



Figure 11: Indicative Image of the Care Precinct Buildings



Figure 11a: Photomontage of the Care Precinct Buildings when viewed from the corner of Clissold and Queen Streets.

## 2.2 Preferred Project (Response to Submissions)

The Proponent submitted a Response to Submissions (RTS) addressing those issues raised in submissions (See Appendix B). The design changes included within the RTS alter the Project Application with the Concept Plan remaining consistent with the exhibited EA. The RTS included the following amendments:

- **Village Green Precinct (Stage 1)**
  - The relocation of the activities centre from the Chapel undercroft to the ground level of Building Q3.
  - The western section of the Chapel undercroft is to be temporarily converted into an activities area and café to allow for the construction of Buildings Q1, Q2 and Q3. Upon completion this area will be converted to two ILU's.
  - Minor reconfiguration of the upper levels of Q1, Q2 and Q3.
- **Care Precinct (Stage 2)**
  - The removal of the proposed intersection on Clissold Street with Clissold Lane.

- Retention of the existing car park and crossover facing Clissold Street.

In addition to the above design changes to the Project Application, the Proponent also provided additional information concerning:

- Staging and Impacts during Construction
- Emergency Evacuation, Vehicle and Pedestrian Access
- Landscaping Details for Private Open Space Provisions
- Section 94 contributions
- SEPP 65 Compliance and amenity of community facilities
- Impact upon Heritage Items and Change of Character

Figures 12 and 13 below illustrate the proposed changes to the layout of Stages 1 and 2.

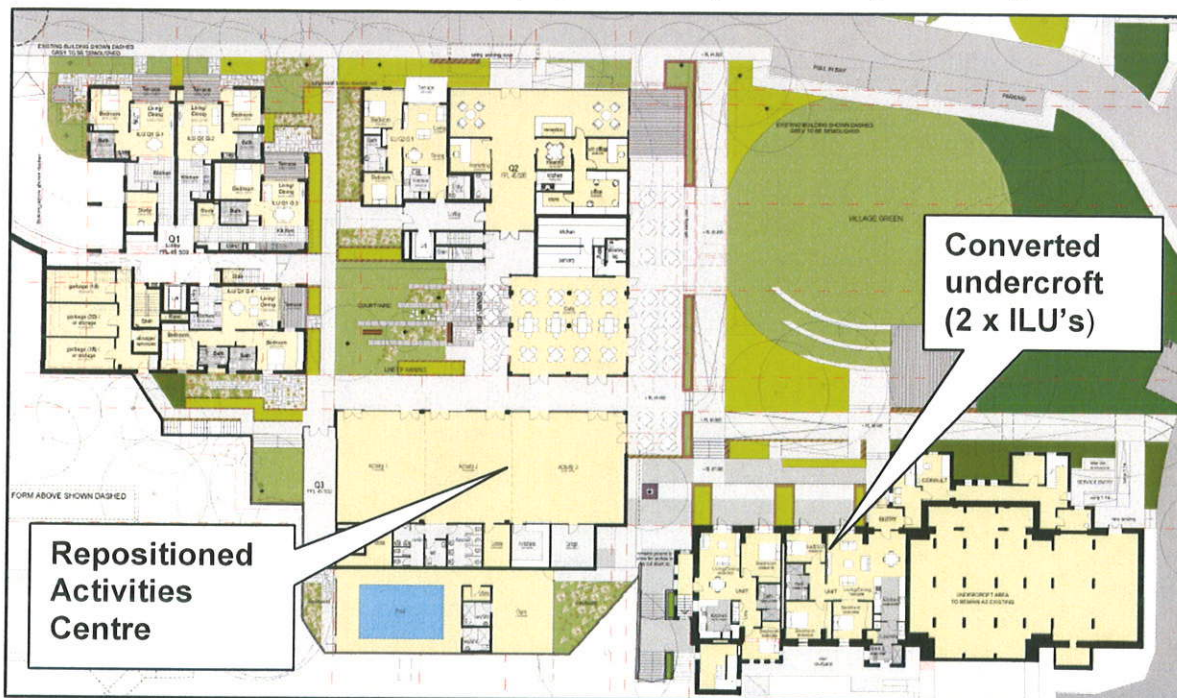


Figure 12: Stage 1 ground floor layout (as amended)

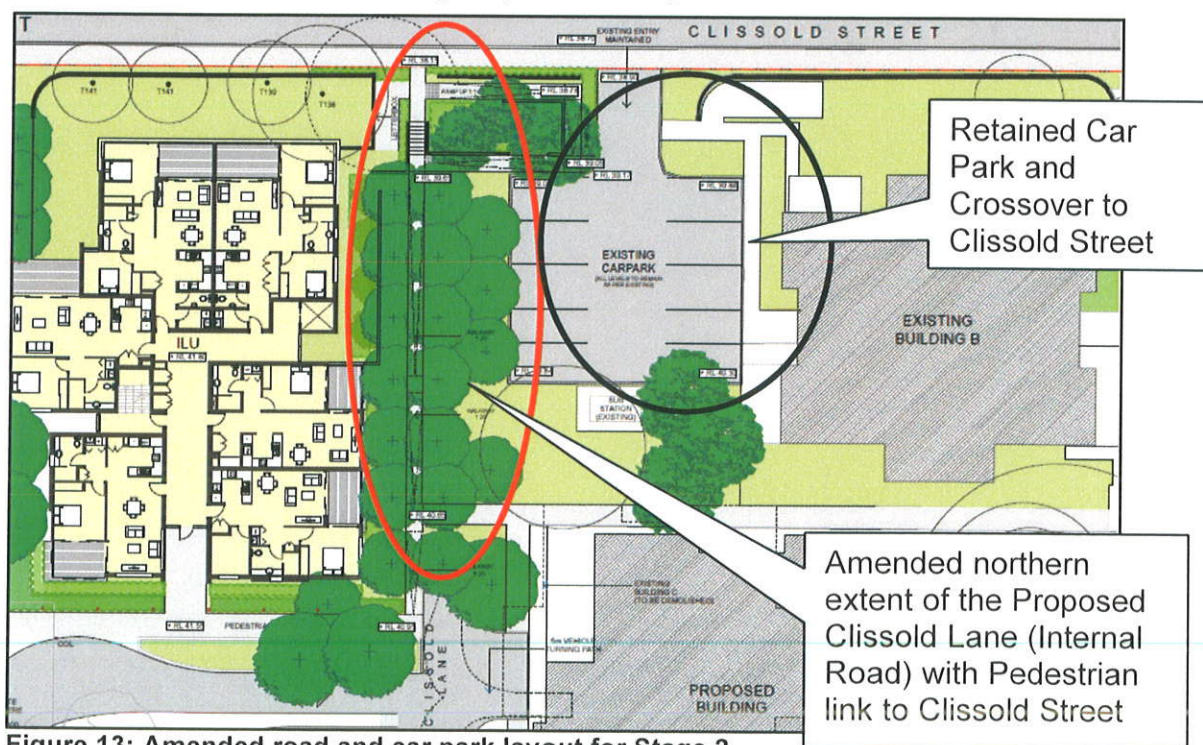


Figure 13: Amended road and car park layout for Stage 2

## 2.3 Staging

The 5 stages identified within the Concept Plan application will occur over a 10 to 12 year time period. The staging has been ordered to minimise the impact upon existing residents by allowing an ordered redevelopment which maintains adequate access to required facilities within the village and allows new residents to integrate into village life.

The Proponent has lodged a Project Application for the first two stages (Village Green and Care Precincts) as discussed in **Section 2**.

To allow for the construction of the proposed buildings outlined within Concept Plan, a number of buildings must be removed. These include the existing RACF, administration and community facilities and 65 self care units. Demolition of individual buildings will correspond with the various stages of the redevelopment.

### Stages 3 to 5

The 3 remaining stages are all located along the Victoria Street frontage and are known as Victoria Precincts 1 and 2 and the Heritage Precinct. These stages comprise the construction of seven new buildings containing ILU's. The 3 precincts are not part of any Project Application and total unit numbers have not been included. Buildings will range in height of between 3 and 4 storeys.

The final 'Heritage Precinct' stage includes the construction of 2 ILU buildings and heritage gardens. These gardens will be the second largest single area of communal open space on the site. The layout and design of the gardens will be based on the original Glentworth House gardens.

## 2.4 Project Need and Justification

### **NSW State Plan**

The NSW State Plan aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The project includes a number of environmentally sustainable practices including photovoltaic cells, grey water recycling and use of energy efficient devices all contributing positively to reducing the production of greenhouse emissions within the site.

The site is also in close proximity to existing centre of Ashfield (900m) and is regularly serviced by public transport (bus routes 409, 411 & 413). Bus stops are located opposite the site and comply with the requirements of the SEPP (Seniors Housing), being within 400 metres.

### **Metropolitan Plan for Sydney 2036**

The Metropolitan Plan for Sydney 2036, is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan sets out housing and employment targets for the Sydney region at 769,000 additional dwellings and 760,000 new jobs, by 2036. In addition, the Plan states that by 2036, the number of people aged 65 and above will more than double to just over one million, requiring new, more varied housing, social infrastructure and community services. At least 70% of new dwellings are to be located within existing urban areas.

The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting new dwelling targets (particularly with regard to housing for seniors) and, in its delivery, provide a number of construction jobs.

### **Inner West Sub-Regional Strategy**

The Draft Inner West Subregional Strategy states that by 2031, 18% of the inner west residents will be over 65. The Strategy requires the subregion to improve housing choice to enable the existing community to 'age in place.'

The CFV currently provides aged accommodation ranging from self care units to speciality aged care facilities. The proposed expansion of these facilities will improve the quality and number of self-care accommodation available within the inner west region. The intended works will increase housing choice in the region and will provide enhanced opportunity for members of the community to age in place.

### 3. STATUTORY CONTEXT

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#### 3.2 Major Project

The project was declared a Major Project under the former discretionary provisions of the State Environmental Planning Policy (Major Development) 2005 and had a Capital Investment Value (CIV) of more than \$50 million in accordance with Schedule 1 C1.13. It is therefore a project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* applies.

On the 31 March 2009, the Director-General issued DGR's pursuant to Section 75F of the EP&A Act. A copy is contained in Appendix D. The DGR's were addressed in the EA which was deemed adequate for public exhibition.

#### 3.3 Permissibility

Under the Ashfield Local Environmental Plan 1985 (ALEP 1985) the site has two zonings, 5(a) Special Uses (Home for the Aged) and 5(a) Special Uses (Church). Only those particular uses outlined within the specific zone (either church or Home for the Aged) are permitted. The scheme is therefore only partly permissible under the ALEP 1985. A Concept Plan is required to determine the suitability of the prohibited land use (within the church zone).

The aged care facility occupies land within the two zones and has done so prior to the adoption of the ALEP 1985. The two land uses are not exclusive as the church is physically attached to buildings used for aged housing. It is noted that the only church located on the site is positioned within that half of the site zoned 'Home for the Aged'

The continued use of that section zoned 5(a) Special Use (Church) as an aged care facility will remain compatible with the surrounding residential zoning as no new land uses will occur on the site.

The Department considers the proposed land use to be acceptable as it is currently undertaken on the site and will not result in any additional adverse impacts upon the surrounding land uses.

#### 3.3 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in Appendix C.

#### 3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and

- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed redevelopment of the site will increase densities to a suitable level allowing for a more economic utilisation of the site. Although, the proposal will increase the number of people residing within the village, the various stages proposed will greatly enhance public (communal) open space and improve community facilities. In addition, the increased areas of open space are likely to encourage native fauna. Further to the above benefits, the redevelopment will implement ecologically sustainable technologies and will provide a range of housing types to allow inner west residents greater opportunity to age in place.

### **3.5 Ecologically Sustainable Development**

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The ESD principles are addressed in the Department's assessment in Section 5.

### **3.6 Statement of Compliance**

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 7 April 2010 until 7 May 2010 on the Department's website and at Ashfield Council. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and the Inner West Courier on 7 April and notified landholders and relevant State and local government authorities in writing.

The Department received 39 submissions during the exhibition of the EA - 6 submissions from public authorities and 33 submissions from the general public and special interest groups.

A summary of the key issues raised in submissions is provided below.

### 4.2 Public Authority Submissions

#### Ashfield Council

Council made a detailed submission objecting to the proposal, which raised the following issues:

- Construction impacts upon existing residents.
- Urban design.
- Compliance with the Residential Flat Code (RFDC).
- Impact upon flora and fauna including tree removal and the protection of long-nosed Bandicoot habitat.
- Impact upon heritage items, any on-site archaeology and the Victoria Square Conservation Area.
- Waiving of S94 contributions is not considered appropriate or consistent with previous approvals on the site (Buildings A & B).
- Provision, retention and quality of facilities.
- Traffic movement and safety around and through the site.
- The protection of Council assets.

The Proponent has provided a response to address the above comments provided by Council in the Response to Submissions (RTS) Report.

Upon review of the RTS, Council also provided additional information concerning Section 94 payments and the quality of the proposed activities area within the Chapel undercroft.

The concerns raised by Council are discussed in **Section 5** of this report and are considered to be either adequately addressed by the RTS or by recommended conditions of approval.

#### Roads and Traffic Authority / Sydney Regional Development Advisory Committee (RTA)

The RTA raised no objection to the proposed development since the traffic impact on the classified road network will be negligible. However, concern was raised with the adequacy of loading provisions, turning paths for larger vehicles and general compliance with Australian road safety standards.

The Proponent, as part of the RTS report, submitted amended turning path and internal road network details. The information submitted illustrates that the scheme will satisfy relevant Australian standards and will provide adequate access for heavy vehicles such as garbage trucks and emergency vehicles.

### NSW Transport and Infrastructure (NSWTI)

The NSWTI generally supports the proposal as it will improve pedestrian access, provide bicycle parking facilities and expand the existing shuttle bus service. However, the NSWTI questions the appropriateness of providing 54 visitor car parking spaces which is well over the 13 required under the SEPP (Seniors Housing) (It is noted that the SEPP does not require visitor parking for ILU's). The NSWTI also requests that a location specific sustainable travel plan, such as a Transport Access Guide (TAG) and a Workplace Travel Plan (WTP) be prepared and implemented for both site visitors and workers.

The Department considers the NSWTI request for a specific sustainable travel plan to be reasonable as it will enhance more sustainable transport initiatives. A condition requiring the preparation of a location specific travel plan has been recommended.

### NSW Department of Environment and Climate Change (DECCW)

DECCW raised no objection to the proposal.

### NSW Fire Brigade (NSWFB)

The NSWFB recommends that the proposed development satisfy the requirements of 'Guidelines for Emergency Vehicles' Policy No. 4. This policy requires a minimum carriageway width of 6 metres to and around buildings that are greater than 3 storeys in height. The NSWFB also recommended that given the age of residents and that some of the buildings will have a rise of 5 storeys, additional egress provisions above those required by the BCA should be considered.

The Proponent, as part of the RTS document, has stated that access to the site would be from Queen Street and Victoria Street via the proposed 6 metre east west access road. Submitted turning path details indicate that emergency vehicles access (including those greater than 10 metres) to each building will be provided.

Although, emergency vehicles are capable of accessing the site in accordance with the 'Guidelines for Emergency Vehicle' Policy No.4, the size, layout and position of buildings within the first two stages may make access to certain parts of these buildings difficult. To ensure that appropriate emergency access and facilities such as water boosters are provided for the Stages 1 and 2, the Proponent has stated that they will undertake further discussions with NSW Fire Service during the construction certificate stage of each project. To address this issue a condition is recommended requiring the Proponent to demonstrate that suitable emergency access and fire fighting facilities will be provided, to the satisfaction of the NSW Fire Service prior to the issuing of a construction certificate for each stage.

## 4.3 Public submissions

33 submissions were received from the public. This included 6 submissions from the Cardinal Freeman Village Residents Association.

All submissions objected to the proposal including one petition with 132 signatures. The letters of objection were composed by existing residents of the village and neighbouring residents. Concerns raised within submissions are outlined below:

**Table 1: Summary of Issues Raised in Public Submissions**

Issue	Percentage (%)
Traffic/Parking, Pedestrian Safety and Access	67
Height, Density, FSR and proximity of new buildings	59
Loss of Village Character and impact upon locality and heritage items	44
Length of construction period and impact upon residents	41
Amenity (overshadowing, privacy, noise, wind tunnels, light,	22

Issue	Percentage (%)
open space, light & ventilation and clothes drying facilities	
Emergency Evacuation Procedures	22
Suitability of Accommodation for the Aged	19
Staging	19
Property Values	15
Inconsistent with Council Policy	15
Lack of Communication	15
Inaccurate Information within EA	11
Impact Upon Infrastructure	11
Lack of RACF Beds	11
Compliance with Relevant Legislation	7
Lack of Affordable Housing	4
Damage to Neighbouring Properties	4
Need for Additional Aged Care Facilities in Ashfield	4
Loss of Trees	4
Children's Play Area	4

### Cardinal Freeman Village Residents Association

The Association submitted 6 submissions to the Department. The primary concern raised within the submissions relates to the quality of the proposed community facilities, particularly the activities centre which was to be located within the chapel undercroft. The Association's submission also raised the following issues:

- Traffic and Accessibility (throughout the site and in emergencies)
- Scale of the redevelopment
- Staging (The Aged Care Facility should take priority)
- Quality of the proposed accommodation and impact upon existing accommodation
- Length of construction
- Hours of construction
- Impact upon Heritage Items

On 29 September 2010, the Department and the Proponent met with the Association to discuss their concerns. The outcome of the meeting established that the association was generally satisfied with the redevelopment of the village, subject to the following:

- The relocation of the activities centre from the chapel undercroft to the ground level of the Stage 1 buildings;
- The restriction of hours of construction on Saturday; and
- Review of the proposed internal vehicle speed limit.

The RTS included the relocation of the activities centre from the chapel undercroft to the ground level of the new Stage 1 buildings. The RTS also proposed that only passive construction activities such as painting and landscaping will occur on Saturdays. A condition that requires the retention of the current 10 km/hour speed limit throughout the village has been recommended.

The Department has considered the issues raised in submissions in its assessment of the project which can be found at Section 5.

## 5. ASSESSMENT

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The Department considers the key environmental issues for the project to be:

- Construction impacts on village residents
- Built Form
- Future Amenity
- Heritage
- Accessibility and traffic
- Section 94 Contributions

### 5.1 Construction Impacts on Village Residents

Potential construction impacts upon existing residents was a key issue raised during the exhibition period. The Department considers that the extent, duration and staging of the construction works is a key issue given the scale of the proposed redevelopment. To mitigate construction impacts, the proponent has adopted the following key measures:

#### Mitigation Measures to Limit Impacts During Construction

To minimise impacts upon existing residents, the following programmes and procedures to reduce construction impacts are proposed:

- Limiting the types of construction activities on Saturdays and implementing a 12 month break between stages 2 and 3, stages 3 and 4, and, stages 4 and 5. Specifically, works may only be undertaken on every other Saturday (50% of Saturdays) during the construction period and only passive construction activities such as painting and landscaping may occur on Saturdays (with no construction on Sundays).
- A Construction Management Plan and a Construction Noise & Vibration Management Plan. These outline how the Proponent will manage the construction process in a manner that minimises traffic, noise, dust and vibration impacts. In terms of construction activities, the plans recognise that activities must meet relevant Australian standards. Vehicle and pedestrian access is to be retained throughout the construction period. Solid hoarding will be erected around building sites to assist in reducing noise impacts.
- The implementation of a complaints procedure to ensure that any concerns raised by residents during the construction process will be addressed within appropriate time frames.
- The organising of off site activities to give residents respite from construction noise at regular intervals if necessary.
- The implementation of initiatives to inform residents of the village and to minimise impacts of construction. These include:
  - Project Liaison Officer
  - Monthly Residential Update Circulars
  - Project Website
  - Resident Meetings
  - 1800 Project Information Hotline
  - Complaints Management Plan
  - Relocation of Residents where requested

The Department is satisfied that subject to the implementation of the above initiatives, the Proponent has provided appropriate measures to ensure that existing residents will be adequately protected from adverse impacts during the construction process. However, given that the majority of residents will remain on site for the majority of the day, to further minimise impacts, the Department recommends that construction works on any day should not commence before 8.00am.

Appropriate conditions are also recommended to reinforce the proponent's commitments to minimise construction impacts.