes that, among other things, the modification proposal will be amended to further reduce the envelope of the proposal and increase setbacks to site boundaries. Notwithstanding these additional amendments, Council remains concerned that the modification proposal will result in higher buildings fronting King Street and Dangar Street than those approved in the Concept Plan resulting in a more intrusive and overbearing built form than that proposed in the PPR. In this regards, the following issues are raised in relation to the outcomes of the RtS:

- The increase setbacks provided by the additional reduction in building envelopes are minimal in nature and will have limited impact in mitigating the additional increase in height of Building E and D whose heights remain unchanged from that shown in the October 2015 modification proposal. Specifically, the increased height and bulk of Building D will still be intrusive when viewed looking east standing directly on the street front at Dangar Street; looking south down Dangar Street standing at street level near the north eastern corner of the Montefiore site; and looking north down Church Street standing at street level approximately 150m from the Montefiore site. Similarly, the increased height and bulk on Building E will still be intrusive when viewed side on from King Street through the new "open space corridors" which as described below have limited effect in softening the increased building height.
- The additional landscape details from Oculus Landscape Architects are noted. However, while these details confirm the ability to provide established landscaping in the new "open space corridors" especially between Buildings C, E and F, the proposed landscaping is not considered capable of satisfactorily softening the additional accentuated height and massing on Building E even where the proposed landscaping is at an established mature stage. For example, based on Section A in the Oculus plan, the established trees are estimated to reach a maximum of approximately RL50, compared to the maximum height of RL64.8 for Building E. It should be noted that the building envelope for Building E in the Oculus plan (as well as all other buildings in the plan) is figurative as it

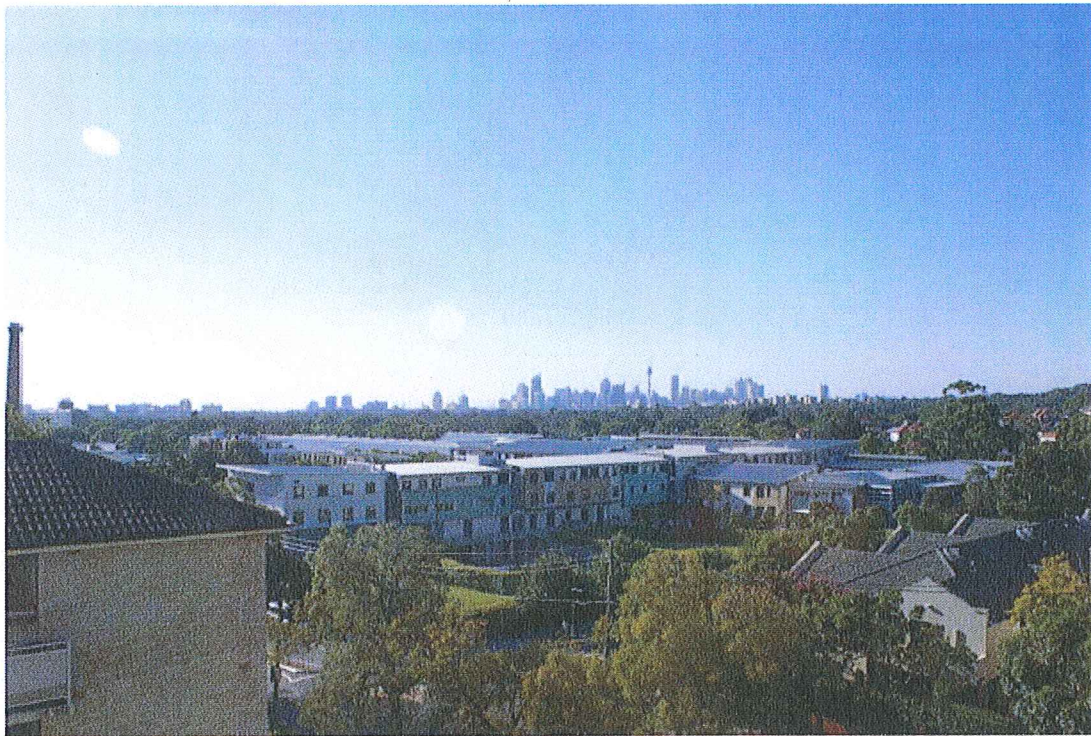
does not show the impact of elevated basement levels (thus depicting the building as lower) and does not give accurate heights to AHD / RL.

- The truncation of the Building E envelope from that of Building C does not provide adequate justification for increasing the height of Building E by two storeys to replace the floor area loss. Rather, this truncation should be seen as a necessary overall reduction in the scale and density of the approved PPR development and nothing more. As stated in all of Council's earlier submission on this matter, Council's position in relation to height increases has always been that, the breaches in density and height proposed both under the approved PPR and under the current modification proposal 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**. In particular, the proposed additional height on Building E at proposed maximum RL 64.83 will be significantly higher than the height of the established residential flat building on the adjoining western site at No. 90-98 King Street with an existing maximum height of RL55.4. While Council notes the desire of the proponent to increase the independent living apartment yield of the overall facility through a change in the on-site housing product in response to market demand, the location of the increase in two additional levels above Building E and one level above Building D is considered unreasonable due to the additional bulk and scale impacts these increases generate.
- While the proponent argues that the increase in height are limited to the envelopes of Building D and E, the overall incremental increase in these areas are considered inappropriate not only for the reasons listed in the points above but also because it sets a precedent for a potential creep in height in the future (for example, looking at Section 4 of the modification proposal prepared by Jackson Teece, concern is raised that, should approval be granted for the subject modification proposal, the next round of incremental increase could be for Block C and Block F to be raised, setting the foundation for a series of height creep).
- The view loss analysis contained in Table 2 – View Impact Assessment for selected properties is considered inadequate as it generally fails to address the salient points raised by SC Roseth when applying the planning principle. Of concern is the view loss assessment for Unit 5 / 125 King Street. A proper assessment using the planning principles of Tenacity vs Warringah yields the following analysis:

Step 1: "The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. "

The affected view from Unit 5 / 125 King Street comprises a complete panoramic view of the Sydney city/CBD skyline extending from Surry Hills in the south to the northern end of the CBD with a complete view of Centennial Park framing the bottom part of this of Centennial Park framing the bottom part of the city skyline view. Having regard to Senior Commissioner Roseth's comments regarding "iconic views", the existing intact and "whole" view of the city skyline is considered iconic

with valuable iconic items contained within it including Centre Point Tower, Renzo Piano Building and Centennial Park.



VIEW FROM THE LOUNGE ROOM BALCONY TOWARDS THE MONTEFIORE SITE - CURRENT

Photo A: Existing view from lounge room balcony of Unit 5 / 125 King Street comprising a complete panoramic view of the Sydney city/CBD skyline extending from Surry Hills in the south to the northern end of the CBD with a complete view of Centennial Park.

Step 2: "The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries."

The affected view from Unit 5 / 125 King Street is obtained in a panoramic vista beginning from across part of the western side boundary and extending across the northern front boundary of the affected property at No 125 King Street. Accordingly having regard to Senior Commissioner Roseth's comments in Step 2, retention of the view should be valued and given significant weight.

Step 3: "The third step is to assess the extent of the impact... The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them)... It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."

The proponent has digitised the envelope of the proposed modified development into the existing city skyline view which is obtained from the living room balcony of the affected property at Unit 5 / 125 King Street. The proposed modified development will result in the loss of the southern portion of the skyline and Centennial Park. In view of this and,

having regards to Senior Commissioner Roseth's comments regarding "views from living areas" being "... more significant than views from bedrooms or service areas", qualitatively, the view loss is considered severe to devastating especially because an intact panoramic view of the Sydney City skyline as well as Centennial Park will no longer be retained. In this context, the objectors' claim of view loss is considered warranted and justified.



VIEW FROM THE LOUNGE ROOM BALCONY TOWARDS THE MONTEFIORE SITE - ADDITIONAL MASS SHOWN YELLOW VIEW ANALYSIS

Photo B: View loss to Unit 5 / 125 King Street caused by a significantly larger proposed built form obstructing the City skyline and Centennial Park.

Step 4: "The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours."

The Montefiore site is the subject of an existing non-compliant development with building heights exceeding far beyond the provisions of the Randwick LEP 2012. The proposed additional height to Building E will result in further significant breach of the RLEP height control such that the impact on view loss, as described in Steps 1 to 3 above, will be devastating. Having regard to Commissioner Roseth's comments regarding the impact on views arising as a result of noncompliance, the impact in this case is considered unreasonable. Furthermore, the modification proposal would benefit from a more skilful design that not only considers these view loss impacts but also removes the additional

breach in the RLEP height control as proposed in the modification proposal to reduce the overall visual bulk and scale of the proposed development.

- Further consideration should also be given to the assessment of view loss to Unit 18 and Unit 21 at 68-74 Wentworth Street because when the assessment is undertaken in accordance with the above steps, it could potentially point to deficiencies in the proponent's assessment relating to these properties.

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

Yours faithfully,



David Ongkili
A/Manager – Strategic Planning