

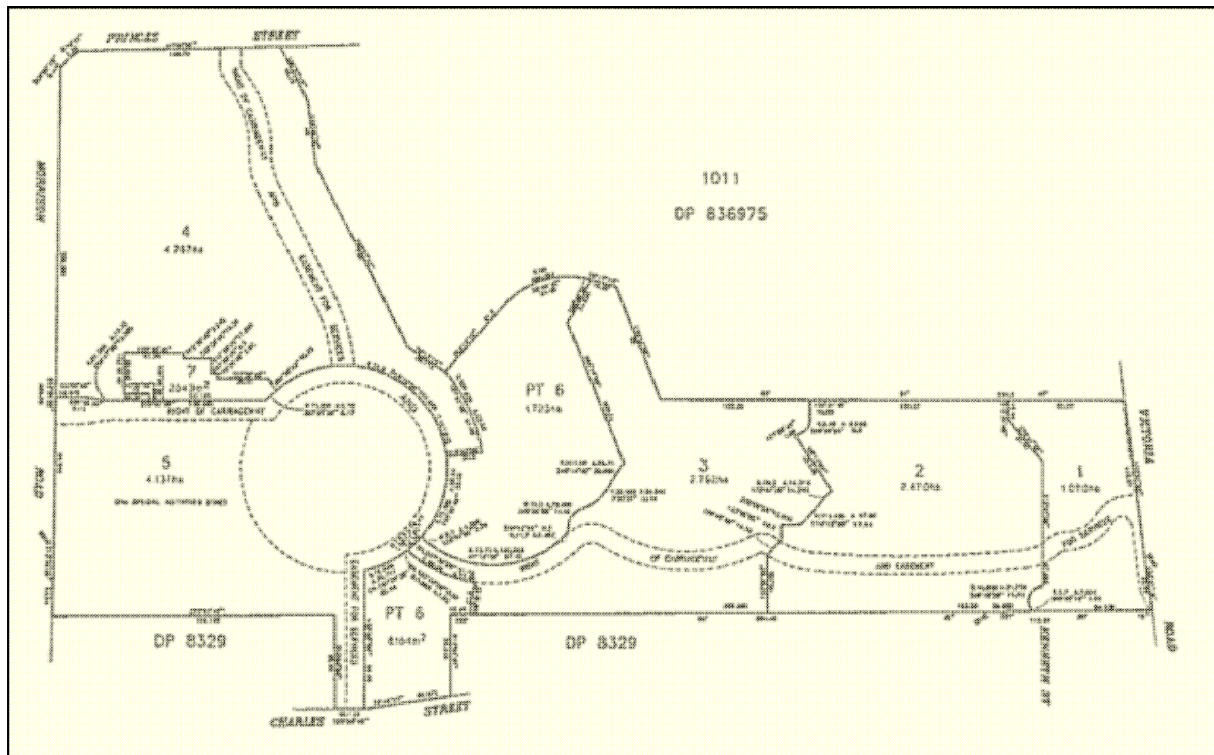


NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSEMENT:
Royal Rehabilitation Centre Sydney –
Proposed Subdivision
Major Project Application MP 07_0100***

Director-General's
Environmental Assessment Report
Section 75I of the *Environmental Planning and
Assessment Act, 1979*

July 2008



© Crown copyright 2008
July 2008
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:
While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1 EXECUTIVE SUMMARY

This is a report of a project application seeking approval for the subdivision of the Royal Rehabilitation Centre Sydney (RRCS) site at 600-642 Victoria Road and 59 Charles Street, Ryde, into 7 Torrens title superlots. The proponent is the RRCS.

The application proposes the creation of 7 superlots, associated rights of carriageway and service easements to facilitate the redevelopment of the RRCS site, generally in accordance with the approved Concept Plan MP 05_0001. Each superlot is a precinct/stage in the Concept Plan, consisting of the new health facility, open space or residential lots.

The Concept Plan for the redevelopment of the RRCS site was approved on 26 March 2006, and the site was listed in Schedule 3 of the Major Projects SEPP as a State Significant site.

The Department is currently considering a project application for a new health facility, including a new rehabilitation hospital and associated works on 2 of the proposed lots. That application is not assessed in this report.

The estimated Capital Investment Value (CIV) of the subdivision is **\$50,000**. No development works will be carried out and no construction jobs will be created as a direct result of the subdivision approval.

The project was placed on public exhibition for a period of 31 days from **2 April 2008** until **2 May 2008**. No public agency submissions were received, however the Department received a total of **173 public submissions** from surrounding land owners/properties. The majority of the submissions were pro-forma letters. These have been addressed in the body of this report as part of the assessment of this project application. No Preferred Project Report was submitted.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed. Furthermore the Department's recommended conditions of approval ensure a satisfactory resolution to the outstanding matters. The recommended conditions (at **Appendix A**) seek to ensure the orderly subdivision of the site, facilitate the future provision of infrastructure and services on the site, and ensure agreements are made between the proponent and Ryde City Council made regarding developer contributions and transfers of title.

The Department is satisfied that the site is suitable for the proposed development as it facilitates the Concept Plan and approved development of the site.

The Department recommends that the project be **approved** subject to the imposition of conditions set out in **Appendix A**.

2 BACKGROUND

2.1 Introduction

The site is located at 600-642 Victoria Road and 59 Charles Street, Ryde within the City of Ryde Local Government Area (LGA), and is wholly owned by the Royal Rehabilitation Centre Sydney (RRCS).



Figure 1 – Location Plan of the Royal Rehabilitation Centre Sydney site

The site comprises approximately 17.83 hectares and has frontages to Victoria Road, Charles Street, Morrison Road and Princes Street. Vehicular and pedestrian access to the site is currently available from all of these streets.

The site consists of the following lots:

- Lot 1010 DP 836975;
- Lots 102 DP 826426; and
- Lot D in DP 415046.

2.2 Existing Site and Land Use

The RRCS provides rehabilitation programs for adults with acquired disabilities, injuries, neurological illness, spinal cord injury, traumatic brain injury and age related illness and disease. The proponent operates its specialist rehabilitation and aged care services from three facilities within the site, namely Weemala, Coorabel and Moorong.

The site contains internal access roads and car parking areas. The site is well vegetated, and there is a well established group of palm trees along the Victoria Road frontage.

The site slopes down to the central part of the site, which contains disused oval and sparsely vegetated open space.



Figure 2. Aerial photograph showing existing facilities on the site

2.3 Surrounding Land Uses

Land uses surrounding the site comprise of a mixture of residential and retail. The site is predominantly surrounded by low to medium density residential development of up to two storeys. Calvary Retirement Community is located to the northwest, at the intersection of Victoria Road and Princes Street, and includes a range of one to four storey buildings.

Putney shopping village is located at the intersection of Charles Street and Morrison Road near the site's Morrison Road access point. Existing retail uses are of a small scale and therefore functions as a local neighbourhood centre. Other commercial uses lie on the opposite side of Victoria Road. The site is considered to be well served by public transport given its location adjacent to Victoria Road and in close proximity to Ryde bus depot and two local train stations.

2.3 Approval History

On 23 March 2006, the Minister for Planning approved a Concept Plan MP 05_0001 for the redevelopment of the site. The Concept Plan approval comprised the following:

- A new, purpose built specialised rehabilitation and disability facility;
- A density not exceeding 50 residential dwellings per hectare (excluding the land for the new purpose built specialised rehabilitation facility);
- Landscaped public and private open space;
- Associated services and infrastructure; and
- Land use distribution, building heights, densities, dwelling mixes and types.

Figure 3 illustrates the land uses across the site in the approved Concept Plan.

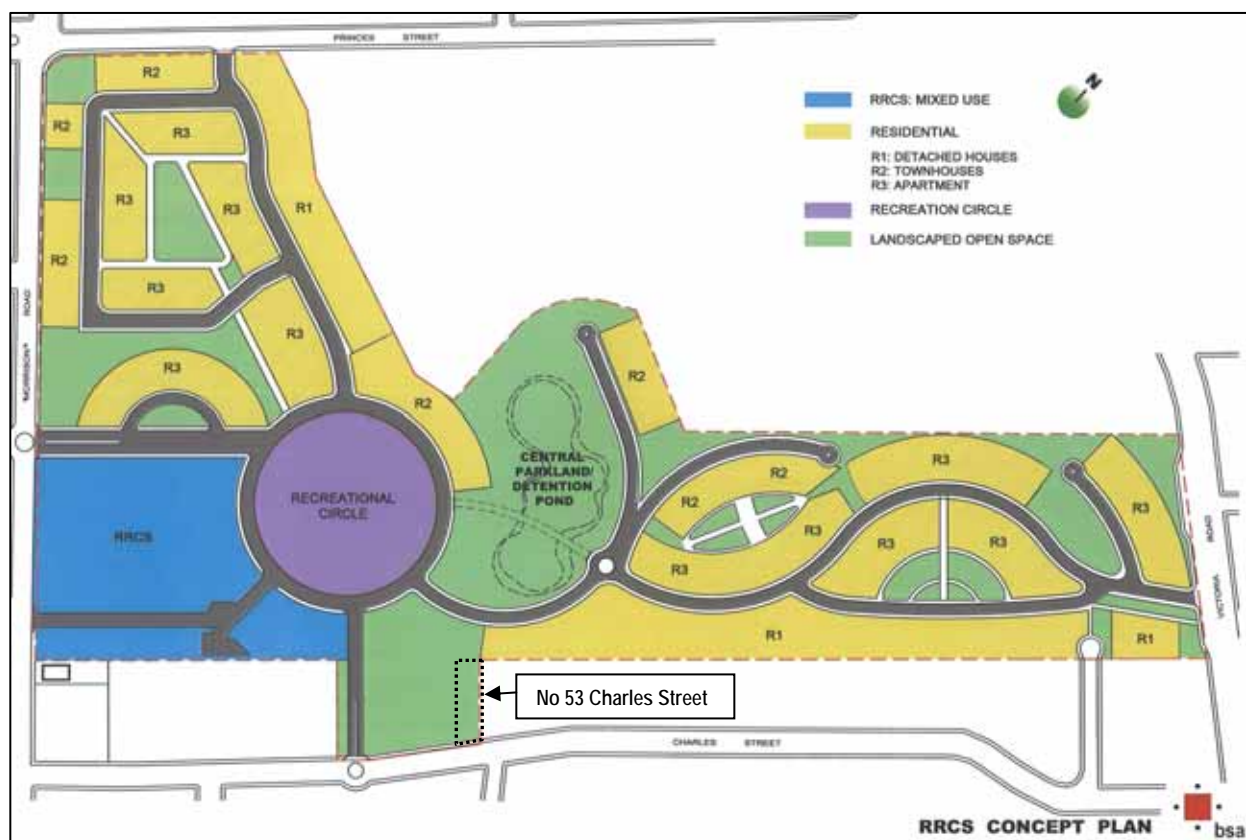


Figure 3. Land uses approved under the Concept Plan for the RRCS site (No. 53 Charles Street incorrectly included in the approved plan also shown).

A copy of the Concept Plan approval is located at **Appendix E**. The most significant issues relating to the Concept Plan approval are:

- Planning agreements to be reached between the proponent and City of Ryde Council;
- A commitment to be reached for the relocation of Riding for the Disabled;
- RRCS has also committed to secure ongoing accommodation for existing Weemala residents following concerns raised by residents and families of Weemala residents after the approval of the Concept Plan.

These issues are discussed in further detail in Section 5 of this report.

On 2 August 2006, the site was added to Schedule 3 of the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP), rezoning the site into the following 3 zones:

- A. General Residential Zone;
- B. Public Recreation Zone; and
- C. Special Activities (Royal Rehabilitation Centre Sydney) zone.

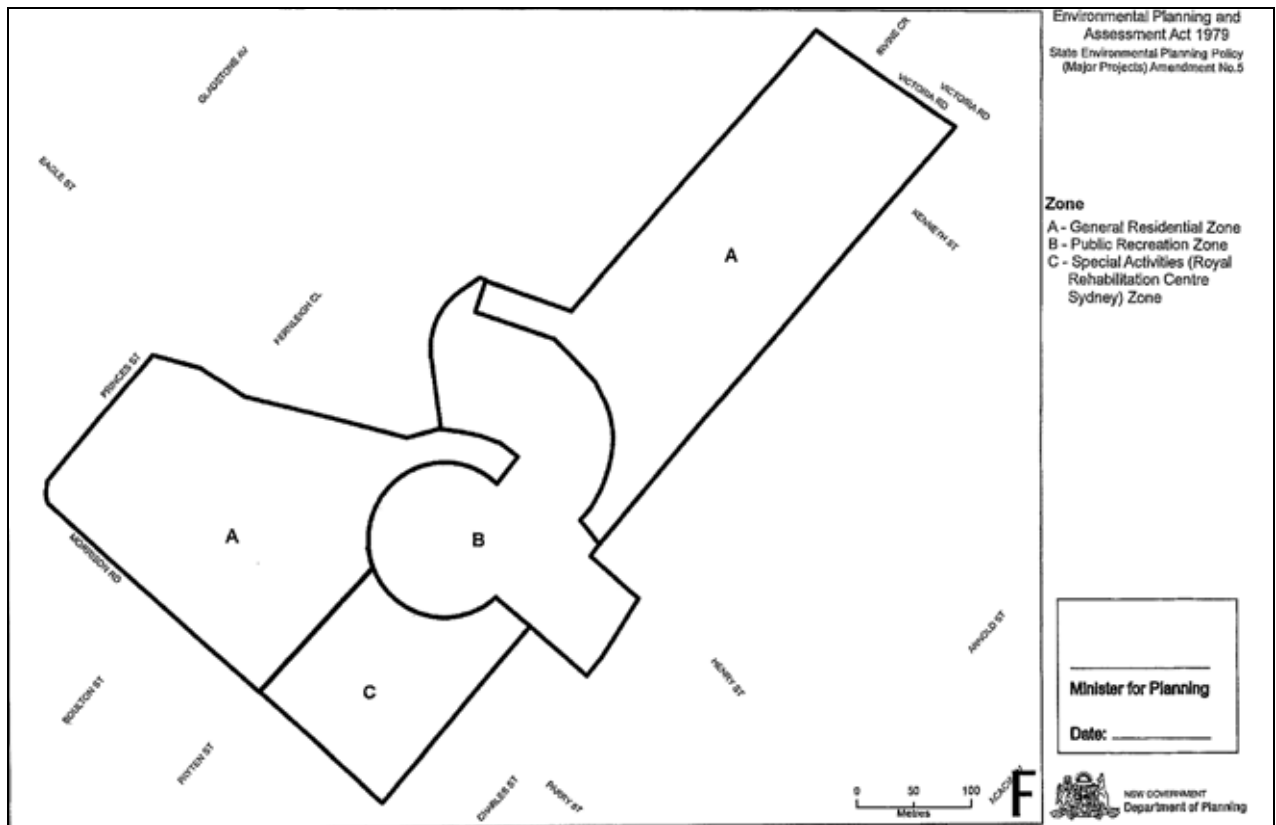


Figure 4. Site in Schedule 3 of the Major Projects SEPP and zonings

3 PROPOSED DEVELOPMENT

3.1 Project Application

The proponent seeks project approval for a Torrens title subdivision of the site, creating seven superlots, associated rights of carriageway and service easements. No physical works are proposed as part of this application. The subdivision will enable the sale of the proposed residential lots to provide capital for the construction of the new RRCS Health Facility and landscaped open space on proposed lots 5 and 6. These works are currently under consideration by the Department under Major Project application MP 08_0054.

3.2 Subdivision Design

Figure 5 illustrates the future uses of each lot approved under the Concept Plan and includes No. 53 Charles Street for reference. Figure 6 is the subdivision plan lodged with the application.

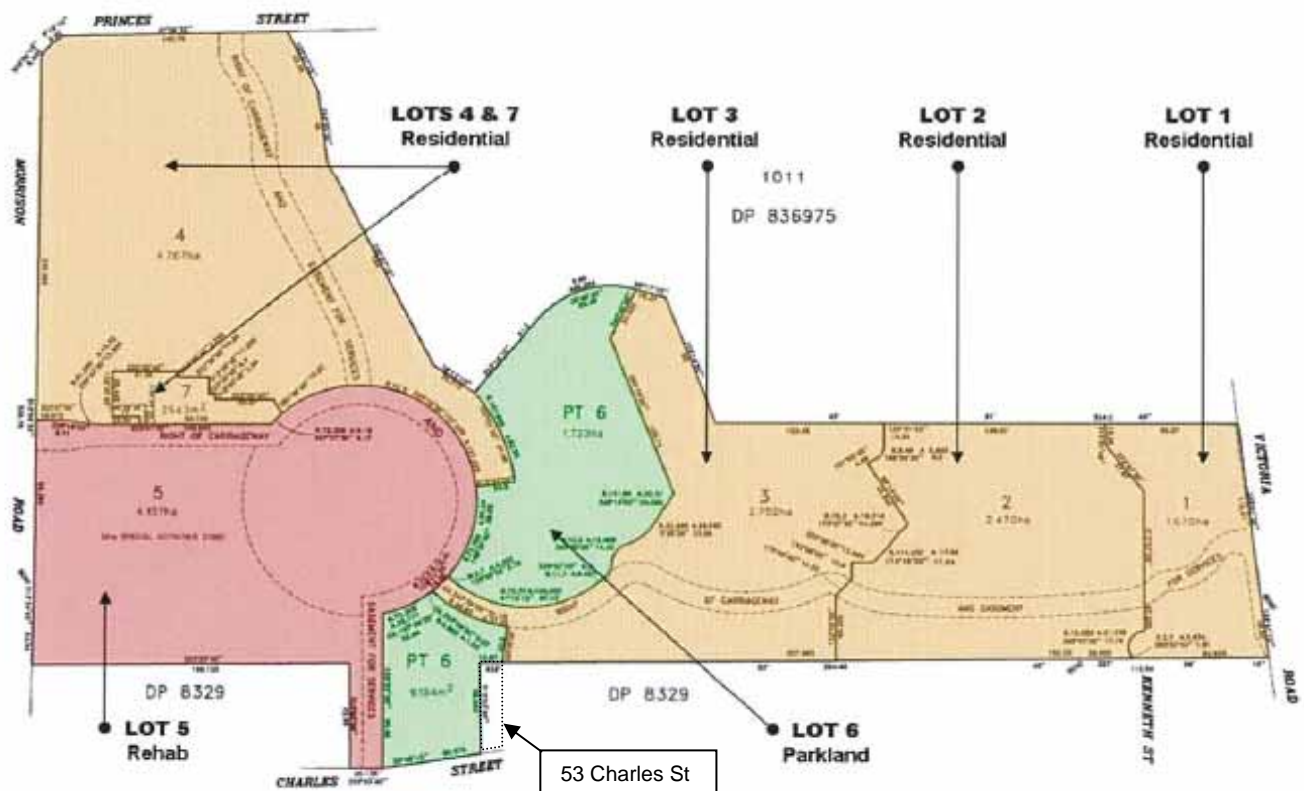


Figure 5. Proposed lots and land uses approved in the Concept Plan.

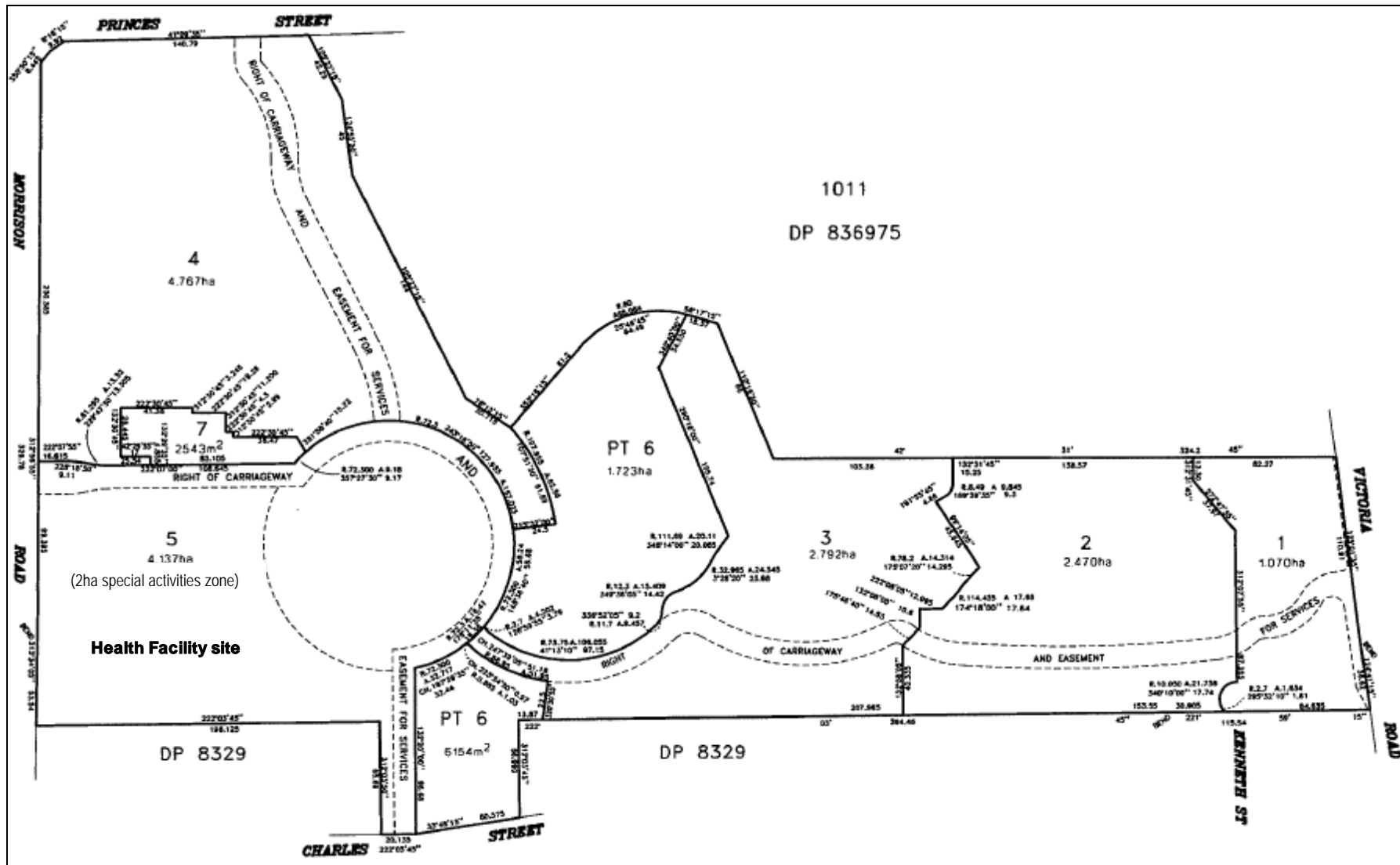


Figure 6. Proposed plan of subdivision creating 7 superlots on the RRCS site.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The proposal is a Major Project under Part 3A of the Act as the site is listed in Schedule 3 of the Major Project SEPP and Clause 5, Part 3 of Schedule 3 declares that Part 3A applies to subdivision of land within the RRCS site.

4.2 ZONING / PERMISSIBILITY

The site has been divided into three zones:

- a) General Residential Zone
- b) Public Recreation Zone
- c) Special Activities (Royal Rehabilitation Centre Sydney) Zone

Subdivision of land within the RRCS site is listed as a Part 3A project in the Major Project SEPP. The proposed subdivision will facilitate permissible uses on the site.

4.3 DIRECTOR GENERALS ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

On 14 September 2007, the Director General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the EP & A Act. The key issues to be addressed in the DGRs issued related to:

- Integration with the approved Concept Plan
- Relationship to other SEPPs, planning instruments and legislation
- Covenants
- Staging
- Management
- Access and easements
- Utility infrastructure
- Impacts on water quality and drainage

4.4 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (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.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iii), (iv), and (v) are significant factors in forming the determination of the application. The project does not raise significant issues with regards to (vi), (vii) and (viii).

The Department has considered the Objects of the Act, in the assessment of the Concept Plan application. The balancing of the project in relation to the Objects is provided in Section 5.

4.5 ESD PRINCIPLES

The Protection of the Environment Administration Act 1991 provides 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 project application for subdivision in relation to the ESD principles and has made the following conclusions:

1. Integration Principle - The proposed subdivision will facilitate the development approved in the Concept Plan, creating parcels of land consistent with the approved land uses. It will allow for sale of residential allotments to provide funding for the health facility and associated works. Staging of the development and transfer of works to Council have also been addressed through the proponent's Statement of Commitments and the recommended conditions/modifications of approval.

2. Precautionary Principle – No development works are proposed with the subdivision application, as these works will be subject to future applications on each lot. Issues of threatened or vulnerable species, populations, communities or significant habitats were addressed at Concept Plan stage, with the site identified as having low level of environmental sensitivity. Issues of potential flooding on the site were also addressed under the Concept Plan approval, including the creation of the open space to incorporate drainage works under separate application.

3. Inter-Generational Principle –The subdivision will facilitate the Concept Plan to allow for the redevelopment of the site included upgraded rehabilitation facilities and accommodation, additional community facilities, open space and improved landscaping.

4. Biodiversity Principle – Issues of ecology and biodiversity were addressed in the approved Concept Plan, with no works proposed directly for the subdivision approval. There is little natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.

5. Valuation Principle – The subdivision will facilitate new residential development in an existing urban area. Therefore, infrastructure required to support development can be affordably provided by the developers of each residential superlot.

The details of the ESD principles, key ESD opportunities including issue of BASIX certificates will be assessed with the future development application(s) for the construction of the residential buildings.

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

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to address a number of requirements in the Director General Report. These matters and the Department's response are set out as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The proponent's EA is included at Appendix D. Neither a preferred project report nor response to issues has been submitted.
Any advice provided by public authorities on the project	No advice from public authorities has been provided.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	A brief assessment of each relevant State Environmental Planning Policies that substantially governs the carrying out of the project.
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	No other EPIs, other than the Major Project SEPP, applies to this application.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety. All environmental impacts associated with this proposal have been assessed within this report.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The EA and subsequent submissions by the proponent forms the basis for consideration of the environmental impacts associated with the development. The Department is satisfied that the project complies with the environmental assessment requirements issued on 14 September 2007.
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 public interest is discussed in section 5 of this report.
The suitability of the site for the project	The site is considered suitable for the proposed subdivision, based on the approved Concept Plan.
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 section 5 and Appendix C of this report.

4.6 ENVIRONMENTAL PLANNING INSTRUMENTS

Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to Major Projects. There are no relevant EPIs, other than the Major Project SEPP, that apply to this subdivision application.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment include:

- Compliance with the approved Concept Plan;
- Terms of the Concept Plan;
- Staging of the development;
- Relocation of Riding for the Disabled;
- Relocation of Weemala residents;
- Planning Agreements and Developer Contributions; and
- Easement design and utility provision.

5.1 COMPLIANCE WITH CONCEPT PLAN APPROVAL

The EA identifies a minor inconsistency between the approved Concept Plan and the submitted subdivision plan, relating to the area of Central Parkland and frontage to Charles Street;

The area of the Central Parklands and Detention Pond (proposed Lot 6) in the Concept Plan approval was 24,094m², whereas the subdivision application proposes an area of 23,384m². This is due to the inclusion of 53 Charles St in the Concept Plan, which is not under the ownership of RRCS and cannot be included in the subdivision plan (refer to figures 3 and 5 previously in the report). In addition, this reduction in site area will result in a reduction in the maximum number of dwellings that can be constructed on the site, as Condition A1(2) of the Concept Plan approved a density of 50 dwellings per hectare (excluding the health facility site).

The second minor inconsistency relates to the shape of proposed Lot 6 fronting onto Charles St which is now approximately 15m narrower than shown in the approved Concept Plan, also due to the inclusion of 53 Charles Street in the Concept Plan application.

The inclusion of 53 Charles Street only effects the plans for the Concept Plan approval, not the Major Projects SEPP.

It is also noted that the area of the Recreation Circle (within proposed Lot 5) specified in the EA is 21,370m², which is greater than the area of 10,061m² shown on the approved Concept Plan. This is due to the inclusion of the ring road and parking area in the calculations for the subdivision plan which were excluded in the Concept Plan calculations.

It is considered that the proposal is generally consistent with the approved Concept Plan and the discrepancies are not significant.

5.2 TERMS OF THE CONCEPT PLAN

The Concept Plan approval is attached at **Appendix E**. Conditions that are relevant to the subdivision application are discussed below:

- B5. Planning Agreements

The condition states the following:

Prior to the lodgement an initial application for development on the subject site a planning agreement and/or development contributions between the proponent, Council and other agencies will be formalised by the proponent and agreed by the Department, in consultation with Council and other agencies where appropriate.

This will include (but not be limited to):

- (1) Community and educational facilities.*
- (2) Public open space.*
- (3) Traffic calming measures.*
- (4) Relocation of RDA Ryde.*
- (5) Provision of infrastructure.*

Agreements have been made between the RRCS and Ryde City Council, as discussed in Section 5.6 below, for the provision of all items listed except the relocation of Riding for the Disabled Ryde (RDA). A Deed of Agreement has been signed between RRCS and RDA for the relocation of RDA, and this is discussed in more detail in Section 5.4 below. It is in the Department's opinion that this condition has been satisfactorily addressed.

- B14. Riding for the Disabled Association (NSW) Ryde and C12. Riding for the Disabled Association – Ryde (RDA Ryde)

The conditions required discussions with all relevant stakeholders to seek the timely relocation of the RDA facility to the satisfaction of the Department. As discussed in detail in Section 5.4 below, an agreement has been reached between RRCS and RDA in the form of a Deed of Agreement for the relocation of RDA. It is considered that these 2 conditions have been satisfactorily addressed.

- C6. Utilities Infrastructure

The proponent states that discussions were held with utility providers for the design of the easements for services for the provision of utilities infrastructure. Conditions have also been recommended (Conditions E5 and E6) to ensure the requirements of any public authorities are complied with. It is considered that this condition has been satisfactorily addressed.

- C13. Staging of Development and Actions to be carried out prior to Subsequent Applications

Details of the staging of development on the site are discussed in Section 5.3 below.

The condition also required that negotiation take place with the Department, in consultation with Council, for the delivery of a Section 93 Planning Agreement, and/or Section 94 Development Contributions to provide for community and infrastructure demand. Agreements have been reached between the Council and RRCS and are discussed in details in Section 5.6 below. It is considered that this condition has been satisfactorily addressed.

5.3 STAGING OF FUTURE DEVELOPMENT RESULTING FROM THE SUBDIVISION

The subdivision of the site will not be staged, however the staging of the development and transfers of title on each proposed lot has been determined in the Concept Plan approval, and the signed deed of agreement with Ryde Council for the subdivision. The staging is as follows:

- New RRCS Health Facility and Recreation Circle – Lot 5

Proposed Lot 5 will contain the new health facilities and Recreation Circle. Ownership of this lot is to be retained by RRCS, with the Recreation Circle facilities available to the public. The project application MP 08_0054 for the development of this lot is currently under assessment by the Department of Planning.

- Open Space (Central Parkland) - Lot 6

These works are being considered as part of the project application MP 08_0054 which is currently under assessment by the Department. Central Parkland will be constructed and dedicated to Council as material public benefits in place of Section 94 developer contribution fees for the development of the whole RRCS site.

- Residential – Lots 1,2,3, 4, and 7

These lots will be progressively transferred to the purchaser for development.

5.4 RELOCATION OF RIDING FOR THE DISABLED - RYDE

During the assessment of the Concept Plan application, concerns were raised from the public regarding the future of the Riding for the Disabled (RDA) who were using the RRCS site. Conditions of consent (Conditions B5, B14 and C12) were included in the Concept Plan approval (Appendix E) to ensure that the facility could be relocated to another site. The Director General Requirements issued for the subdivision also required evidence of such agreements to be submitted with the application.

RRCS has prepared a Deed of Agreement to make a monetary contribution to RDA to assist with their relocation cost to new premises, potentially at Marsfield Park. The Deed has been agreed to and signed by both RRCS and RDA.

5.5 ACCOMMODATION FOR WEEMALA RESIDENTS

Concerns were raised by residents of Weemala and their relatives regarding the future of Weemala during the assessment of the Concept Plan and following the approval. The Director General Requirements for the subdivision required "justification for how the uses envisaged and approved by the Concept Plan are to be included within relevant parcels, including commitments made with respect to relocated RRCS facilities such as complex care and high support needs accommodation. (Weemala)"

In August 2007, RRCS provided a written commitment to residents of Weemala that services to current residents will continue to be provided. The application for the Health Facility (MP 08_0054), currently under assessment by the Department, includes a new Weemala premises. Any approval for this application will include a condition that the existing Weemala will continue to operate until all existing residents are relocated to either the new Weemala, or alternative off site accommodation as agreed to by residents, carers and relevant government agencies. This will ensure ongoing service and care for the residents. A condition of approval (Condition E7) has been recommended requiring a restriction on the use of land on Lot 4 to ensure this occurs. This issue can also be further addressed in the assessment of the project application for the Health Facility.

5.6 PLANNING AGREEMENTS AND DEVELOPER CONTRIBUTIONS

To ensure that essential community and infrastructure services will be provided as a result of the redevelopment of the site, the Concept Plan approval included a condition (Condition B5) for a planning agreement to be made with the Council to address the provision of the following:

- Community and educational facilities;
- Open space;
- Traffic calming measures; and
- Provision of infrastructure.

An agreement has been made between the proponent and the Council, in the form of a Development Contributions Submission and Deed of Agreement, for material public benefits to be made in place of the payment of contribution fees for the provision of the above facilities. This agreement has been confirmed in a letter dated 21 September 2007 from the Council. The Deed of Agreement will cover the following works:

- Community and educational facilities
 - Multi-function courts;
 - Childcare centre; and
 - Community meeting room.
- Open space
 - Dedication of Central Parkland (including Wetlands) to Council.

- Traffic calming measures
 - To be provided in Morrison, Charles and Princes Street.
- Provision of infrastructure
 - Dedication of internal roads within the site to Council.

The above works will be dedicated to Council once constructed, in accordance with the Deed. The exception is the Community and educational facilities, which are to be located within the Recreation Circle and will remain under the ownership and control of the RRCS, although provisions will be made for the public to use these facilities, as specified in the Development Contributions Submission agreed to by the Council.

5.7 EASEMENT DESIGN AND UTILITY PROVISION

Concerns were raised in the public submissions about the adequacy of easements for the provision of utilities and the adequate management of stormwater.

The easements for services will be located within the rights of carriageway, which is considered to be a satisfactory arrangement. Stormwater management was addressed in the Concept Plan approval, and included the central parkland for use as a stormwater detention for the site. The internal roadway system and associated drainage infrastructure will assist with stormwater flows across the site. The proponent has been in discussion with the relevant utility providers about the site for easement design for these services.

One submission from a member of the public included a claim of legal entitlement to use part of the site for parking of her vehicle. The claim was based on the opinion that as she had parked her car on the site for over 10 years, she would have a legal right to continue to do so. Based on legal advice provided by the proponent, there is no basis for such a claim, and this issue does not warrant further investigation by the Department.

5.8 STATEMENT OF COMMITMENTS

The Draft Statement of Commitments submitted with the application and a copy is located at **Appendix B**. The key issues identified are:

- Commitment to develop the new RRCS Health Facility within 4 years of registration of the subdivision plan
- Securing accommodation for Weemala residents
- Relocation of Riding for the Disabled
- Provision of recreation facilities, Central Parkland and Internal Roadways

The Statement of Commitments are considered to be reasonable for this application, in particular the agreements for Weemala accommodation, relocation of Riding for the Disabled and provision of recreational facilities and infrastructure.

5.9 PUBLIC INTEREST

The public interest can be satisfied on the basis that the proposed subdivision facilitates the Concept Plan which in turn will allow residential uses on the site, which will contribute towards the housing targets for Ryde LGA in the Metropolitan Strategy and provide funding for a new health facility and relocation of Weemala.

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The EA was publically exhibited from **2 April 2008** until **2 May 2008** for a period of 31 days and was published in the Ryde Weekly Times, Sydney Morning Herald, and were made available on the Department of Planning's website. Copies of the EA were also available for inspection at City of Ryde Council offices and the Department of Planning's offices in Sydney during the exhibition period.

6.2 SUBMISSIONS RECEIVED ON ENVIROMENTAL ASSESSMENT

The Department received a total of **173** submissions from land owners in the vicinity of the site with a vast majority of them (165) on pro-forma letters. No submissions were received from public authorities. The Department forwarded a summary of these responses to the proponent following closure of the exhibition period.

6.3 PUBLIC SUBMISSIONS

The issues raised in the submissions are summarised below in **Table 1**. On 14 May 2008 the proponent wrote to the Department advising them that they were not intending to lodge a formal response to the issues raised. No Preferred Project Report was requested or lodged by the Department.

Table 1: Summary of Issues

Submitter	Issues Raised
Local Residents	<ul style="list-style-type: none">▪ The Right of Carriageways should be dedicated to Council.▪ An easement should be provided along the boundary line across Lots 1, 2, 3 and adjoining 6 to preserve the Buffalo Creek line which is prone to flooding.▪ Legal entitlement for an easement to use part of the site for private parking.▪ 25 metre setback from Victoria Road as required by the Ryde LEP.▪ Preservation of the palm trees adjacent to the Victoria Road frontage.▪ There is no provision to widen the Victoria Road frontage in order to accommodate road widening.▪ Signalised intersection should be provided on Victoria Road at site entrance.▪ Road safety on the surrounding roads is being compromised.▪ The site is being overdeveloped with six storeys of residential having been approved.▪ Adequate provision should be made for the long term ill patients in Weemala.▪ Retention of the existing brick cottage (c.1885) which is a potential heritage item.▪ A parking bay should be provided for an emergency vehicle at the heritage water bowser on the eastern boundary line adjacent to Moorong.▪ Compensation for the overhead powerlines for residents on the eastern boundary.▪ Lack of consultation by the proponent as monthly updates required by the Concept Plan approval were not circulated regularly.

It is important to note that most issues raised in the above table relate to issues covered under the approved Concept Plan, or are most appropriately dealt with as part of future development on the site and are not directly relevant to the subdivision proposal. Issues relating to easements and dedication of Right of Carriageways have been discussed in Section 5 of this report.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues relating to the subdivision are compliance with the Concept Plan approval, developer contributions and staging of development resulting from the subdivision.

The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues.

On these grounds, the Department considers the site to be suitable for the proposed development and that the proposal is in the public interest as the subdivision will facilitate the development of the site in accordance with the approved Concept Plan. Consequently, the Department recommends that the subdivision be approved, subject to conditions.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) **consider** the findings and recommendations of this report;
- (B) **approve** the carrying out of the project, under Section 75J of the *Environmental Planning and Assessment Act, 1979*, subject to conditions; and **sign** the Determination of the Major Project (**Tag A**).

Prepared by:

Endorsed by:

Michelle Cramsie
Planner
Strategic Assessments

Simon Bennett
Team Leader
Strategic Assessments

Michael File
Director
Strategic Assessments

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

APPENDIX A. RECOMMENDED CONDITIONS OF CONSENT

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION No. MP 07_0100

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Project Approval is granted only to the carrying out of a Torrens title subdivision of the RRCS site into 7 superlots, associated rights of carriageway and service easements.

A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- Royal Rehabilitation centre Sydney (RRCS) Project Application – Subdivision Environmental Assessment Report prepared by Peloton Development Management Pty and Robinson Urban Planning Pty Ltd dated 18 October 2007

A3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A4 Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 Prescribed Conditions

The proponent shall comply with the prescribed conditions of project approval under Section 75J(4) of the Act.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Conditions in this Part.

PART C—PRIOR TO COMMENCEMENT OF WORKS

No Conditions in this Part.

PART D—DURING CONSTRUCTION

No Conditions in this Part.

PART E—PRIOR TO SUBDIVISION CERTIFICATE

E1 Application

An application pursuant to Part 4A of the Act shall be submitted to Council or Private Certifier with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

E2 Future and Existing Services

In order that adequate provision for future and existing services exist within the RRCS site, easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act, 1919*.

E3 Documentary evidence of restrictions on title

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to Council or the Private Certifier.

E4 Agreements with Council

Prior to issuing the subdivision certificate, documentation is to be provided demonstrating that the Proponent and Council have agreed to a Deed of Agreement and Developer Contributions relating to Section 93 and 94 of the *Environmental Planning and Assessment Act 1979*, consistent with the terms of the Concept Plan approval (MP 05_0001). This is to include the dedication of Lot 6 to Council.

A copy of the Deed of Agreement and Developer Contributions agreement is to be provided to the Department. If an agreement is not reached within 3 months from the date of the approval, the Director General is to arbitrate and agreement, and the parties will be bound by the such a written arbitration.

E5 Sydney Water Compliance Certificate

Prior to issuing a subdivision certificate, a Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* shall be provided to Council showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority in accordance with their requirements and produce the Certificate to the satisfaction of the consent authority or Council before the release of the subdivision certificate.

E6 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the Proponent only. Details of compliance with the requirements of any relevant public authorities are to be submitted with the application for a subdivision certificate.

E7 Weemala – Proposed Lot 4

The subdivision is to include a restriction on the use of land to be placed on the title of Lot 4 to require the existing Weemala to continue to operate and not be demolished until all existing residents are relocated to either the new Weemala (to be constructed under project application MP 08_0054 for the new RRCS Health Facility), or alternative off-site accommodation as agreed to by residents, carers and relevant government agencies. This restriction can only be released by the consent authority.

E8 *Costs to be Borne by Applicant*

All costs associated with the preparation and registration of any covenant or restriction on title or the preparation of any agreement required by this consent, whether directly or indirectly, will be borne solely by the Proponent.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No Conditions in this Part.

PART G—POST OCCUPATION

No Conditions in this Part.

PART H—GENERAL TERMS

No Conditions in this Part.

ADVISORY NOTES

No Advisory Notes.

APPENDIX B. STATEMENT OF COMMITMENTS

APPENDIX C. SUMMARY OF PUBLIC SUBMISSIONS

A total of 173 submissions were received from the public, the majority as pro-forma letters. The issues raised are detailed in the table below:

Submitter	Issues Raised
Local Residents	<ul style="list-style-type: none">▪ The Right of Carriageways should be dedicated to Council▪ An easement should be provided along the boundary line across Lots 1, 2, 3 and adjoining 6 to preserve the Buffalo Creek line which is prone to flooding.▪ Legal entitlement for an easement to use part of the site for private parking.▪ 25 metre setback from Victoria Road as required by the Ryde LEP.▪ Preservation of the palm trees adjacent to the Victoria Road frontage.▪ There is no provision to widen the Victoria Road frontage in order to accommodate road widening.▪ Signalised intersection should be provided on Victoria Road at site entrance.▪ Road safety on the surrounding roads is being compromised.▪ The site is being overdeveloped with six storeys of residential having been approved.▪ Adequate provision should be made for the long term ill patients in Weemala.▪ Retention of the existing brick cottage (c.1885) which is a potential heritage item.▪ A parking bay should be provided for an emergency vehicle at the heritage water bowser on the eastern boundary line adjacent to Moorong.▪ Compensation for the overhead powerlines for residents on the eastern boundary.▪ Lack of consultation by the proponent as monthly updates required by the Concept Plan approval were not circulated regularly.

APPENDIX D. ENVIRONMENTAL ASSESSMENT

APPENDIX E. CONCEPT PLAN APPROVAL
