

# Proposed Pathways Cremorne Seniors Housing: SSD49472213

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Submission to the Independent Planning Commission  
Dr Alison Ziller

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## Introduction

I am an expert in social impact assessment.<sup>1</sup> I am also a resident of the local area in which this development is proposed. I have lived in this area for 50 years.

The proposed development is for a significant piece of social infrastructure. It is more than a proposal for additional housing, it is a proposal to house a particular group of people, namely older people and people with a disability including people with mild cognitive impairment. Assessment of this proposal requires careful consideration of the likely needs and lived experience of these proposed residents as well as social impacts in the locality.<sup>2</sup> That is, it is not just what this development will look like or what might be lost in building this accommodation, but what the residents of these buildings, as well as other people in the locality, will experience as a result.

In this regard I have a number of concerns about this development as currently proposed. My principal concerns relate to the lack of social benefit for the local community and the presence of several inadequacies in the current proposal likely adversely to affect the lived experience of residents both in and near the development.

### 1 The question of social benefit

The amended social impact assessment, dated 13 August 2024, prepared by GYDE to accompany this application, summarises the social benefits, at p11, as follows:

The proposed Project will provide 60 ILUs for older people and a 40 bed RACF in a suburb where over 23% of the population are aged 60 and over...

The location of the proposed housing is proximal to local shops, cafes and restaurants, and provides easy access to a range of public transport options.

... the colocation of ILUs on the same site as a RACF provides opportunities for a gentler transition for residents requiring a greater degree of care.

... best practice standards, incorporating on site health care, indoor and outdoor gathering spaces, and other facilities that enable interaction between residents and their families.

<sup>1</sup> Alison Ziller 2024, [Look before you leap, a community guide to social impact assessment](#).

<sup>2</sup> S 4.15 (1) (b) of the EP&A Act

The Proposal also delivers on key state and North Sydney planning strategies to provide more housing that meets the needs of older populations.

**These items do not meet basic criteria for social benefit.**

This is because the majority of social benefits listed will only accrue, and are intended only to accrue, to residents of the development, not to the local population whether defined as the neighbourhood, suburb or wider locality.

In addition, the housing will only be available to people with enough wealth to buy in. There is no proposal to provide affordable housing for an ageing population and to this extent the proposal does not deliver on state or local housing strategies.

There is no acknowledgment of the public housing dwellings in the near vicinity nor any suggestion that these, other low income/wealth residents, or any other local residents might acquire a social benefit from this development – other than the opportunity to walk or ride through it.

Exclusionary benefits are not social benefits, not least because they carry with them the taint of social exclusion.

The sole offset to the exclusionary nature of the proposed development is a private throughway which will be open to the public. This throughway, misleadingly described in the Application as a park, overstates the social benefits likely to accrue. For example, there is only one commercial premises, there does not appear to be any indoor facility to encourage community gatherings and there are significant shortfalls in the suitability of this open space regarding its use by the intended residents. These shortfalls are detailed below.

In short, the Applicant's documentation assumes that provision of a private residential facility for well-off older people &/or people with a disability is in and of itself a social benefit for the neighbourhood, and no further question of social benefit needs to be considered. It fails to take account of the costs of social exclusion and the opportunity costs of a failure to offer shared, i.e. public, benefits.

## 2 The lived social experience (social impacts)

While the Application acknowledges the development is proposed for an area with an ageing and potentially disabled population, the foreseeable lived experience of these residents in the proposed buildings, is often overlooked in the documentation.

In my opinion this repeated feature of the proposal means it does not merit approval as it currently stands.

This oversight not only features in the Applicant’s documents but also in the DPHI assessment which fails to take up a number of planning-related social impact issues which might reasonably have been expected to be routine for a seniors living proposal.

The overlooked issues are set out below.

#### Building 4

According to the ADG Compliance table in Appendix J, floors 4, 5 & 6 in Building 4 will yield an additional 11 units to the project. An additional 11 units are an additional profit source.

However, these upper floors are in excess of that permitted by both the North Sydney LEP and the NSW Housing SEPP<sup>3</sup>.

The GYDE Amendment Report provides, pp 887 – 889, several assertions justifying breach of this height restriction. These assertions concern the binding or non-binding nature of the built form standard. They are not about residents’ lived experience in the higher levels of this building.

The DPHI Assessment Report concludes, p103, that the additional floors are justified on environmental planning grounds. These grounds include built form and density. Neither GYDE nor DPHI consider the question of additional floors in terms of the composition of residents for whom Building 4 is to be constructed, namely older people, people with a disability and/or people with mild cognitive impairment. This is a basic failure of assessment.

#### ADG COMPLIANCE

Unit Number	Occupancy	Area
<b>B4</b>		
UG01	2 BED	98 m <sup>2</sup>
UG02	3 BED	141 m <sup>2</sup>
UG03	2 BED + STUDY	119 m <sup>2</sup>
UG04	3 BED + STUDY	134 m <sup>2</sup>
U101	2 BED	98 m <sup>2</sup>
U102	3 BED	139 m <sup>2</sup>
U103	3 BED + STUDY	143 m <sup>2</sup>
U104	3 BED + STUDY	134 m <sup>2</sup>
U201	2 BED	98 m <sup>2</sup>
U202	3 BED	140 m <sup>2</sup>
U203	3 BED + STUDY	143 m <sup>2</sup>
U204	3 BED + STUDY	135 m <sup>2</sup>
U301	2 BED	98 m <sup>2</sup>
U302	3 BED	139 m <sup>2</sup>
U303	3 BED + STUDY	143 m <sup>2</sup>
U304	3 BED + STUDY	134 m <sup>2</sup>
U401	2 BED	98 m <sup>2</sup>
U402	3 BED	139 m <sup>2</sup>
U403	3 BED + STUDY	143 m <sup>2</sup>
U404	3 BED + STUDY	135 m <sup>2</sup>
U501	2 BED	98 m <sup>2</sup>
U502	3 BED	139 m <sup>2</sup>
U503	3 BED + STUDY	143 m <sup>2</sup>
U504	3 BED + STUDY	134 m <sup>2</sup>
U601	2 BED	98 m <sup>2</sup>
U602	4 BED + STUDY	212 m <sup>2</sup>
U603	3 BED	134 m <sup>2</sup>

<sup>3</sup> NSW Housing SEPP Par 5, Division 3 (84)(c)(i), <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.84>, viewed 21 Feb 2025

Specifically, the proposal does not appear to take account of the fact that residents on floors 5 and 6, and many residents on level 4, would be stranded in a power failure. A person with hip, knee or other mobility issues would find it difficult even to walk down five or six flights of stairs, much less to walk back up. A person using a wheelchair or walker to get about would not be able to begin a descent.

A lengthy power failure stranding would create health risks for these residents. Able bodied residents with mild cognitive impairment might also be adversely challenged. There would be additional risks associated with access difficulties by first responders, health workers and other service providers. This lack of access might be critical for some residents.

There is no mention in the documentation of these issues, nor how they could be dealt with. Power failures are not unusual. There have been two local power failures recently. Similar considerations would apply to a fire event. Further, I have not discovered in the documentation any suggestion as to a public benefit to be provided as an offset to the additional floors. There appears to be none.

#### Noise

The Acoustic studies have failed to address the risk of noise experienced by occupants of residential buildings near the RACF. The original acoustic report by Pulse White Noise Acoustics P/L did not consider the question of noise from roof top condensers providing air conditioning to the RACF, or any other, building. Indeed it states, Appendix I p 34, that the exact locations of key plant items “have not been selected” and it goes on to assume that condensers would be installed on apartment balconies. This assumption does not apply to the RACF and may be incorrect for the other buildings. The GYDE Amendment Report does not mention air conditioning and thus does not provide any information about this issue.

Further, the stamped plans show provision for ‘plant’ at the top of all buildings. As ‘plant’ is unspecified, the author of the updated acoustic report should have identified these items and their noise potential. Appendix G does not do this.

The original acoustic report (Appendix I) recommended, p 34:

Condenser plant are to be isolated from the base building structure with a rubber pad.

Night operation mode must be in operation between 9:00 pm and 7:00 am and provide a minimum<sup>4</sup> of 4-5 dBA.

However, these recommendations do not address noise from a roof top air conditioning system that operates 24/7. Noise from this source is a potential social impact issue for nearby residents, for example residents of 81A and 81B Gerard Street. Glazing requirements for the proposed buildings do not address this issue for residents of other buildings. Glazing is not a suitable remedy for residential buildings because it means windows must be kept closed. Unremitting noise is a serious health hazard.

The acoustic reports submitted to DPHI do not deal with the air conditioning realities of the buildings' designs as submitted for approval. This means that their acoustic impacts, including the social impacts of likely acoustic effects of roof top condensers, have not been adequately assessed.

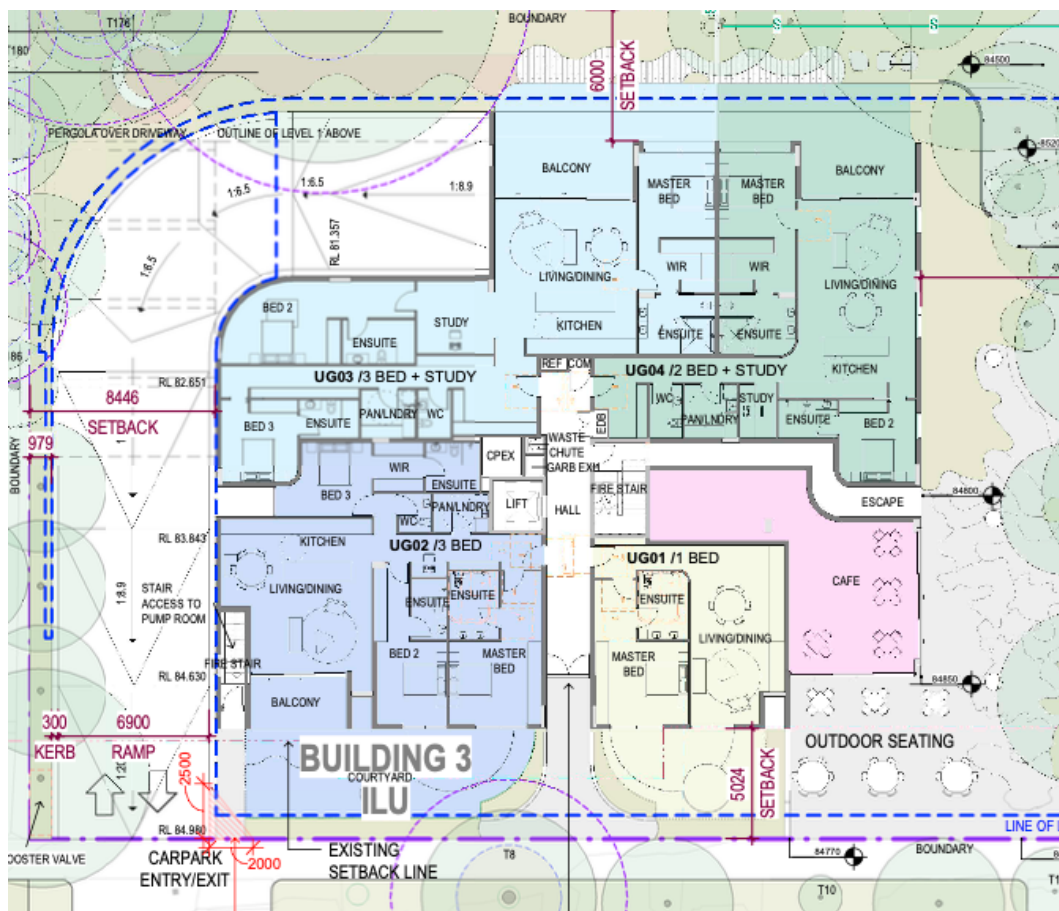
#### Air quality and resident health

It also appears to follow that since the type and location of air conditioning systems had not been specified when the acoustic reports were commissioned, these reports have not been able to specify in which buildings air conditioning systems for the whole building will be installed and then, whether or not residents will be able to switch the central air conditioning off and open windows.

Since it is known that some respiratory infections are transmitted through air conditioning systems, and older people, and people with some health conditions are more vulnerable to some respiratory infections than young adults, this is a basic health issue a response to which should be available in the documentation but appears to be missing.

<sup>4</sup> This must be a typographical error and the recommendation presumably was intended to create a limit of a maximum of 4-5 dBA. It is noted that there are a number of other typos in this report.

## Building 3



The two ground floor units proposed to front the street in this building are hemmed in by adjacent uses, viz.:

- the 3 bedroom unit is situated between the car park entry, the entry and covered hallway to the building, and another unit to the rear.
- The one bedroom unit is situated between the entry and covered hallway, a café and outdoor seating area.

These adjacent uses significantly limit opportunity for windows and thus for cross ventilation. The building envelope, which includes balconies, is too close to the footpath in this building.



## The pool and gym

The DPHI Assessment Report treats the gym and spa as acceptable retail uses on the site. The pool is not included. It needs to be clarified whether it is regarded as part of this retail facility.

Once again this part of the development has not been considered with the proposed older/disabled residential population in mind.

For example, it is unclear whether the proposed pool is just a pool or is intended to be suitable for hydrotherapy rehabilitation/exercise for older people and people with a disability.

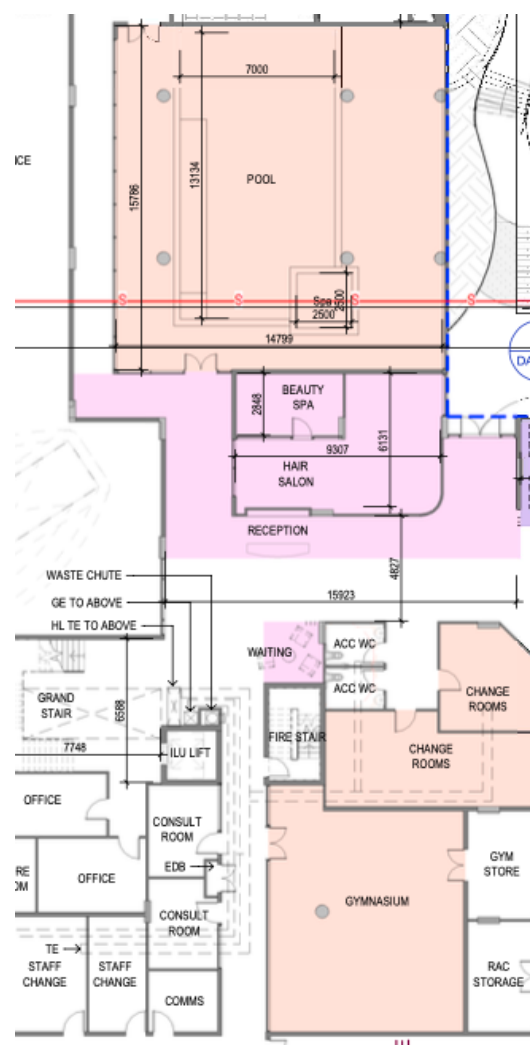
The change rooms are some way from the pool meaning that people would need to walk past the hair salon, reception and waiting area, in their swimwear, to get to the pool and back again to dry and change. This is likely to deter some people, including people with significant mobility impairments who might most benefit from this kind of therapeutic exercise.

No provision seems to be made for physiotherapy or other allied health services in association with pool use. While there are two consult rooms shown on the plan, these appear to be associated with office space.

At Appendix CC, p 50, the Applicant says

The Project will provide access to allied health services and other services directly related to the health and wellbeing of older people living on the site **and in the community.** (emphasis added)

However, if these services are intended to be for community use, this is not clearly specified nor well designed for such use. To begin with, they are on the lower ground floor of the RACF and the route for public access to them is unclear.



Architectural Drawing 3 of 14: lower ground floor

### Indoor meeting space

There does not appear to be provision for an indoor meeting space. That is, a space where people could hold meetings, attend exercise classes, practice Tai Chi, put up some tables and chairs for Scrabble etc. The development appears to be based on the idea that socialising, and age-related activities will take place only outdoors or in the café. Neither location is suitable for any of the activities listed in this paragraph.

### The hair salon

The hair salon is a place most RACF residents will need to use on a regular basis and is often an important source of wellbeing for nursing home and other older residents. However, this salon is located effectively below ground level, reducing its amenity and meaning that the hairdresser has to work in artificial light and rely on air conditioning to deal with chemical drift and hair spray.

### The 'public parks'

The throughway is approximately 18m wide in the northern part of the site and 24m wide in the southern part. The GYDE Amendment Report says, p A65, that provision of a public park is one of the 'public interest' benefits of the project. However, on multiple grounds this claim is misleading.

### Not public land

The descriptor 'public' is misleading because this area is not public land and public access is proposed to be allowed by way of creating an easement. The Assessment report notes, p58:

The Applicant intends to create an easement over the link to allow public access and this will form a condition of consent. The Department also recommends [sic] condition of consent to ensure the maintenance of landscaping [sic] satisfactorily maintained in perpetuity.

However, as a short cut between Gerard and Parraween Streets, the throughway will be inviting to cyclists and scooter riders (i.e. other than mobility scooter users) and this use will create a hazard for older residents. Similar risks apply to the public use of this throughway by dog walkers and runners. These uses are foreseeable risks for less mobile and less agile residents and are not addressed by landscaping, lighting, or distress alarms. CCTV is primarily an after-the-event monitoring device.

No conditions of consent are proposed to require the property owner to address and manage these foreseeable risks in perpetuity and in an adequate manner, for example by requiring scooter and cycle riders to dismount and dogs to be kept on a short leash.

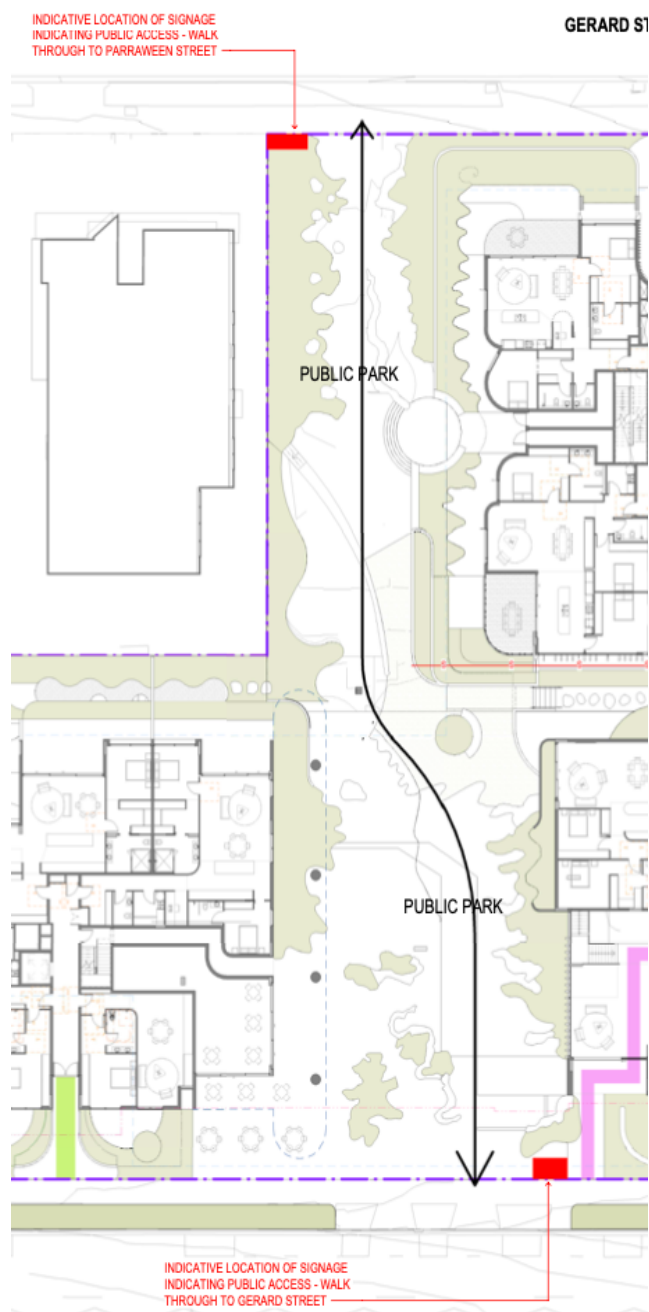
The lived experience of the residents of the Pathways buildings has not been adequately considered in the DPHI assessment of the proposed throughway.

#### Not a park

The term 'park' is misleading because this is a paved throughway edged with what are described as low maintenance plantings. This does not meet the definition of a park, namely 'a piece of ground in or near a city kept for ornament and recreation'<sup>5</sup> There is little suggestion of ornamentation and no suggestion that it would have a recreational use. No facilities for recreational use are provided. For example, this would not be a place for a picnic.

The southern part of this throughway is located over carparking areas, not over deep soil. This means that it will not be possible to plant trees of any substance in the part of the 'park' which most requires them. Further, while the architectural plans claim compliance with minimum requirements for deep soil, the plans also show that this is principally achieved in narrow strips around the edge of the development. Substantial trees require breadth as well as depth.

The deep soil areas are not presented as accessible for recreational purposes.



<sup>5</sup> <https://www.merriam-webster.com/dictionary/park#:~:text=2-,a,state%20as%20a%20public%20property>

The throughway runs north / south so it will funnel cold southerly winds. The shadow diagrams reveal that many parts of the throughway will be in shade for most of the day particularly in winter. In many conditions, these areas will be windswept and inhospitable.

The proposed landscaping shown in the diagrams and photomontages suggests a reliance on paved surfaces and hard seating. It has a corporate, low maintenance look. The plans do not appear to address the outdoor needs of older or disabled residents in either the Pathways development or the local community, viz: access to outdoor seating at a suitable height with arms and back rests in quiet gardened locations, out of the wind but in the sun in winter and out of the sun in summer, and with good provision for shade on hot days and shelter from rain. The throughway seems not to provide shelter from either the wind or rain at any time of year. Specific wind mitigation measures are absent. As such it will not cater to the lived experience of ageing residents.

Appropriate shade and shelter should take account of the mobility restrictions likely to be experienced by residents, that is, they are unlikely to run for cover or dodge in a spritely manner between occasional shelters.

In sum, the configuration and design of the throughway makes it inviting for cyclists (see picture) but unsuitable for use as a recreation or ornamental area. Its proposed public use has been inadequately designed or conditioned – largely by omission.



Source: Appendix B Plans - Photomontages

## Summary

The proposal as currently presented has a number of shortcomings. The first of these is a lack of social benefit. In the documentation presented, an exclusive social benefit for few well-off older people and people with a disability has been presented as if this were the same as a social benefit – i.e. a public benefit for the local community. Exclusive benefits are not social benefits. The proposal lacks a genuine proposal for a social benefit to the local community arising from this project.

Secondly, while older adults are often fit, well and able-bodied, these are not the residents for whom this development is intended. However the proposal is frequently presented as if the cohort of intended residents is irrelevant to the planning process. That is, the specific requirements and risks attending residents of these building are overlooked. This failure of social impact assessment can be seen in:

- Discussions about extra storeys for Building 4 in terms of built form, density and planning instruments but not in terms of the kinds of people the building is intended to accommodate.
- Provision of retail amenities (pool, spa, gym) without appropriate layout and design to ensure suitability for the residents in the Pathways buildings or use by residents in the local community.
- Discussions about the uses of the throughway as if use by mobility or cognitively impaired people could not be foreseen, and amenity requirements are the same for everyone.
- Failure to consider potential noise pollution from a roof top air conditioning condenser operating 24/7, e.g. on the RACF.
- Failure to consider public health risks arising from centralised air conditioning – e.g. by failing to specify a required standard for fresh air.
- Consideration of window positioning in terms of privacy, but not in terms of cross ventilation.

These omissions and shortcomings mean that this project will disappoint anyone hoping for a quality social amenity in central Cremorne.

## Conditions of consent

Some of these shortfalls could be remedied via conditions of consent. For example by requiring:

- Building heights to comply with the Housing SEPP.
- Building envelopes to include balconies.
- Access to the pool/gym/spa retail facilities for residents of both Pathways and the local community.
- The pool to meet hydrotherapy standards.
- Provision of appropriately located consulting spaces for paramedical/therapeutic services, e.g. in association with the retail facilities.
- Location of change rooms adjacent to the pool.
- Effective minimisation (i.e. not mere assurances) of acoustic impacts arising from air conditioning condensers situated on roof tops.
- Specified standards for adequate fresh air in centralised air conditioning.
- Revised designs where required to achieve cross ventilation, e.g. in Building 3 and the hair salon.
- Controls on public use of the private throughway to minimise foreseeable safety risks.

And in the event that the additional floor space is approved

- An effective and reliable protocol for managing the social and health emergency needs of residents stranded on the upper floors (floors 4,5 & 6), e.g. because of a power failure.

## Recommendations

There are a number of omissions in the documentation of this development which should be remedied before it is given final consideration by the IPC.

Strict and precautionary conditions of consent should be prepared addressing the items listed above. Proposed mitigations to address likely adverse impacts should be tangible, deliverable and durably effective.<sup>6</sup>

<sup>6</sup> Department of Planning SIA Guideline 2023 p 35; cf. Gloucester Resources Ltd v Minister for Planning [2019] NSWLEC7, para 418.

In addition the developer should be given an opportunity to propose genuine social benefits for the local community as well as for the intended residents.

These might include:

- 1 Construction of a community centre open to everyone in the locality. This centre would provide an indoor meeting space which could act as an interface between the residents of these buildings and the local community at which a diversity of activities can be undertaken. Since the Pathways residents are likely to prefer day time activities, the centre could be jointly managed with North Sydney Council to provide for a range of day and evening uses, seven days a week.
- 2 Provision of funds to North Sydney Council to manage this community centre, e.g. via an enduring hypothecated VPA arrangement. Unlike a local infrastructure contribution, this would tie a specific financial benefit, on an on-going basis, to the specific community facility.
- 3 Provision of an accessible hydrotherapy pool (rather than just a pool) with associated adjacent change rooms and allied health treatment and consultation spaces which are also open to non-Pathways residents, for example those referred for hydrotherapy by their GP.
- 4 Redesign of the use of the site so that a substantial area of deep soil is available over which to create a genuine public park or garden.

In sum, this site can be viewed as a profit centre or a location offering an opportunity for well thought out and significant social benefits for Pathways residents and local residents alike.

This second, and preferable opportunity from a public benefit perspective, is not yet on offer.

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11 March 2025