

16 September 2011

General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Attention: Peter Kauter

Dear Mr Kauter,

Major Project Application MP10_0016
Scottish Hospital, Paddington - Response to Council Submission

We are writing in response to the issues raised in relation to the above major Project application in your correspondence to the Department of Planning on 16 December 2010. Each of the specific issues raised in your correspondence are addressed under separate heading below.

- 1. The density and bulk of the proposed new buildings are considered to be excessive resulting in the significance of the heritage listed Scottish Hospital building and grounds and individual trees, as recognised by the NSW Heritage Inventory and the Woollahra Local Environmental Plan 1995, being unduly affected. In this regard the importance of the principles under the Burra Charter as a guide to the redevelopment of the site does not appear to have appropriately influenced the proposed design outcome.*

The impact of the proposal on the Scottish Hospital building and grounds, and the heritage listed vegetation was assessed by NBRSP and MUSEscape which informed the scheme submitted with the Project Application. The Heritage Impact Statement lodged with the Project Application confirmed that the proposal would not significantly detrimentally affect the heritage significance of the building or its place. All heritage design input along with the Heritage impact Statement was based on the principles of *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 1999*.

The new buildings within the subject site have been designed to replace existing buildings, to minimise the footprint of the new development within the site. Further, the immediate garden setting of the former Scottish Hospital would be retained to assist visitors and resident to understand the early context of the former Hospital.

The height and bulk of the new buildings would be apparent within the site, but the impact of the new development would be ameliorated by:

- Maintaining or increasing the setbacks of the new building from the surrounding streets.
- Providing terraced areas to reduce the bulk of the building at higher levels.
- Retaining the existing mature trees within the site to maintain screen views of the development in medium and long distance views to the site, within the Paddington Heritage Conservation Area.

The new development will still permit the former Scottish Hospital to be viewed as a separate building, showing the general extent of the Hospital in 1926 when it was acquired by the Presbyterian Church.

2. *The density and bulk of the proposed new buildings are considered to be excessive resulting in the significance of the Paddington Heritage Conservation Areas as recognised by the Woollahra Local Environmental Plan 1995, being unduly affected.*

An assessment of the impact of the proposed buildings on the heritage significance of the Paddington Conservation Area was undertaken by NBRSP as part of the Heritage Impact Assessment.

The proposed development will enable the continued use of the site for aged care facilities, and will retain the historic connection with the Presbyterian Church and Aged Care in Paddington.

The redevelopment of the site would enable existing residents to continue to reside on the site and provide independent living units in keeping with desired residential character of the area. The existing heritage –listed building would be retained and adapted, and the significant trees would be retained and augmented with new trees and under-planting.

The new buildings will be set back from street alignments to reduce their visual impact on the surrounding streets. The screen and row planting along Brown and Stephens Streets will be maintained and augmented, and glimpses into the site will be visible through the new palisade fence around the boundary. The mature trees within the site will be retained and will break up views to the new buildings, so that the new buildings would rarely be seen in their entirety. The existing vehicular entrance to the site would be retained to minimise disruption of existing traffic patterns in the area.

In addition, further design development of the Stephen Street RACF building has carried out to articulate the height of the facade along Stephen Street and to create a more defined visual separation between the RACF and the ILU buildings. The changes effected create a pronounced stepping of the building reflecting the steep sloping topography of the site.

To achieve the above the north-east corner of level 5 and 6 of the RACF building has been recessed by mirroring the bedroom suites with the Lounge room accommodation creating a balcony (Level 5) and a terrace (Level 6) (refer to drawing DA 233 East Elevation). These changes result in the internal public spaces being oriented to the north-east and improved presentation to Stephen street.

The amendments to the plans are as follows;

- Level 5: North-west corner lounge room relocated north-east and reduced the area to incorporate external/ outdoor terrace (refer to drawing DA 423). Bedroom suites relocated from north-east corner to north-west corner.
- Level 6: North-west corner lounge room relocated north-east (refer to drawing DA 425). Bedroom suites relocated to north-west and south-west corners.

- 3. The height and siting of the proposed building referred to as the Brown Street Independent Living Unit building would result in the areas referred to as traditional garden terraces, passive recreation and middle link garden to be overshadowed at all times of the year unduly affecting the desirability of these areas to be used by the future occupants of the development.*

The shadow diagrams submitted with the Project Application show that at mid-winter, at least half the terrace gardens will receive full sun until midday. The shadow will then progressively creep in an easterly direction with this area in full shadow by 3pm.

In mid-summer, the majority of the garden terraces will receive full sun. Some shadowing will occur until 930am along the eastern edge, and after 2pm along the western edge of this area.

The shared drop-off/pedestrian link between the Stephen Street RACF and Brown Street ILU building will also receive almost full sun until after midday at midwinter and will be in almost full sun for the entire day at mid-summer.

This central garden terrace and shared pedestrian/drop off zone can in no way be construed as being 'overshadowed at all times of the year'. The proposed removal of the uppermost floor of the Brown Street ILU building will improve the shadow impact over the garden terraces.

- 4. The siting of the proposed building referred to as the Stephen Street Independent Living Unit building will unreasonably impact on the streetscape and views from Stephen Street and Glen Street. Also, this building should be set back from the Stephen Street alignment a sufficient distance to retain all existing significant trees. This may require the setback to be increased.*

The proposed Stephen Street RACF and ILU building will result in a change of outlook from dwellings on the eastern side of Stephen Street, and from dwellings fronting Glen Street, but will not impact 'views' from these properties. Residents' outlook will change from that of an under-developed and highly vegetated private property, to an urban building form which is set back from the street edge with vegetation screening to the street. It is unreasonable to expect that the subject site remain under-developed. Nor is it reasonable to expect in such an urban setting that a green outlook would be preserved into privately owned land.

The Stephen Street RACF and ILU building has been amended from that proposed in the original Project Application. Increased building articulation and the reconfiguration of some of the internal floor plates has resulted in a design that appears more residential in appearance in its presentation to Stephen Street. Further, the building height has been further reduced towards its northern end.

The planting strategy for vegetation along the Stephen Street frontage has also been revised, as reflected in the Preferred Project Statement of Commitments. It is proposed to retain approximately half of the significant vegetation in the short term, whilst new plantings become established and grow to a height that will provide a vegetation buffer to the built form. At this time, the remainder of original vegetation to be removed will be replaced with a more high quietly species better suited to this location.

5. *the NSW Heritage Inventory and the Woollahra Local Environmental Plan 1995, will unacceptably reduce that building's heritage significance.*

The heritage impact assessment prepared by NBRS+P in light of the proposal addresses this issue.

The proposed works to the heritage-listed building are consistent with the policies contained in Section 7.2.3 of the Conservation Management Plan prepared for the site and the principles set out in the Burra Charter.

The proposed additions at roof level will be located to the north of the main ridge line of the former Scottish Hospital, to minimise their visual impact on the heritage building, its setting and in views to the building from the immediate vicinity. These minor additions have been designed to minimise their visual impact on the established architectural character of the former Scottish Hospital and on views to the building within the site and in its immediate vicinity.

6. *The excessive height of the building referred to as the Brown Street Independent Living Unit building will cause an unreasonable impact on views from private properties on the southern side of Cooper Street.*

The proposed Brown Street ILU building will result in a change of outlook from dwellings on the western side of Brown Street, but will not impact 'views' from these properties. The outlook will change from that of an under-developed and highly vegetated private property, to an urban building form appropriate for inner eastern Sydney, yet set back from the street edge with vegetation screening to the street. It is unreasonable to expect that the subject site is to remain under-developed. Nor is it reasonable to expect in such an urban setting that a green outlook would be preserved into privately owned land.

The Brown Street ILU building is extensively articulated, and steps back from its westernmost point (being 8.146m from the Brown Street boundary).

The proponent has amended the design of the Brown Street ILU building by removing the topmost floor as part of the amended drawings submitted with the Preferred Project Report.

7. *The siting of the proposed buildings and works poses an unacceptable risk to the well being of heritage listed trees which the proposal is relying upon to mitigate against the unacceptable density and bulk of such proposed buildings. The heritage listed trees are an intrinsic part of the property's heritage significance and contribute to the landscape and scenic qualities of the site and locality.*

The proponent is not relying on heritage trees to 'mitigate' against bulk and density. The existing tree locations and canopy height has been used as an urban design principle to inform the height and location of buildings on the land.

The heritage trees will be protected and will help to retain the vegetated character of the site. The arborist report accompanying the Project Application outlined the measures proposed to protect the heritage trees. The arborist has confirmed that the proposal will not result in the loss of heritage trees.

8. *The siting of the proposed buildings and works will require the removal of existing significant trees resulting in the landscape character of the locality being detrimentally affected. Over seventy (70) trees are to be removed simply because they are affected by the proposed construction.*

The existing site is heavily treed, accommodating species listed as both worthy of retention, and of low retention value. The arborist report which ranks the significance level of each tree, informed the proposed building footprints. Those trees proposed to be removed are not listed as being of high retention value.

Whilst a number of trees are proposed to be removed, many of which are weed species or are of low retention value, the overall vegetated character of the site will be retained through the introduction of extensive and high quality landscaping that has been designed to suit the needs of future residents and which is appropriate to the site's location.

9. *The Minister cannot be satisfied that the proposal has adequate regard to neighbourhood amenity and streetscape which are considered to be a prerequisite to granting approval under State Environmental Planning Policy (Housing for seniors and people with a disability) 2004, clause 33.*

The design of the proposal has been informed by a thorough site and context analysis which identifies a high quality design approach for the site redevelopment. The proposal is considered to be complementary to the site's surroundings through the location and massing of building forms. Significant vegetation is retained on the site, and the proposal responds appropriately to the heritage significance of the site and locality.

The building locations and scale were guided by the Urban Design analysis prepared by GMU. That analysis addresses the height and scale relationships between potential buildings on the subject site and those in the wider locality. The proposed building designs are consistent with the results of the context analysis and are considered to look appropriate in the urban context of the site.

10. *The extent by which the proposal fails to meet the 'cannot refuse' standards for building height and density contained in State Environmental Planning Policy (Housing for seniors and people with a disability) 2004, clauses 48(a) & (b) and 50(a) & (b) demonstrates that the height of buildings and the density of the proposal are excessive.*

These standards provide minimum requirements which, if met, cannot be used as grounds for refusal of development consent to proposals made in accordance with SEPP Housing for Seniors and People with a Disability. Any exceedence of these 'cannot refuse' standards are to be assessed on its merits. The proposal is seeking to achieve an FSR and height greater than the 'cannot refuse' standards contained within SEPP HSPD. It will achieve the landscaping and car parking requirements. A merits assessment of the proposed height and FSR is therefore to be undertaken.

The 'cannot refuse' standards are based on what a seniors housing development might reasonably achieve if it was to fit within the context of a standard suburban subdivision of single detached residential dwellings. That pattern of development is inconsistent with the character of Paddington and as such, the context of the site and the surrounding development character must be considered in determining what is an appropriate height and density for this site. A thorough site and context analysis was undertaken by GMU which informed the architectural design and placement of buildings. It is considered that the proposal appropriately responds to the site's context, topography, and the scale and character of residential buildings surrounding the site.

11. The proposed loading dock off Stephen Street will require vehicles to either reverse in or reverse out. This arrangement and the use of Stephen Street for service vehicles is unsatisfactory having regard to the narrow carriageway of Stephen Street.

The proposed loading dock location below the RACF building and accessed from Stephen Street is considered by the proponent and design team to be the most appropriate design solution for the site. Notwithstanding this, an alternative arrangement has been drafted by the design team which enables site servicing to occur from within the site, with vehicular access gained from the existing Brown Street entry.

This alternate solution will result in the construction of a driveway between the northern end of the Stephen Street ILU building and the open space to the north, resulting in a physical barrier. Further, it is possible that vehicular/pedestrian conflict will occur in the shared areas on the site. These issues are not considered to be an ideal design solution for the site. Retaining servicing access from Stephen Street will confine traffic movements to within a public street system.

Plans showing the alternative design solution have been provided to the Department of Planning and Infrastructure. The proponent would not object if, upon assessment by the DPI, the alternate solution was considered to be their preferred approach, and a condition be placed on any consent issued that the design incorporate servicing arrangements from within the site.

12. Information submitted with the project application is considered to be misleading in relation to the floor space of the proposal, the scale model (particularly in relation to the way in which the existing trees are represented), the height of the existing adjacent buildings at 40 Stephen Street and 3D images (they appear to have been prepared using an inappropriate aperture).

The Gross Floor Area of the proposal has been calculated in accordance with SEPP (HSPD) 2004, the prevailing planning instrument guiding the proposed seniors living development. The GFA accurately reflects the proposed quantum of floor space. It should be noted that the revised scheme results in a reduced GFA from that proposed within the original Project Application.

The scale model was prepared by a professional model maker, to the scale and proportions of the proposal and existing trees on site. It does not misrepresent the scale of the proposal or the relationship of the proposed buildings with existing vegetation or surrounding buildings.

The scale of 40 Stephen Street was accurately represented. Both the lift over-run and main building height are shown on the plans.

The 3D images and view analysis were prepared by qualified professionals and accurately reflect the proposed building appearances. These images have been modelled from base photographs, ensuring that they accurately reflect the proposed building forms.

13. The proposed number of car parking spaces is considered to be excessive which results in the extent of required excavation for the basement car park to also be excessive.

The car parking arrangement within the basement has been designed to reflect the current requirement for accessible car parking design per AS 1428 (2009). This standard, which is adopted within the BCA, requires that there is a 'lay-off' space provided between each accessible car parking space, for the use of people with disabilities. Effectively, this requires three 'regular' sized car parking spaces for every two accessible spaces. In plan, this may be mis-read as there being 30% additional spaces provided than is actually the case. The plan shows the central 'lay-off' space as containing a bollard, preventing these areas from being used independently as a car parking space.

14. The heritage terraces will be privatised with the top lawn area being only accessible to the occupants of the proposed adjoining apartments. There also appears to be no proper heritage based justification for the proposed form in which the terraces are being reinterpreted.

The uppermost grassed terrace level will indeed be allocated as 'private' open space for the ground floor ILU dwellings within the heritage building. This use is considered appropriate. As required by SEPP (HSPD), each ground floor ILU dwelling is required to be provided with a minimum of 25m² of private open space. Allocating part of the topmost terrace area immediately adjacent to these ILU dwellings is a logical design response. There is adequate communal open space provided throughout the site for use by other residents.

15. The siting of the Brown Street Independent Living Unit building will result in the Brown Street streetscape being adversely affected by its intrusion into the existing landscaped buffer.

Except for that section of Brown Street immediately fronting the subject site, the streetscape of Brown Street is characterised by dwellings constructed on both sides of the street to the street boundary. The existing landscape character brought to Brown Street by the subject site does not represent a predominant streetscape character for this street, or indeed Paddington. The proposed building location does however retain the landscaped setback along the property's western boundary.

The proposed Brown Street ILU building will be set back a distance ranging from 8.146m to over 30m from the Brown Street frontage, providing ample separation from the street. This setback area is steeply sloping and highly shaded and whilst it currently accommodates some trees and vegetation, opportunities for dense landscaping or vegetation growth are limited. The existing vegetation will be supplemented by additional species appropriate to the steeply sloping condition of this setback area, where possible.

Yours sincerely,



Ian Cady
Associate Director

Cc Michael Woodland
Executive Director
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001