

THE FOLLOWING OBJECTION RESPONDS TO THE DG'S REQUIREMENTS RAISING NUMEROUS DEFICIENCIES IN THE SIR MOSES MONTEFIORE DEVELOPMENT APPLICATION.

⑥  
continued

THE DGR'S ARE NOTED IN BLACK AND THE RESPONSE IN BLUE.

## 1. Relevant EPI's and Guidelines to be addressed

*The EA must address the planning provisions and permissibility of the development. Planning provisions to be addressed include the existing LEP, existing DCP's, the previously approved masterplan and SEPP 65 amongst other things and include the nature and extent of non compliance with the relevant planning instruments and plans and guidelines and a justification for any non compliance.*

### RESPONSE:

The Montefiori Application's non compliances with the **LEP** and **DCP** include:

- a) FSR - 39,000m<sup>2</sup> is unsupportable on a site this size. This represents a breach of over 8,000m<sup>2</sup> or 40% above the existing planning codes, where the codes are established to specify the level of sustainable development and the 8,000m<sup>2</sup> breach is calculated after a bonus of 0.5:1 for Aged Care is allowed for. This equivalent to 164 x 1 bed apartments or the entire 94 units at Centennial (all 4 blocks). The total floor space of the proposal is proposed to be over 39,000 m<sup>2</sup>, which is equivalent to a sub regional shopping centre in a residential area that has no infrastructure to cope with a development of this scale where infrastructure is already at capacity. The FSR sought is not compatible with the location.
- b) Height – the proposed buildings have height breaches above code by over 10 m (or more than 3 storeys)
- c) Setbacks, privacy & views – performance requirements of existing setbacks are not met as a result of the proposed substantial increase in height above code adjacent to the boundary setbacks. The result is a lack of performance of the setbacks in terms of how they protect against overshadowing, loss of privacy, loss of amenity and loss of views.
- d) Solar access – the minimum requirement to provide not less than 3hrs of natural sunlight to adjoining properties or if less, no net reduction in the hours of natural sunlight to adjoining properties, has not been met and/or adequately addressed. Solar access to ground and first floor units in Buildings 2 and 3 at Centennial currently stands at: ½ an hour in winter solstice, 2 to 3 hours in summer solstice depending on location within the buildings. (I have personally recorded the levels of natural sunlight to these units during these times noting that all sunlight to ground and first floor units on the eastern side of the Centennial complex is achieve between 7 and 9 am, yet shadow diagrams are only provided for 9am onwards). Current plans would see a complete elimination of sunlight all year round, i.e. no direct sunlight at any time into my apartment and at least 10 other apartments in the Centennial complex at any time ever.



Higher units will be impacted substantially as well, albeit not to the point of elimination of all natural sunlight but approximately a 50% reduction. WE CALL UPON A FULL AND PROPER REVIEW OF THE SHADOW DIAGRAMS IN SUMMER AND WINTER SOLTICE TO PROPERLY DEMONSTRATE THE IMPACT OF THE PROPOSED DEVELOPMENT ON SUNLIGHT TO UNITS ON THE GROUND AND FIRST FLOORS OF BUILDINGS 2 & 3 AT THE CENTENNIAL APARTMENTS CAUSED BY THE EXCESSIVE BULK AND SCALE OF THE PROPOSED BUILDING F RESULTING IN 100% OF SUNLIGHT.

(Note: Building 2 units at Centennial do not have solar access from the west in the afternoon as a circulation corridor flanks the building on the western side and the ground floor units in Building 2 are below ground on the western side. I made the applicant aware of this fact at the last public consultation at which time the applicant stated that they were not aware of this and had assumed that all units ran from east to west. They also confirmed that their calculations were based on Centennial units achieving afternoon sunlight. Despite being corrected, admitting the error and agreeing the impact would be more sever than thought, no changes were made to plans. The issue has not adequately addressed in the application and the shadow diagrams are wholly inadequate.

- e) Landscape ratio – minimum code requirements are not met and hard surfaces and active (as apposed to passive) landscaped areas are proposed within required landscape setback areas, e.g. the child care outdoor play area is currently proposed within the landscaped setback between Building F of the Montefiore site and the Centennial apartments.

The non compliances with the previously approved **Masterplan** include:

- a) Height – the height in some areas is over 10m greater than the masterplan approval
- b) FSR - the applicant is seeking an increase of over 10,000 m2 in FSR above what was approved in the Masterplan and therefore considered appropriate by the Local Council in the local community.
- c) Setbacks – the performance of setbacks in the Masterplan approval no longer function due to the excessive increase in height, bulk and scale of the proposed buildings. Increasing the bulk and scale while maintaining the setback results is severe overshadowing, loss of privacy, loss of amenity and loss of views.
- d) Solar access – the Masterplan formally protected solar access to adjoining Centennial apartments, i.e. no net reduction to what currently exists. The current application sees a 100% elimination to many units in the Centennial.

The non compliances with **SEPP 65** include:

**[Note: SEPP 65 provisions must be considered in assessing ALL high rise buildings irrespective of any special ‘considerations’ the Minister may give to State Significant developments under Part 3a and the need for aged care services.]**



The **minimum** design requirements for new high rise building under SEPP 65 have not been met and the breaches are as follows:

a) Scale:

According to SEPP 65, new high rise buildings must provide ***"appropriate scale in terms of bulk and height that suits the scale of the street and surrounding buildings"***. This is **IN NO WAY** achieved.

The Centennial building adjoining building F is twice the length of the adjoining Centennial building 2 - some 60m long and 10 m (3 storeys) higher than the adjoining building. The scale of Building F is in no way justifiable in terms of surrounding development, existing codes or the former Masterplan approval. In fact, the proposed Building F is monolithic by all standards.

The buildings fronting King and Dangar streets in no way suit the streetscape where buildings on King and Dangar streets are all between 1 and 2.5 storeys in height and the proposed new buildings will be between 4 and 6 storeys. Increased height should be stepped back or given an increased setback in order to properly integrate with the streetscape.

b) Density:

According to SEPP 65, new high rise buildings must have good design were ***"good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Densities must be sustainable and consistent with the existing density in an area"***. This is **IN NO WAY** achieved.

Floor space of over 39,000 m<sup>2</sup> in this location is not appropriate given the size of the site and its location and infrastructure. The 10,000 m<sup>2</sup> of extra floor space in particular is not sustainable. Infrastructure is already at capacity with a lack of on street parking (particularly given the unsatisfactory increases in parking spaces proposed - double the development yield yet only 57 extra cars) and roads are at capacity (drop off times at the child care centre, staff change overs and volunteer attending site with busses return to the terminal make the streets dangerous and overloaded). Infrastructure is already being competed for by the TAFE and bus terminal and the result is unsuccessfully given they are local roads suited for domestic traffic in a residential areas that is trying to accommodate commercial uses.

c) Landscaping:

According to SEPP 65, new high rise buildings must have landscape design that ***"optimises usability, privacy and respect for neighbors' amenity"***. This is **IN NO WAY** achieved.

Due to the excessive bulk and scale of the proposal, the landscaped areas have been predominantly located within the building quadrangles where there is a minimum of natural light and do not optimise usability.

Due to the excessive bulk and scale of the proposal, the buildings are pushed to the boundary of the site where they are inadequate for the height of the buildings do not respect neighbor's amenity.

More so, the setback adjacent to the Centennial apartments on the western side of the site is proposed to be used as an active play area for the child care facility as opposed to deep root planting or more sensitive landscaping.

This does not assist or respect the privacy of neighbors create undue noise and nuisance to neighbors where there should be landscape protection. The setbacks need to be increased to respect the increased scale of the buildings, as should the amount of landscaping.

d) Amenity:

According to SEPP 65, new high rise buildings must "**optimise access to sunlight and natural ventilation**". This is **IN NO WAY** achieved.

The Application may optimise access to sunlight and natural ventilation within the Montefiore development itself however this is achieved to the detriment of adjoining residents. As already mentioned, 100% of all sunlight to residents on the ground level of the Centennial apartments in building 2 will be lost and at least 50% to all other units within this building.

e) Built Form:

According to SEPP 65, "**appropriate built form should contribute to the character of streetscapes and parks, including their views and vistas**". This is **IN NO WAY** achieved.

The built form is excessive and without satisfactory articulation to respect the surrounding soft residential architecture. The proposed bulk of the buildings result in façades that are harsh, bulky, heavy and overly commercial when they should be sensitive to the residential streetscape.

Views and vistas from the top of the hill, from upper units in Centennial and from all units and houses facing the proposed new building F and buildings on King and Dangar Streets will lose views and vistas to an extent that is unfair and inappropriate.

**ACTION: IN LIGHT OF THE INADEQUACIES OF THE APPLICATION IN DEALING WITH THE MINIMUM SEPP 65 REQUIREMENTS, WE CALL UPON A REVIEW OF THE APPLICATION BY A DESIGN REVIEW PANEL.**

**THE MINISTER HAS APPOINTED SUCH A PANEL FOR RANDWICK AND WE THEREFORE REQUEST THAT THE RANDWICK PANEL REVIEW THE APPLICATION BEFORE FURTHER CONSIDERATION IS GIVEN TO IT.**

## **2. Built form and Urban Design Impact**

***The EA must address the height, bulk and scale of the development in the context of the locality. In particular detailed envelope/ height and contextual studies should be undertaken to ensure the development integrates with the local environment.***

***Should include comparable height studies to show how the development relates to the height of existing buildings surrounding the site.***

***View analysis to and from the site.***

***Options for siting and layout of the building envelopes***



**RESPONSE:**

The Montefiori application does not adequately provide height studies that show how the development relates to the existing buildings surrounding the site, particularly in terms of Building F and its impact on the adjoining Centennial apartments and Buildings on King & Dangar Street relate to residences across the road.

There is inadequate view analysis to and from the site.

There are no satisfactory options for siting and layout of the building envelopes.

**ACTION:**

WE CALL FOR A COMPLETE ELIMINATION OF BUILDING F AND GREATER SETBACK OF BUILDINGS ON KING AND DANGAR STREEETS.

WE CALL FOR ELIMINATION OF THE CHILD CAR FACILITY AS IT IS INCOMPATIBLE WITH THE PROPOSED USE AND IS NOT CONSIDERED STATE SIGNIFICANT DEVELOPMENT.

4. Environmental and Residential Amenity

The EA should address solar access, acoustic privacy, visual privacy and view loss and demonstrate that the proposal will achieve a high level of environmental and residential amenity.

**RESPONSE:**

The Montefiori application does not accurately address the impact on solar access on adjoining neighbors not does it adequately address privacy (mainly visual).

The application does not demonstrate that it can maintain any residential amenity in the area.

**ACTION:**

WE CALL FOR AN COMPLETE ELIMINATION OF BUILDING F AND GREATER SETBACK OF BUILDINGS ON KING AND DANGAR STREEETS IN ORDER TO IMPROVE THE RESIDENTIAL AMENITY.

WE CALL FOR ELIMINATION OF THE CHILD CAR FACILITY AS IT IS INCOMPATIBLE WITH THE APPLICATION AND NOT CONSIDERED STATE SIGNIFICANT DEVELOPMENT AND GREATLY IMPINGES ON THE RESIDENTIAL AMENITY OF THE AREA.

## 5. Car parking

The EA must demonstrate sufficient on site car parking.

### **RESPONSE:**

The Montefiori Application proposes only 57 additional cars for 19,000 m<sup>2</sup> of space. This is a car park ratio of 1/380m<sup>2</sup>. Commercial uses generally require 1/50 m<sup>2</sup>. In any one's standards this is a gross under provision and can not be seriously considered.

The car parking calculations undertaken in the EA are contradictory, inaccurate and should be reconsidered before the application is allowed to progress.

Further, the current assessment of car parking in the EA does not consider the number of volunteers working on site at any given time (which I understand is a substantial number of people) and the doubling of staff during shift change overs which have not been allowed for in the calculations and already leads to the on street parking congestion.

If the child care is maintained, 100% of all drops off should be made within the site for the area to function properly with any additional floor space. The child care drop off is extremely dangerous and ineffective as it stands.

### **ACTION:**

WE CALL FOR AN COMPLETE ELIMINATION OF BUILDING F AND ELIMINATION OF THE CHILD CAR FACILITY TO REDUCE DENSITY AND NUMBERS OF PARKING SPACES TO A SUSTAINABLE LEVEL.

CAR MOVEMENTMENT STUDIES SHOULD BE REVIEWED AND RESUBMITTED TO RECTIFY THE INACCURACIES.

ANY NEW FLOOR SPACE SHOULD REQUIRE APPROPRIATE NUMBERS OF ONSITE CARPARKING IN THE ORDER OF THOSE TRADITIONALLY REQUIRED FOR COMMERCIAL USES, I.E. 1/50 m<sup>2</sup>.

## 6. Drainage and storm water

The EA should address drainage/ groundwater/ flooding issues associated with the development/ site.

### **RESPONSE:**

The building previously proposed on Govett Lane and the western boundary with Centennial has been eliminated, as this area is required for on site detention and, more particularly because of the storm water culvert that runs across the site in this location.

The density previously proposed for this area has been 'cut and pasted' onto Building F so that it is now a monolithic building. This is not an acceptable reason to increase the density bulk of Building F.

As there is already a ground water surge issue in the basement of the Centennial apartments, we are concerned that the construction of excessive basement areas on the adjoining site will exacerbate the water leak. Any approval should closely monitor existing storm water, ground water and ground water detention issues to ensure the impact on the Centennial apartments.

**ACTION:**

WE CALL FOR AN COMPLETE ELIMINATION OF BUILDING F AND ELIMINATION OF THE CHILD CAR FACILITY TO REDUCE DENSITY AND BASEMENT PARKING SPACES TO ENSURE GROUND WATER LEVELS ARE NOT INCREASED.

APPLICATION NO. MP09\_0188 and MP10\_0044 \_  
EXPANSION OF THE EXISTING AGED CARE FACILITY  
AT SIR MOSES MONTEFIORE JEWISH HOME, 100-120  
KING STREET AND 30-36 DANGAR STREET,  
RANDWICK.

**OBJECTION TO THE PROPOSED DEVELOPMENT**

**BULK-** The existing size is 19,024 m<sup>2</sup>  
The proposed extension (DA and concept plan) is 19,370  
m<sup>2</sup>.  
To put into context the FSR allowed as per RLEP in



zone 2B is 0.65:1, zone 2C 0.9:1.

Montefiore has been granted a bonus FSR of 0.5, which would bring it up to 1.15:1 in zone 2B, 1.4:1 in zone 2C.

Proposed FSR in zone 2B is 1.53:1 and zone 2C is 1.49:1.

Calculated in m<sup>2</sup> equates the proposal to be over by more than 8000 m<sup>2</sup>, or more than 40% over the allowed limit (including the generous bonus FSR of 0.5).

**HEIGHT** - proposed Building F, the height is 10.7m over that permitted in the 2C zone which is equivalent to 3 storeys above that allowed and 3 - storeys above the roof of the Centennial apartments building (proposed RL of 58.53 compared with RL of 49.29 at centennial apts. A difference of 9.24m in height)

This is associated with the new building to the east of the Centennial Apartments

The bulk of the proposed Building D (on Dangar St) and E (on King St) is excessive and out of character for the area.

**PARKING** - It is evident that staff, visitors and volunteers are using the surrounding streets and that there is inadequate parking on site. The use of the onsite open grassed areas within the Monte Fiore complex confirms that there is insufficient parking on site. These real experiences should take precedence over parking surveys with assumed rates. In addition, there are rarely available on street parking spaces for visitors and residents in the area.

**COVENANT** - given that the north-western area is used for stormwater detention and has been landscaped, it is requested that a covenant be placed upon this part of the site to avoid future development expansion. This would prevent any further development in proximity to the Govett



Lane properties and the broader heritage conservation area.

**VISUAL IMPACT TO CENTENNIAL APARTMENTS** - at present, a substantial number of apartments have their primary and in the majority of cases, have their sole outlook to the east over open space and landscaping. This is proposed to be replaced with a 6-storey building, which sits high above the roof of these apartments. The western setback is proposed as a child play area with no opportunity for meaningful landscaping. These Units will be facing an apartment block well in excess of the permitted height limit, while the setback is in accordance with the existing setback controls. If the building is to be higher than permitted, the setback should be increased to accommodate the height. An increased setback will also minimise the visual bulk of the excess floor space (over 8000 sqm) which at present can not be justified. The length of the 6-storey building facing Centennial Apartments is 60 metres, which extends beyond two out of three apartment buildings facing east and is therefore excessively bulky and creates a visual screen.

**CHILD CARE CENTRE** - it is proposed to extend the size of the centre from 60 - 80 children. The applicant's report states that the existing 8 spaces for 30 children is inadequate (approx. 1 per 4) yet states that the proposed 13 spaces will be satisfactory yet adopts the same rate as the existing centre which has acknowledged parking problems.

The proposal talks about an increase from 30 - 50 child care places, in fact Moriah College has lodged an amended DA to Randwick Council requesting an increase from an already approved 60 places to 80. The credibility of the concept plan for Building F is already under question.

**TRAFFIC** - the doubling in size of the existing facility, additional 35 self-care units (1-3 bedrooms) and quadrupling in size of the existing childcare centre, will create extra traffic from visitors, on site staff and external staff, delivery and servicing trucks and impact on everyone, especially the amenity and safety of families with young children and many other residents. These problems exist and will be exacerbated by the volume of floor space and density of the complex.

BEAR IN MIND AS PER DOCUMENTS LODGED WITH THE PROPOSAL. THE EXISTING AGED CARE FACILITY CAR PARK AT TIMES OPERATES AT ITS MAXIMUM AND THE CHILDCARE CAR PARK IS INADEQUATE.

35 Self-care Units are proposed in Building F with no specifications of how many bedrooms each unit will contain - up to 3 bedrooms. Use of the site for self-care units is not compatible with the argument for obtaining the bonus floor space of 0.5:1.

**OVERSHADOWING** - the proposed development above would seriously increase overshadowing and remove all or close to all direct sunlight to the ground floor Units in Building 2 of Centennial apartments and significantly reduce the sunlight to all of the other Units in Buildings 2 and 3.

**PRIVACY** - the privacy of Units in Building 2 and 3 of Centennial apartments will be significantly impinged. In fact there will be no privacy whatsoever to Units in Building 2 and 3 of Centennial Apartments as the only windows to the Units in Bld 2 (excluding two four corner units) directly face east to the proposed and ill-conceived development.



**NOISE POLLUTION/SPILLAGE** - there is already considerable noise spillage/pollution coming from the existing development from delivery trucks, other vehicles and plant. The existing buildings are a considerable distance away but still result in a significant loss of amenity. If additional buildings are built, particular close to the Boundary of Centennial apartments. This noise spillage/pollution will be considerably increased and will be unbearable, continuously occurring 24 hours a day 7 days a week. Some deliveries already occur as early as 4.50am (the baker) even now and service other facilities operated by Montefiore in other locations in Sydney.

**LIGHT POLLUTION/SPILLAGE** - As this is a 24 hour facility, the lights are on all the time 24 hours a day. Bright chandliers at the entrance, interior lighting, spotlights, pan rooms lit up, the place is lit up like a Christmas Tree every night and the glow is disturbing causing sleep deprivation. Montefiore are well aware of the light pollution but have done little to rectify the problem.

**STRESS TO EXISTING SEWER AND STORM WATER INFRASTRUCTURE** - the proposed development would put significant additional load on existing sewer and storm water infrastructure.

**ENVIRONMENTAL DAMAGE AND CARBON FOOTPRINT** - the proposed development will result in environmental damage from siltation (from material left on the road reserve as well as on site silt getting through any temporary construction controls installed) and air pollution. Significant pollution and environments damage will result from factory made products to facilitate the construction, the actual construction itself, water/rubbish removal from construction and ongoing pollution to maintain and power the development.

**BASED ON THE ABOVE EXTENSIVE LIST OF SERIOUS AND SIGNIFICANT REASONS, I STRONGLY OPPOSE THE ABOVE NOTED DEVELOPMENT APPLICATIONS/PROPOSALS. THE ABOVE NOTED DEVELOPMENT APPLICATION/PROPOSALS WILL SERIOUSLY AND SIGNIFICANTLY REDUCE THE AMENITY OF ADJOINING RESIDENTS OF THE CENTENNIAL COMPLEX.**

**THE SERIOUS IMPACTS WHICH WOULD RESULT FROM THE PROPOSED DEVELOPMENT INCLUDING BUT NOT LIMITED TO REDUCED PARKING, INCREASED OVERSHADOWING AND LOSS OF DIRECT SUNLIGHT, REDUCTION IN PRIVACY AND VIEWS, INCREASED NOISE AND LIGHT POLLUTION, (24 HOURS A DAY) WOULD HAVE LONG TERM AND SIGNIFICANT NEGATIVE EFFECTS FOR LOCAL RESIDENTS.**

**IF THE CONCEPT PLAN AND DEVELOPMENT APPLICATION ARE APPROVED WITHOUT SUBSTANTIAL REDUCTIONS, THE PRECEDENCE FOR HIGH-DENSITY DEVELOPMENTS IN LOW TO MEDIUM DENSITY AREAS SUCH AS RANDWICK NORTH WILL BE THE BENCHMARK FOR ANY FUTURE DEVELOPMENTS.**

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