

09196
25 November 2009

Sam Haddad
Director General
Department of Planning
23 - 33 Bridge Street
SYDNEY NSW 2000

Attention: Michael Woodland

Dear Mr Haddad,

**PART 3A REQUEST FOR MINISTER'S DECLARATION
SIR MOSES MONTEFIORE JEWISH HOME, RANDWICK**

We write on behalf of the Sir Moses Montefiore Jewish Home (the proponent) regarding a proposal for the lodgement of a Part 3A Concept Plan for the development of a residential aged care facility at the intersection of Dangar Street and King Street in Randwick (the proposal).

The purpose of this letter is to seek a declaration by Order of the Minister in accordance with s75B(1) of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act) that the Proposal is a project to which Part 3A of that Act applies. We also seek the Minister's authorisation of a Concept Plan for the proposal under s75M(1) of the EP&A Act.

1.0 BACKGROUND

As you are aware, the project has up until recently been subject to a Stage 1 Development Application (DA) to Randwick City Council (Council) lodged in November 2008. In relation to the DA, JBA applied to the Department of Planning (DoP) for a Site Compatibility Certificate, pursuant to clauses 25 and 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (HSPD SEPP).

The DoP's subsequent issue of a Site Compatibility Certificate in August 2009 indicates the Department's acknowledgement that the land is suitable for more intensive development and that the proposed type of seniors housing is compatible with the surrounding environment (having regard to the criteria in clause 25(5)(b) of the HSPD SEPP).

Following requests by Council for further information to supplement the lodged Stage 1DA, the proponent was on the verge of submitting amended plans and supporting documentation to Council. However, Council subsequently requested that the DA be withdrawn (or refused), as it had formed the opinion that design amendments had rendered the proposal sufficiently different from the original design. The DA was withdrawn on 28 September 2009.

1.1 Previous request that the project be declared a Major Development via transitional arrangements

JBA wrote to the DoP on 22 September 2009, requesting that the project be assessed as a 'Major Development' in accordance with Part 3A of the EP&A Act. The request was predicated both by Council's request for the DA's withdraw and by amendments to the Major Development SEPP, particularly Clause 13 of Schedule 1 of the SEPP.

These amendments now make it mandatory that residential, commercial or retail projects with a capital investment value (CIV) of \$100 million or more are Major Developments. The proposed development has a CIV of about \$131 million.

Our correspondence of 22 September further requested that the DA lodged with Council be accepted as a Part 3A application for Concept Plan approval and the that the Statement of Environmental Effects (SEE) submitted with the DA be accepted as an environmental assessment for the purposes of a Concept Plan application. (This request was in accordance with Section 8J of the Environmental Planning and Assessment Regulation 2000 ('the Regulation')).

While the request sought that the Stage 1 DA be accredited as a Part 3A Concept Plan application, both JBA and the proponent have subsequently met with the DoP to discuss the appropriate approval path for the project. Following these discussions, the Proponent has concluded that the most appropriate manner in which to proceed is to commence the Part 3A assessment process from the initial request for a Declared Project and Authorised Concept Plan. Accordingly, further to this, we now seek the Minister's Opinion that the project is a Major Development under Part 3A and also seek the Minister's authorisation of a Concept Plan for the Project.

To supplement the information you have already received, please find attached the current set of plans for the project. It is our intention to prepare a preliminary EA for the proposal when we seek the DGRs for the project. You will note from earlier correspondence that the proponent has prepared a number of supporting studies and potential DGRs are arguably already well addressed and completed.

2.0 SITE DESCRIPTION

2.1 The Site

The project is to be located within the Sir Moses Montefiore Jewish Home, a residential aged care facility at the intersection of King Street and Dangar Street in Randwick. The site is located within the residential area approximately 700m to 1km to the northwest of Randwick town centre and approximately 300m south of Centennial Park. It is in the northern part of the Randwick Local Government Area (LGA).

The existing residential aged care facility has a gross floor area of approximately 23,000m² in one main building, which ranges from 2 to 5 storeys. The building is surrounded by extensive landscaped open space and underground parking. The home offers a range of care options including hostel/low-level care, nursing home/high-level care, special care units for residents with cognitive impairments and respite care. A childcare centre is also located onsite.

3.0 THE PROJECT

The proponent is seeking Concept Plan approval for the expansion of the existing residential aged care facility on the site through the construction of three additional building envelopes to connect with existing buildings on the site. The new buildings will accommodate:

- Special / dementia care (approximately 65 beds);
- Low-level Care (approximately 222 beds);
- Approximately 41 self-care units/apartments;
- Dining rooms, kitchens and serveries, physical therapy facilities, a recreation room, a retail tenancy at street level, public open space and additional car parking spaces.

The development parameters of the proposal are detailed in the plans at **Attachment A**.

4.0 MAJOR DEVELOPMENT SEPP 2005

Under clause 6 of the Major Development SEPP, development that, in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of Development) of the HSPD SEPP, is declared to be a project to which Part 3A of the EP&A Act applies.

Clause 13 of Schedule 1 of the Major Development SEPP identifies the following developments as being Part 3A Major Projects:

Group 5 Residential, commercial or retail projects

13 Residential, commercial or retail projects

(1) Development for the purpose of residential, commercial or retail projects with a capital investment of more than \$100 million.

The proposal has a Capital Investment Value of about \$131 million, based on a Quantity Surveyor's Summary Report prepared by Rider Levett Bucknall, and so exceeds the \$100 million threshold. The Quantity Surveyor's Summary Report has previously been forwarded to the DoP. In verbal correspondence with JBA, the Department has acknowledged that the project's CIV exceeds the \$100 million threshold.

5.0 PERMISSIBILITY

It should be noted that the site is zoned partly 2B Residential and partly 2C Residential under Randwick Local Environmental Plan 1998 (RLEP 1998). Whilst the proposal is not directly permissible in either of these two zones under RLEP1998, residential flat buildings (defined as 'Multi-Unit Housing' by the LEP) are permissible in both the 2B and 2C Residential zones. To ensure appropriate placement of seniors housing developments, projects such as this are made permissible by virtue of clauses 4 and 15 of the HSPD SEPP. Accordingly, the project is permissible on the site.

6.0 FULFILMENT OF STRATEGIC OBJECTIVES

Whilst the project would automatically qualify as a Major Development, it is also noted that it achieves several key local, sub-regional and State planning objectives. In particular, it will help to meet increasing demand for specialised housing for Sydney's aging population and promote 'ageing in place' through the provision of residential aged care accommodation in an existing residential area, close to existing community and family ties.

Randwick is within the East Subregion under the Metropolitan Strategy. Two of the key directions within the East Subregional Strategy are to 'improve housing choice' to accommodate housing targets and to provide for diversity in housing types commensurate with the diversity of its population and to allow 'communities to "age in place"'. As the strategy anticipates that some 18% of the subregion's population will be greater than 65 years of age by 2031, a significant increase in the amount of suitable accommodation will be required.

The Subregional Strategy notes that an appropriate location for increased seniors housing is close to Randwick shopping centre and the adjacent medical hub surrounding the Prince of Wales Hospital. As the site is some 700m to 1km from Randwick Centre, it is ideally located for the type of development proposed. If this site is not utilised, there are limited opportunities within the same ring around Randwick shops and the Health Hub to achieve key strategic and long-term seniors housing outcomes.

It is noted that the aims of the HSPD SEPP are to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design.*

The existing and proposed Montefiore Jewish Home residential aged care facilities promote the fulfilment of these aims.

7.0 CONCLUSION

We trust that this Preliminary Environmental Assessment, the Architectural Plans at **Attachment A** and information previously submitted to the DoP in our letter dated 22 September 2009 will assist the Minister in forming the Opinion that the proposed development is a Major Development to be assessed under Part 3A and allow the authorisation of the submission of a Concept Plan.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or oklein@jbaplanning.com.au

Yours faithfully

A handwritten signature in black ink, appearing to read 'OKlein', written in a cursive, fluid style.

Oliver Klein
Principal Planner

Attachment A: Architectural Plans (Jackson Teece)