

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX B SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are five accepted ESD principles:

- a) *Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- b) *If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- c) *The principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- d) *The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- e) *Improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Integration Principle – The Department has considered all issues raised in submissions and the proposal does not compromise a particular stakeholder or hinder the opportunities of others. The site is serviced by existing and proposed infrastructure. The environmental impacts of the proposal have also been addressed through the proponent's Statement of Commitments, The Response to Submission document and the recommended conditions of approval.

Precautionary Principle – The site is currently occupied by built structures. The site does not contain any sensitive endangered or threatened environments and therefore the development would not threaten or create any irreversible environmental damage or degradation.

Inter-Generational Principle – The proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts.

Biodiversity Principle – Following an assessment of the proponent's EA and Response to Submission (RTS) document it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has been extensively developed for some time and has a moderate level of environmental sensitivity.

Valuation Principle – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate measures to mitigate adverse environmental effects and maximise energy efficiency through design. The development has been designed in accordance with BASIX targets utilising energy and water efficient fittings. The above measures will be included in the total cost of the project and considering greenhouse gas emissions linked to environmental performance, accessibility and travel the proposal is considered to be acceptable.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and Response to Submissions or Preferred Project Report are located on the Department's website www.planning.nsw.gov.au .
Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities on the project for the Minister's consideration is set out in Section 4 of this report.
Copy of any report of the Planning Assessment Commission.	No review has been required to be carried out by the Planning Assessment Commission.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified in within this Appendix below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to the prevailing environmental planning instrument is provided later in this Appendix.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The impact of the development on the public interest is discussed in section 5 of this report.
The suitability of the site for the project	The site is considered to be suitable for the redevelopment.
Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy – Housing for Seniors

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55- Remediation of Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above a EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 20% reduction in energy use and 40% reduction in potable water.

A BASIX report prepared by ABC Planning Pty Ltd together with a BASIX Certificate for each of the two stages form part of the EA. The reports state that the proposal is capable of satisfying the BASIX targets of a 20% reduction in energy use and a 40% reduction in potable water.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

A Design Verification Statement has been provided by Hill Thalix Architecture and Urban Projects Pty LTD and Sutters Architects, stating that the subject developments (Stages 1 and 2) have been designed having respect to the design quality principles.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The site is located within an established area. Although buildings proposed are taller and bulkier than those in the immediate area, the buildings have been designed in a manner that respects the context of its surrounds. In addition, the scale of the redevelopment is consistent with the principal non-residential land uses in the locality (The Sydney Private Hospital and Trinity Grammar). The proposed buildings would not have any detrimental impacts on the amenity of surrounding development or the natural features of the locality
Principle 2: Scale	The proposed buildings will be higher than immediately surrounding development. To minimise impacts on the character of the locality, the scheme has been designed to incorporate a range of heights between 3 and 5 storeys with the higher elements positioned centrally on the site and away from the lower residential buildings that surround the site. The transition of building heights across the site will ensure that the overall scale of the development respects the established character of the area
Principle 3: Built Form	The proposed built form will alter the overall character of the village by increasing building height and bulk. The new building envelopes allow for additional areas of open space and

	articulation to provide high levels of amenity for future residents.
Principle 4: Density	<p>The site is located within an established low density residential area. The development has been designed in accordance with the permissible uses for the site zoning.</p> <p>The density of the development will be greater than the surrounding residential zoning, however the building layout and provision of large areas of open space, proposed traffic and parking controls ensures that the additional density will have minimal impact upon the locality. Additionally, the increased housing density will have appropriate availability of infrastructure, public transport, community facilities and environmental quality.</p>
Principle 5: Resource, Energy and Water Efficiency	The application has been accompanied by a valid BASIX Certificate for the residential element of the development, demonstrating its ability to meet with water and energy efficiency targets.
Principle 6: Landscape	<p>The overall landscaping plan as outlined within the Concept Plan demonstrates that the site will provide large well lit areas of communal open space. These areas will include the retention of the vast majority of existing vegetation. The proposed planting will include largely native species and is expected to enhance and encourage habitats for native fauna.</p> <p>The landscaping plans for the Project Application illustrate well designed communal and private areas of open space that are of an appropriate size and form to provide for the intended needs of future residents.</p>
Principle 7: Amenity	<p>The development would not result in any loss of solar access to surrounding residential development and will not result in adverse privacy or view loss impacts. The new development would comply with SEPP 65 Design Quality of Residential Flat Development, supported by the Residential Flat Design Code, in that over 70% of each of the living rooms within the buildings would achieve solar access for at least 3 hours between 9am and 3pm in mid-winter.</p> <p>A range of unit sizes are proposed providing appropriate room dimensions and layouts and the development allows for ease of access for the aged residents and their degree of mobility. Units comply with RFDC with the exception of Building Separation and Building Depth discussed earlier in the report.</p>
Principle 8: Safety and Security	<p>The proposal has been designed to activate the street frontages with the proposed ILU's buildings addressing the surrounding streets and proposed open spaces. The upper level residential units will provide passive surveillance to the surrounding streets and communal open areas located around the village. The scheme will also provide a clear distinction between public and private spaces.</p> <p>External lighting is proposed to assist with pedestrian safety. The residences will have secure access arrangements in place and proposed public footpaths are wide with the building design in a manner to prevent potential dark non visible areas.</p>
Principle 9: Social Dimensions and Housing Affordability	The redevelopment of the Cardinal Freeman Village will provide much needed additional aged care facilities within the inner west sub-region. The additional facilities range from self care residential units (ILU's) through to a Residential Aged Care Facility that will provide high care for the elderly. The range of accommodation on the site allows residents of the area greater housing choice and opportunity to age in place.

Principle 10: Aesthetics	The buildings of stage 1 and 2 have been designed to include a range of varied and complimentary materials. The mix of textures and colours sharing a similar hue would assist in breaking up the bulk of the buildings and providing visual interest.
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An assessment of the Stage 1 (Village Green Precinct) proposal against the Residential Flat Design Code is set out in the table below:

	RFDC requirement	Proposed	Complies?
Building Separation	Min 18m between habitable rooms	3 and 5 metres	No
Building depth	10m- 18m	8 to 10.5m	Yes
Naturally cross ventilated	Min 60% of units	93%	YES
Kitchens with natural ventilation	Min 25%	>25%	YES
Single aspect apartment-distance from window	Max 8m	100%	YES
Depth of kitchen from window	Max 8m	100%	YES
Apartment Size (min)	1 bedroom= 50m ² 2 bedroom= 70m ² 3 bedroom = 95m ²	1 bedroom = 50m ² - 70m ² 2 bedroom = 80m ² - 83m ² 3 bedroom = 104m ² to 118m ²	YES YES YES
Balcony Depth	Min 2m	>2m	YES
Floor to ceiling heights	≥2.7m	≥2.7m	YES

An assessment of the Stage 2 (Care Precinct) proposal against the Residential Flat Design Code is set out in the table below

	RFDC requirement	Proposed	Complies?
Building Separation	Min 18m between habitable rooms	22m	YES
Building depth	10m- 18m	25m	NO
Naturally cross ventilated	Min 60% of units	87%	YES
Kitchens with natural ventilation	Min 25%	100%	YES
Single aspect apartment-distance from window	Max 8m	100%	YES
Depth of kitchen from window	Max 8m	100%	YES
Apartment Size (min)	1 bedroom= 50m ² 2 bedroom= 70m ² 3 bedroom = 95m ²	1 bedroom= -50m ² - 70m ² 2 bedroom= -80m ² - 83m ² N/A ²	YES ² YES
Balcony Depth	Min 2m	2.4m	YES
Floor to ceiling heights	≥2.7m	≥2.7m	YES

In light of the assessment detailed in Section 5.3 discussing building separation and building depth non-compliances, it is considered that the proposal displays an acceptable level of consistency with the Principles in SEPP 65 and the accompanying RFDC.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The Senior Housing SEPP applies to the project on the site. This Policy aims 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 SEPP states that these aims will be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

To achieve the abovementioned aims and objectives, the SEPP highlights seven Design Principles that should be met in order to achieve a suitable development that will provide high quality seniors accommodation.

The 7 Design Principles are:

- Neighbourhood Amenity and Streetscape
- Visual and Acoustic Privacy
- Solar Access and Design for Climate
- Stormwater
- Crime Prevention
- Accessibility
- Waste Management

The submitted EA for the Concept Plan and the Project Application provides detailed information on the proposals compliance with each of the design principles outlined within the SEPP.

Neighbourhood Amenity and Streetscape/ Visual and Acoustic Privacy /Crime Prevention

The EA illustrates that the redevelopment of the Cardinal Freeman Village will preserve neighbourhood amenity by preventing any unacceptable overlooking of neighbouring properties by way of distance or suitable privacy devices. In terms of noise, building separation and design will mitigate any unacceptable impacts upon neighbouring residential properties.

In terms of streetscape, the proposed building layout and form have been carefully designed to create buildings that are consistent with, and reflect the prevailing urban grain of the area (setbacks, building widths etc). Although larger in scale than surrounding properties, the proposed buildings (Both within the Concept Plan and Project Applications) will respect the overarching character of the streetscape.

The orientation and design of the proposed buildings ensures passive surveillance of both the street and the communal open spaces occurs. The design of buildings within the

Project Application also minimises dark alcoves or others areas that may provide opportunity for concealment. The proposal thereby adequately addresses crime prevention.

Solar Access and Design for Climate

The EA demonstrates that each of the proposed ILU's (within the Project Application) will achieve compliance with SEPP 65 requirements relating to solar access and ventilation. In addition, the EA was also accompanied by a BASIX certificate which demonstrates the schemes ability to reduce energy use. This will be achieved through the orientation and design of units and the use of use renewable energy sources such as solar.

Stormwater / Waste Management

The EA demonstrates that the redevelopment of the retirement village is capable of providing adequate stormwater disposal measures. In terms of waste management, a Waste Management Plan has been submitted that illustrates how waste disposal will occur of the site.

Accessibility

In terms of accessibility the location of the site within an established residential area of the inner west means that a number of bus routes operate in the area. This together with on site provision of community facilities and a village shuttle bus means that all residents have appropriate access.

Internally, the redevelopment of the village includes new access ways throughout the site. The new pathways, ramps, stairs and lifts will comply with relevant Australian Standards to ensure that every section of the village is accessible to all residents. The proposed works will improve access throughout the site and will link exiting ILU's will all section of the village.

Development Standards

The table below outlines the Development Standards that that residential housing for seniors are to comply with.

	SEPP	Provided	Complies
Access to Facilities	400m to community facilities or regular public transport	Bus stop adjacent and shuttle bus (bus 409,411 and 413)	YES
Gradient	Average 1:14	Gradients between the site and nearby bus stops are less than 1:14.	YES
Minimum Site Area	1000m ²	4.2ha	YES
Frontage	20m	Greater than 20m	YES
Wheelchair Access	50% of dwellings	100%	YES
Letterboxes	Wheelchair access on hard standing, lockable, central location and adjacent to street entry	Adjacent to Queen Street entrance, hard paved surface	YES
Private Car Accommodation	AS2890, 5% with minimum width of 3.8m, garage with power operated doors	4 out of the 80 spaces	YES
Accessible Access	AS4299	All entries will satisfy AS4299	YES

Interior layout	Comply with AS 1428.1, AS 4299,	Details to be provided at Construction Certificate Stage	Conditioned to Comply
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Senior Living Policy: Urban Design Guidelines for Infill development

New development under the Senior Living Policy should achieve a high standard of urban design. The policy sets out a range of design principles which must be considered in the design and assessment of applications. Consent authorities are required to assess any proposal for senior living accommodation on these issues as required by the SEPP (Housing for Seniors).

The Department has assessed the proposal against the abovementioned principles and considers that the redevelopment of the village adequately addresses how the redevelopment will mitigate any adverse impacts upon the streetscape, the local context, neighbours and amenity through appropriate site planning and design. How this has been achieved has been discussed in detail within Section 5 of the report and within SEPP (Housing For Seniors) discussion above.

State Environmental Planning Policy (Major Development) 2005

The *Major Development SEPP* applies to the project as discussed in Section 3.1 of this report.

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the RTA for concurrence. The proposed works are not defined as traffic generating development. The proposal was referred to the RTA who raised concern with the adequacy of loading provisions, turning paths for larger vehicles and general compliance with Australian road safety standards. The Proponent has stated that the internal road ways and enters will comply with relevant Australian Standards.

State Environmental Planning Policy 55- Remediation of Land

The SEPP requires the preparation of a report that specifies the findings of a preliminary investigation of the land concerned. The EA was accompanied by a Preliminary Environmental Assessment Report (PEA) and a Hazardous Building Materials Survey (HBMS) and Qualitative Risk Assessment (QRA) prepared by Hibbs and Associates Pty Ltd.

The PEA report stated that there was no evidence of significant surface contamination of the site and as such there was low risk of site contamination resulting from the current or historical site activities. The conclusion of the PEA is that there is a low risk of significant or widespread sub surface contamination being present on the site.

The HBMS and QRA reported on the risk and extent of hazardous materials located on the site. Hazardous materials included asbestos, synthetic mineral fibre, lead based paint systems and polychlorinated biphenyls. The report established that hazardous materials are located on the site. However at present they do not present a significant health risk. In order to ensure that the materials pose no risk during the redevelopment the HBMA and QRA make recommendations on how such material should be removed. A condition has therefore been imposed, requiring compliance with the recommendation made within the HBMA and QRA.

APPENDIX E RECOMMENDED CONDITIONS OF APPROVAL
