

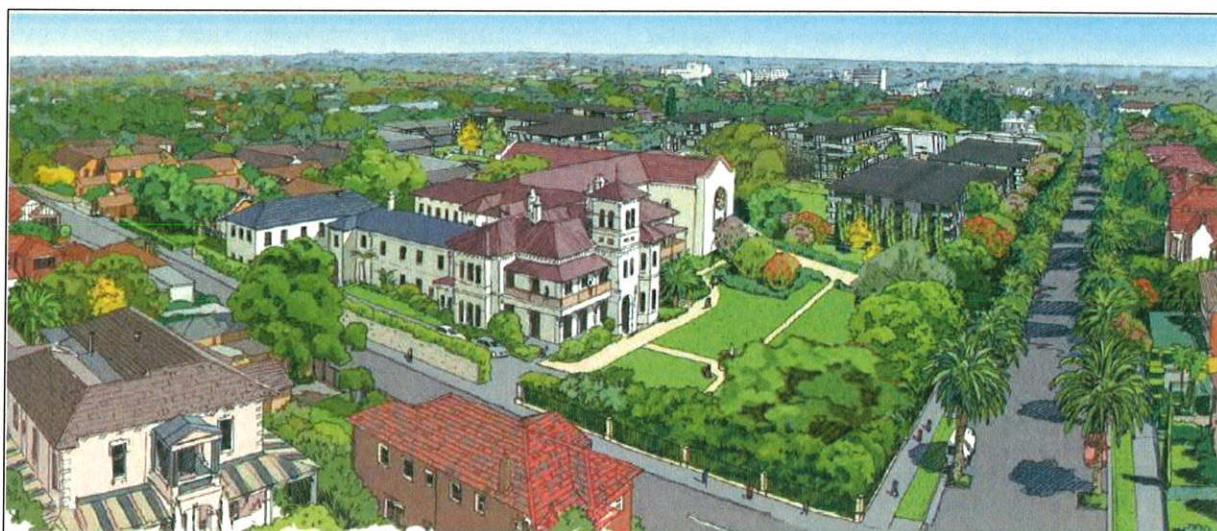


Planning &
Infrastructure

MODIFICATION REQUEST:
Cardinal Freeman Retirement Village
Concept Plan & Project Approval

MP08_0245 MOD 1

MP08_0260 MOD 1



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

March 2013

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1. BACKGROUND

1.1 The Site

The Cardinal Freeman Retirement Village is located at 137 Victoria Street, Ashfield within the Ashfield Local Government Area approximately one kilometre south of Ashfield Town Centre and eight kilometres west of the Sydney CBD. The site is generally rectangular and is approximately 4.1 hectares in area. The site has frontages to Clissold Street to the north, Victoria Street to the east, Queen Street to the west and Seaview Street to the south.

The site has a significant slope of approximately 15 metres from south to north. The lowest area of the site is located midway along Clissold Street.

The site is currently occupied by seniors housing and aged care facilities as outlined in **Section 1.2**. The site also contains two heritage items of local significance known as Glentworth House and the attached chapel.

Surrounding development is generally residential in the form of detached dwellings and residential flat buildings being two to three storeys in height. The Victoria Square Conservation Area is located to the east of the site. A number of locally listed heritage items are within the vicinity of the site in Queen and Victoria Streets.

The two most notable non-residential land uses in the vicinity of the site are Trinity Grammar to the south-west and the Sydney Private Hospital to the north.

The site location is shown in **Figures 1 and 2**.

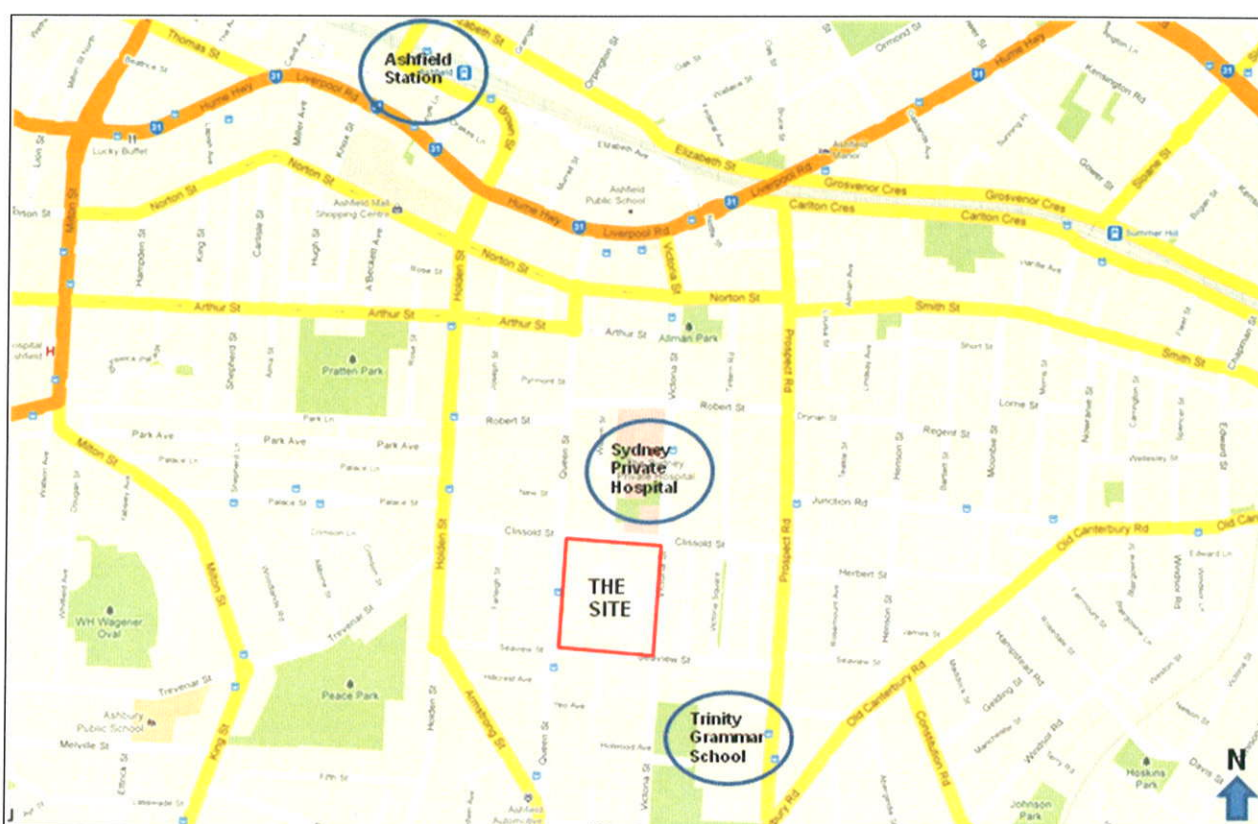


Figure 1: Site location (Base image source: Google Maps, 2012)



Figure 2: Aerial photograph of the site and immediate locality
(Base image source: Nearthmap, 2012)

1.2 Existing Buildings and Uses

The existing site is occupied by a variety of buildings, set in a landscaped setting and interconnected by a network of pedestrian pathways (Refer **Figure 3**).

The existing buildings are 2-storeys in height, with the exception of Buildings A and B which are 4-storeys and Glentworth House/Chapel which have an equivalent modern storey height of 5-storeys to eaves line.

The site accommodates:

- Glentworth House, containing board rooms at the ground level and Independent Living Units at the first and second levels;
- The chapel, containing delivery and storage spaces in the basement and a caretakers unit;
- A former convent building;
- A 59 bed nursing home with basement car parking accessed off Clissold Street;
- A hostel, known as 'The Lodge' containing 60 rooms for low care needs;
- 49 serviced apartments;
- 180 ILUs within a number of buildings across the site (A-K);
- An administration building and activity centre;
- Villas fronting Victoria Street; and
- An east-west road that curves through the site between Victoria Road and Queen Street.

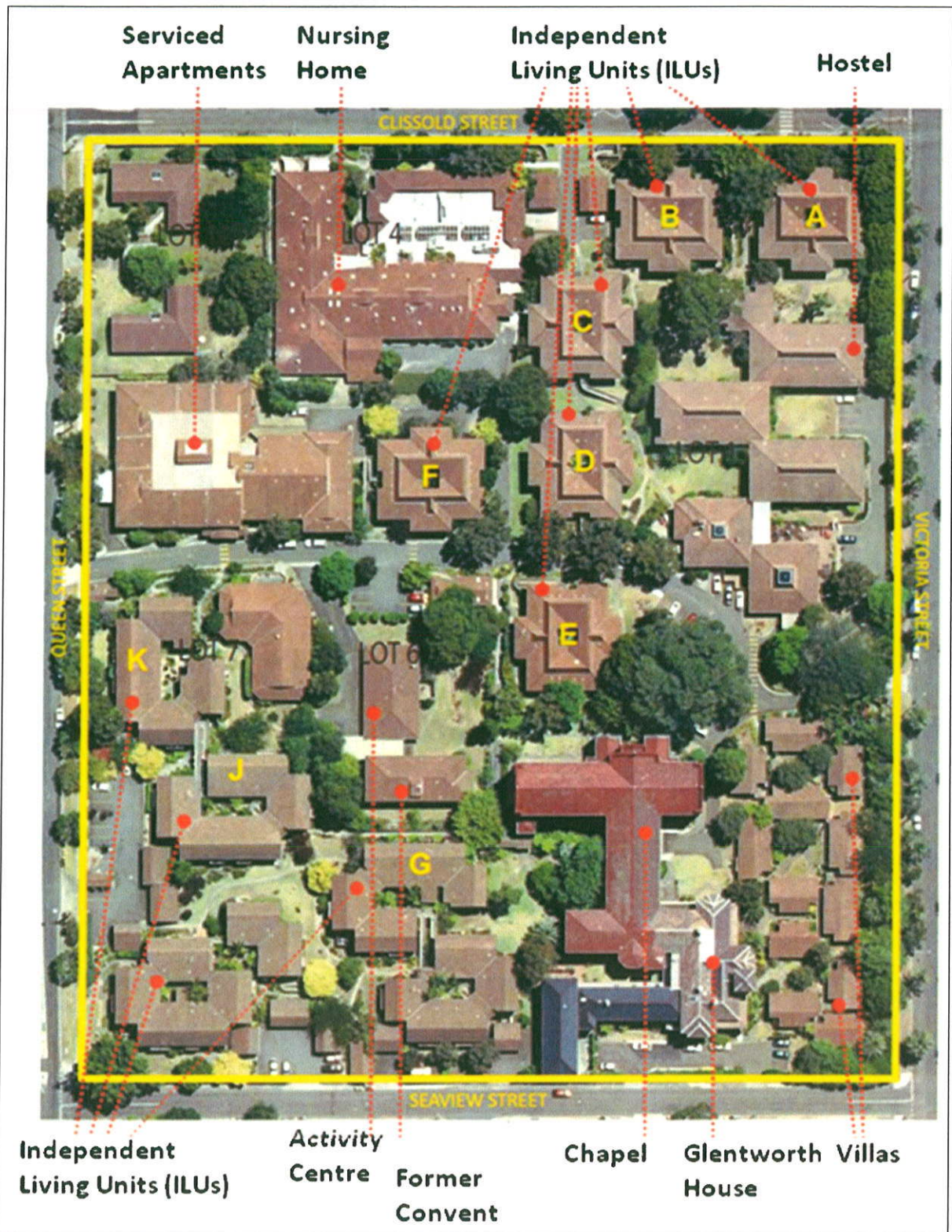


Figure 3: Existing buildings and uses (Source: proponent's Environmental Assessment)

1.3 Major Project Approval

On 20 January 2011, the Planning Assessment Commission granted Concept Plan approval for the redevelopment of the retirement village over five stages comprising:

- Indicative building envelopes for 13 separate buildings with heights ranging from 3 to 5 storeys;
- A 160 bed Residential Aged Care Facility;
- Approximately 225 independent Living Units;
- Basement and at grade car parking;
- Internal roads and pedestrian pathways; and
- Community facilities and associated landscaping including the creation of a 5,000m² village green.

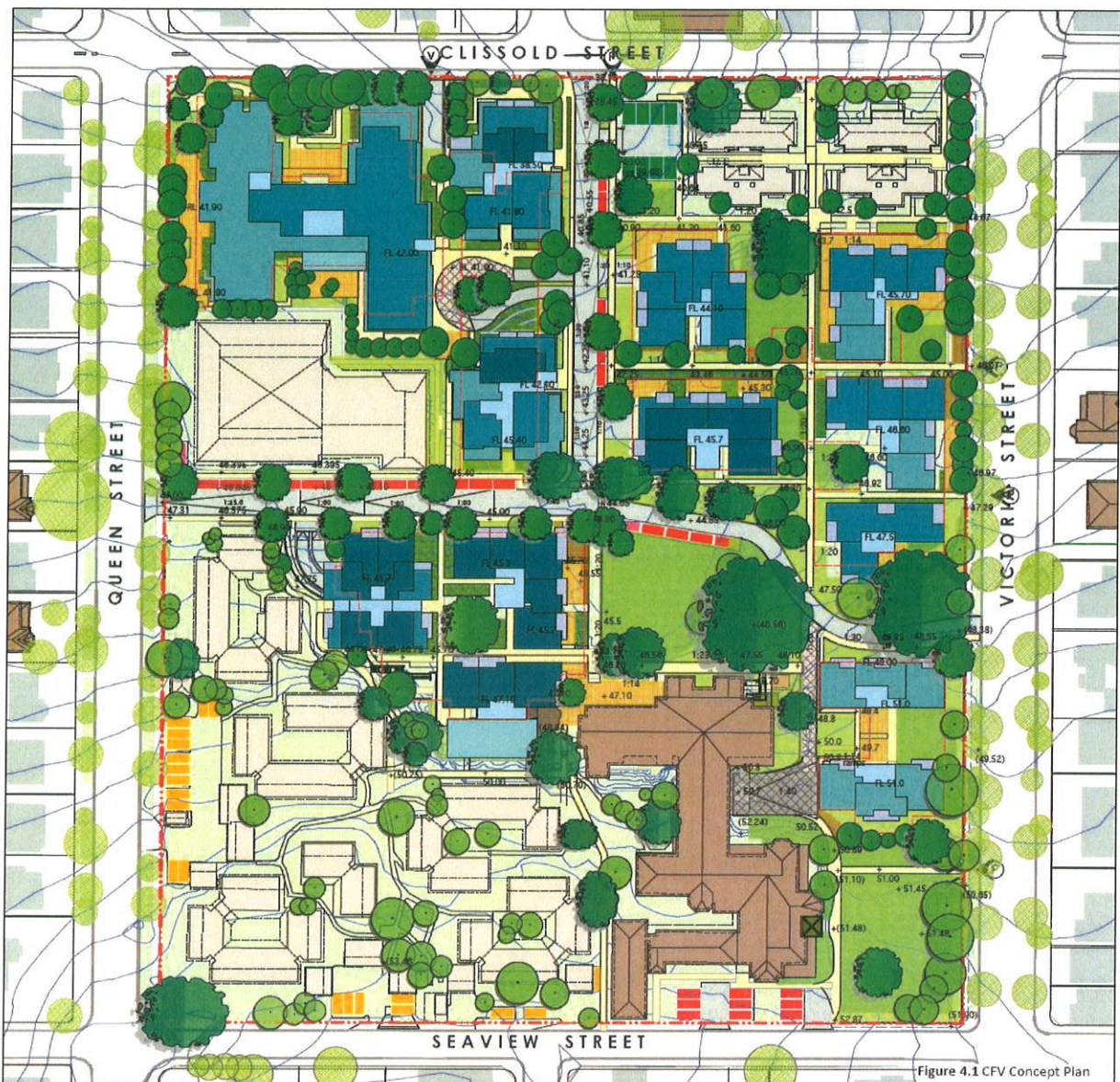


Figure 4: Approved Concept Plan layout (Source: proponent's Environmental Assessment)

The Planning Assessment Commission also granted Project Approval for Stages 1 and 2 of the development comprising:

- Stage 1 – Village Green Precinct:
 - Demolition of the existing Independent Living Units and community building;
 - Construction of 3 x 5 storey buildings (Q1, Q2 and Q3) accommodating 54 Independent Living Units and community facilities;
 - Basement car parking;
 - New village green; and
 - Upgrade and realignment of the existing east-west roadway.
- Stage 2 – Care Precinct:
 - Demolition of existing nursing home, Independent Living Units building, dwellings and associated structures;
 - Construction of a 4 storey 160 bed Residential Aged Care Facility;
 - Construction of 2 x 5 storey Independent Living Units buildings comprising 46 Independent Living Units; and
 - Construction of a new north-south laneway.



Figure 5: Approved layout of Stages 1 and 2 (Source: proponent's Preferred Project Report)

The Concept Plan Approval provided for stages 3, 4 and 5 to be subject to assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

2. PROPOSED MODIFICATION

2.1 Modification Description

The proposal seeks to amend the Concept Plan and Project Approval by altering the internal road layout, building envelopes, heights, layout, design and staging. The specific amendments to the Concept Plan (MP 08_0245) include:

- Amended construction staging from 5 stages to 2 stages;
- Reduction in the total number of new buildings from 13 to 8 and increase in the size of the building envelopes/footprints of the resulting 8 buildings;
- Amendment of building heights and building separation between building envelopes;
- 15% increase in gross floor area (GFA) from 41,490m² to 48,106m²;
- An additional 15 Independent Living Units (from 340 to 355);
- Demolition of the existing serviced apartment building (49 apartments) fronting Queen Street (previously to be retained), replaced with Building 1;
- Straightening of the east-west link road through the site and an additional 42 car parking spaces (311 to 353); and
- Modified landscape strategy including additional tree removal and 1 tree relocation.

Images of the proposed modification are provided at **Figures 6, 7, 8 and 9.**

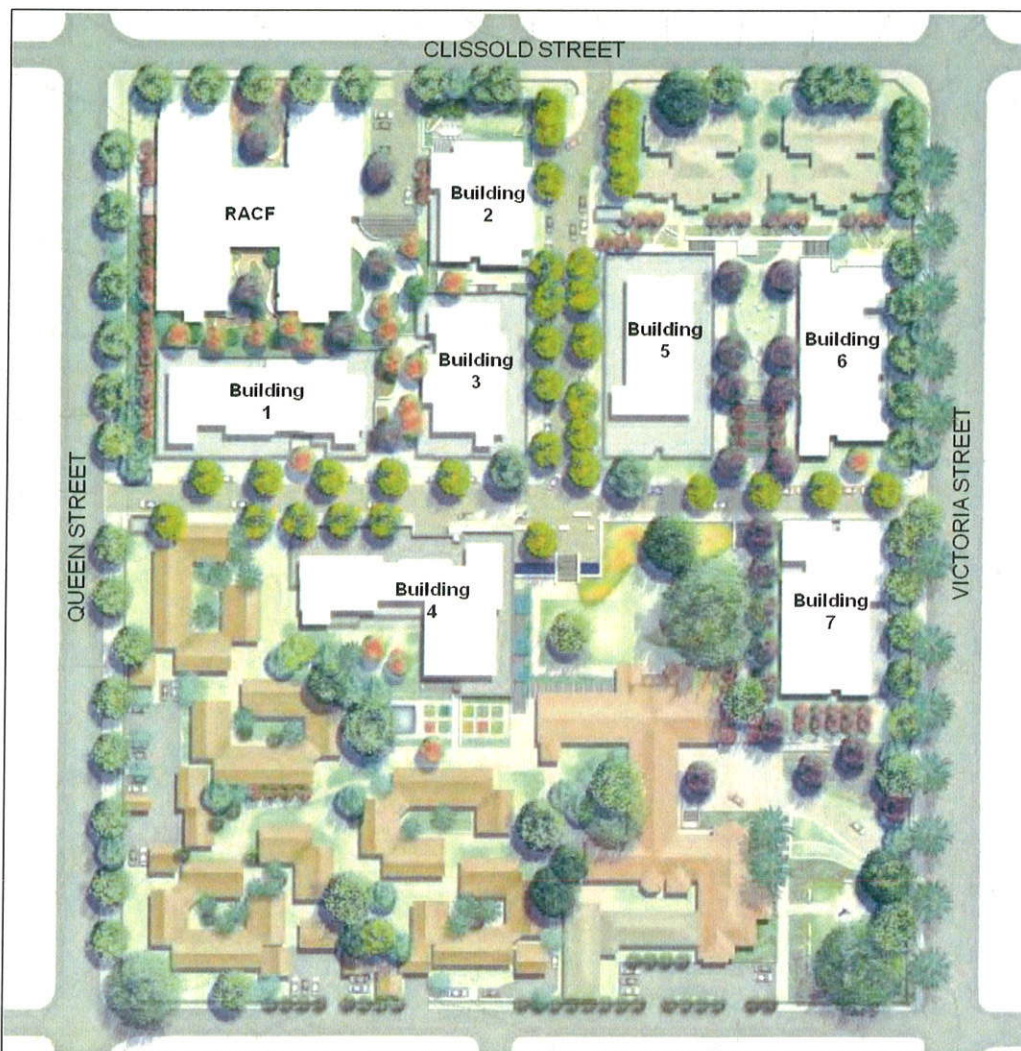


Figure 6: Proposed modified Concept Plan layout
(Base image source: proponent's Environmental Assessment)

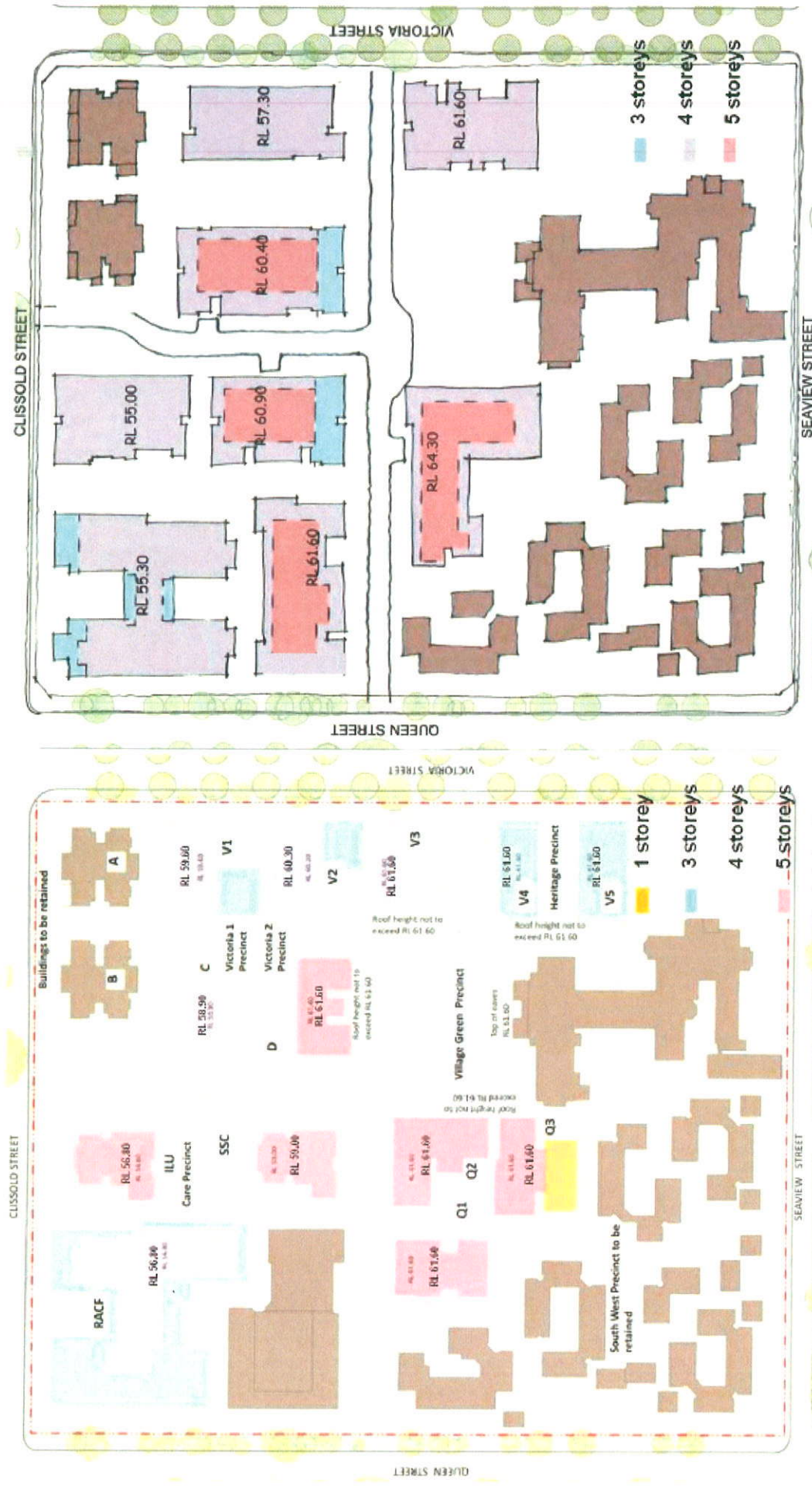


Figure 7: Comparison between approved building heights (left) and modified building heights (right)
(Base image source: proponent's Environmental Assessment)

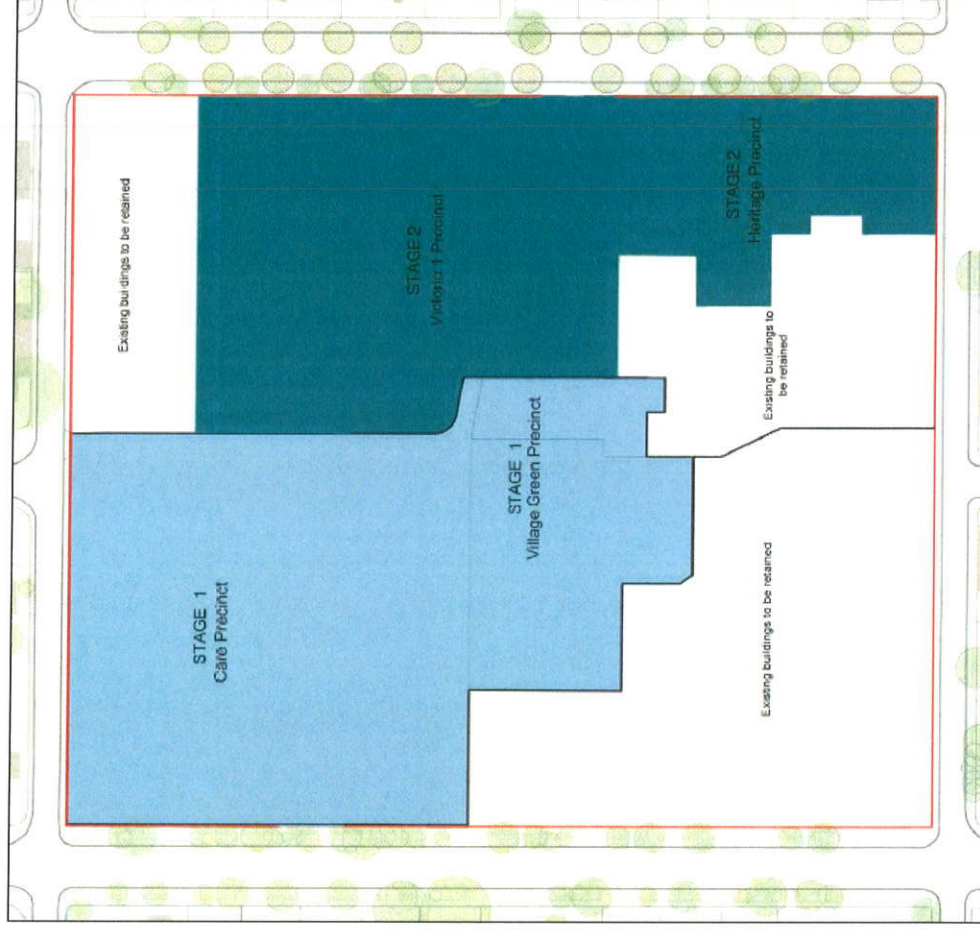
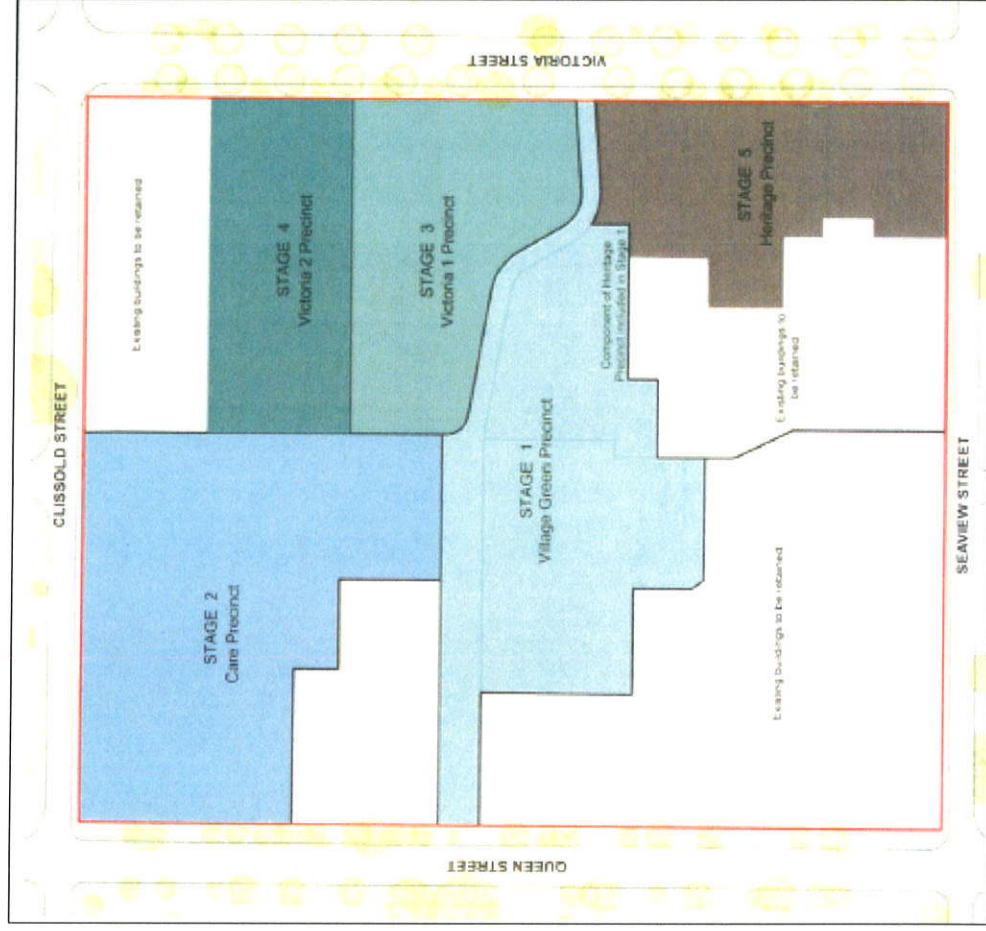


Figure 8: Comparison between approved staging plan (left) and modified staging plan (right) (Source: proponent's Environmental Assessment and original approval)

The proposed amendments to the Project Approval (MP 08_0260) issued for the first two stages include:

- Modifications to the internal layout and external treatment of the Residential Aged Care Facility with a relocated porte-cochere and entry;
- Modified internal layout and external treatment of Buildings 2 and 3;
- Consolidation of Buildings Q1, Q2 and Q3 (3 x 5 storeys) into a single 5 storey building (Building 4);
- Change of use of the chapel undercroft from residential units to community facility use;
- An increase of one additional Residential Aged Care Facility bed space (from 132 to 133);
- An increase in the number of Independent Living Units within Stage 1 by 37 (from 104 to 141);
- Demolition of the existing serviced apartment building (49 serviced apartments) and construction of a new Independent Living Unit building (Building 1); and
- Combination of approved stages 1 and 2 into one stage (Stage 1). Reorganisation of construction schedule, with the Residential Aged Care Facility building being commenced first.

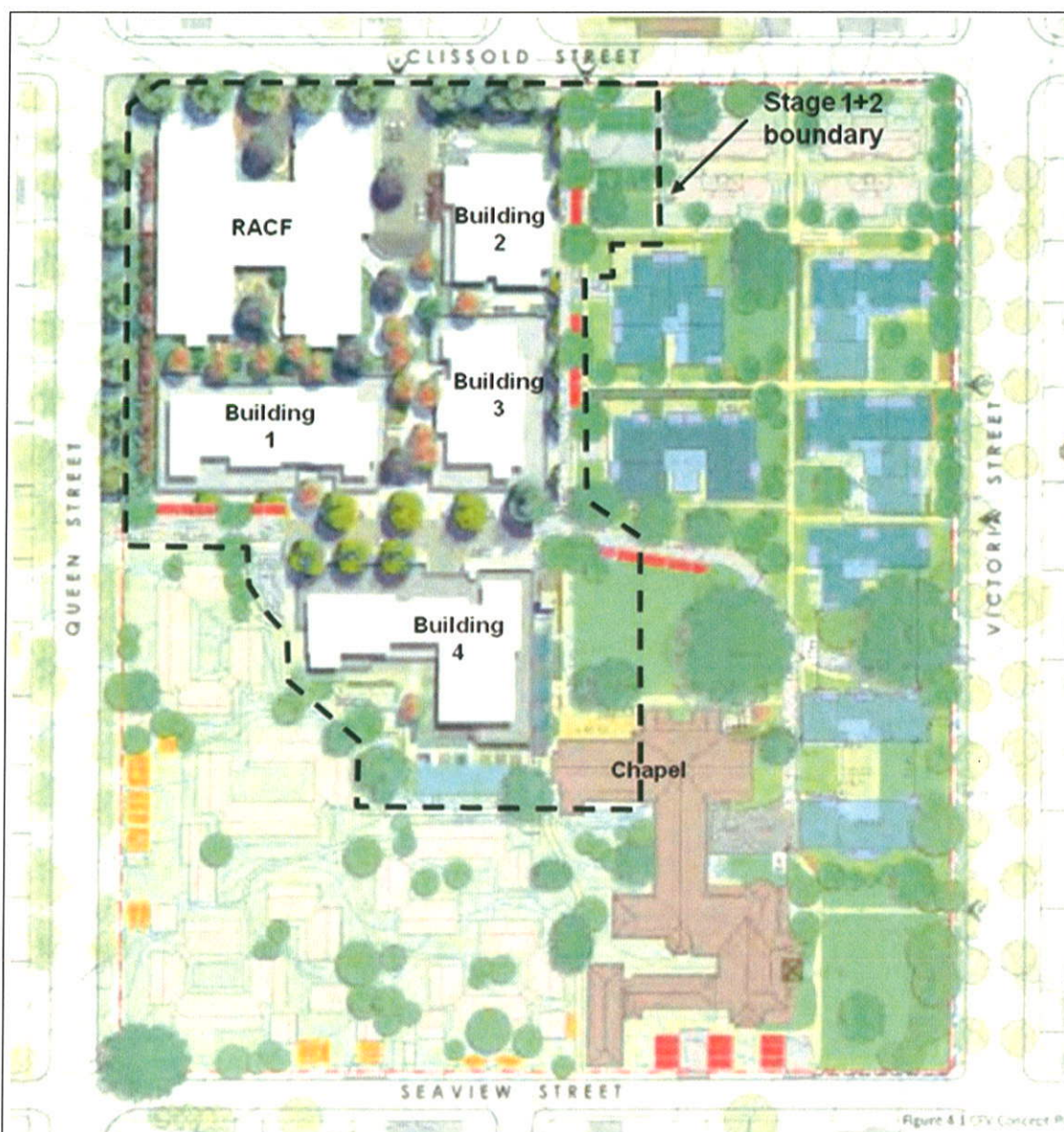


Figure 9: Proposed modified Project Application layout
(Base image source: proponent's Environmental Assessment)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, Section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The Modification Application has been lodged with the Director-General pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval."*

The Minister's approval of a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify terms of approval imposed on the Concept Plan and Project Approval, and therefore, approvals to modify the application is required.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modifications, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGRs.

3.4 Delegated Authority

The Minister delegated his powers and functions under Section 75W of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals in cases where the application has not been made by or on behalf of a public authority and:

- the relevant local council has not made an objection;
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

Ashfield Council does not object to the modification. Five public submissions were received raising objections to the modification. Political donations have been disclosed in the previous original applications, but no political donations have been disclosed in this modification request.

The Executive Director, Development Assessment Systems and Approvals can therefore determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department:

- publicly exhibited it from 7 November 2012 until 7 December 2012 (31 days):

- on the Department's website;
- at the Department's Information Centre and Ashfield Council Administration Centre;
- advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 7 November 2012 and the Inner West Courier on 8 November 2012; and
- notified nearby land owners and relevant State and local government authorities in writing.

The Department received eight submissions during the exhibition of the modification request including three submissions from agencies and five public submissions from the general public. A summary of the issues raised in submissions is provided below.

4.2 Agency Submissions

Three submissions were received from key agencies, including Ashfield Council, the Roads and Maritime Services and Ausgrid.

Ashfield Council did not object to the proposed modification but provided the following recommendations:

- The overall floor space ratio of the proposal should be reduced by at least 640m² (1.5%);
- The boundary walls and palisade fencing should be retained and conserved; and
- The modern palisade fencing on the Clissold Street frontage should be re-instated to a sandstone wall or replica palisade fencing to match the original fencing on Victoria Street.

While not noted in Council's submission, the report to Council also raised concern with the increase in height of Building 4 adjacent to the Chapel/Glentworth House. The report also made reference to a reduction in floor space of 640m² which relates to a recommended height reduction of Building 4 by one storey. This however was not articulated in the resolution of Council.

Roads and Maritime Services did not raise any concerns in relation to the proposed modifications.

Ausgrid did not raise any concerns in relation to the proposed modifications and advised of the connection requirements for electrical services.

The Department also referred the application to NSW Fire and Rescue, however no submission was made by this agency.

4.3 Public Submissions

Five submissions were received from the public. Of the five public submissions, four objected to the proposal and one supported the proposal. The key issues raised in objections received include:

- 5-storey height of buildings;
- Traffic and parking, including the re-alignment of the east-west through road;
- Impact on amenity (views, overshadowing);
- Cross ventilation of new Independent Living Units; and
- Removal of the existing mature fig tree.

The submission in support was made by the Cardinal Freeman Village Residents Committee and outlined the support of the refinement and improvement to the redevelopment of the village in consultation with residents. In particular, the Committee supported the proposed modifications to improve pedestrian access, increase open space, improve the heritage setting, reduce construction timeframe and the construction of the Residential Aged Care Facility as part of the first stage of the development.

The Department has considered the issues raised in submissions in its assessment of the proposed modifications.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be:

- Density;
- Built form
- Impacts on amenity;
- Access: (particularly the realignment of the east/west road and traffic implications); and
- Tree removal and relocation.

5.1 Density

The proponent has advised that it continued discussions with the Village residents and the design team to identify possible improvements since the development was approved. This process, coupled with the scheme's evolution through the detailed design process, has resulted in an alteration to the mix of units to better represent future resident needs.

Tables 1 and 2 provide a summary of the existing, approved and proposed development scenarios. When compared to the approval, the proposed modification results in an overall reduction of 34 apartments and an increase of one Residential Aged Care Facility bed space across the Concept Plan site.

Although there is a general reduction of apartment numbers across the site, there is an increase in floor area from 41,490m² to 48,106m² (an increase of 15% or 6,616m²). The increase has occurred because of:

- The demolition of the serviced apartments and construction of Building 1;
- Change in apartment mix providing more two bedroom units;
- Improved accessibility and circulation space to the Independent Living Units; and
- Enlargement of the Residential Aged Care Facility.

Table 1: Comparison of the existing, approved and proposed development scenarios (apartments)

	Existing	Approved	Proposed
Independent Living Units	180	340	355
Serviced Apts.	49	49	0
Total Apts.	229	389	355

Table 2: Comparison of the existing, approved and proposed development scenarios (nursing home/Residential Aged Care Facility)

	Existing	Approved	Proposed
Nursing Home	59	132	133
Hostel	60	0	0
Total RACF beds	119	132	133

The principle of the additional density may be supported subject to appropriate outcomes regarding built form, amenity and traffic implications, which are discussed below.

5.2 Built Form

The proposal seeks to modify the Concept Plan and Project Approval by amending building envelopes and elevations, reducing the total number of new building envelopes from 13 to 8 (refer to **Table 3**) and inclusion of basement car parking.

Table 3: The reduced number of proposed buildings that would replace the originally approved/retained buildings.

	Approved/retained Buildings	Proposed Buildings
Stage 1:	RACF	RACF
	Serviced Apartments (retained)	Building 1
	ILU	Building 2
	SSC	Building 3
	Q1, Q2, Q3	Building 4
Stage 2:	C, D	Building 5
	V1, V2, V3	Building 6
	V4, V5	Building 7

Residents have objected to the inclusion of 5 storey building heights generally and the impact on Queen Street. The approval restricted overall building heights to being no taller than RL 61.60 (excluding rooftop plant/structure) so that no part of the development would rise above the eaves line of the two heritage items on the site. A comparison of the approved and modified building heights is provided at **Figure 7**. There are four buildings with a proposed building height of 5 storeys:

- Buildings 1, 3, and 4 are located within Stage 1; and
- Building 5 is located within Stage 2.

Of the four 5 storey buildings proposed, only one building, Building 4 (equating to an RL of 64.30), would rise above the eaves line of the heritage items (RL 61.60).

Building 1, 3 and 5

A 2-storey serviced apartment building is currently located at the corner of Queen Street and the central east-west road, and the approved development includes the retention of this building. The proposed modification would demolish the existing building and erect Building 1 (Refer **Figure 6 and 7**).

Building 1 has a rectangular shaped footprint, is set back 7.5m from Queen Street (the same as the existing building) and stands at 5 storeys (RL 61.60). The natural fall of the land is from south to north (being approximately 3m between B1 and the junction of Queen and Clissold Streets). The Residential Aged Care Facility building is located north of Building 1 and would be partly sunken, standing at RL 55.30, the difference in storey height and ground level between these two buildings results in a noticeable step up from the Residential Aged Care Facility to Building 1 (Refer **Figure 10**).



Figure 10: The Queen Street elevation of the Residential Aged Care Facility and adjacent B1 (Source: proponent's Environmental Assessment).

Building 1 has been designed so that its parapet line, as it presents to Queen Street, is a storey higher than the flat roofline of the neighbouring Residential Aged Care Facility. In

order to reduce the dominance of the fifth storey, the top floor has originally set back by 2.1m from the parapet fronting Queen Street and 4.5m from the parapet fronting the central east-west road. In response to the concerns raised about the dominance of the building within the Queen Street streetscape, the proponent has further refined the design of the roof of Building 1 by:

- Increasing the Queen Street top floor setback to 4.3m from the parapet;
- Reducing the roof overhang so that it is set back 3.1m from the parapet; and
- Changing the design of the roof overhang to a pergola structure (**Figure 11**).



Figure 11: View south along Queen St, the Residential Aged Care Facility building located in the foreground with B1 behind (Source: proponents response to submissions).

The Department considers that the step up from the Residential Aged Care Facility flat roof to the parapet line of Building 1 is an acceptable graduation of building height. The refinement of the design of the fifth storey, resulting in the provision of a deeply setback top floor and roof, would ensure that these elements (although likely still to be visible in certain views) will be recessive. The Department considers that the resulting design and scale of the building will therefore fit comfortably into the existing Queen Street streetscape and will not have an unreasonable impact on visual amenity.

Buildings B3 and B5 are derived from the consolidation of buildings which, as approved, would have also been 5-storeys (refer to **Figure 7**). The Department notes that although the building envelopes have changed, that the modifications are minor in nature and would not have a significant impact on residential amenity.

Building 4 and Relationship to Heritage Item

Building 4 has an 'L' shaped footprint and is formed out of the amalgamation of the three approved stand alone buildings being Q1, Q2 and Q3. Building 4 would be taller than the approved buildings (RL 61.60 / eaves line of the Chapel) by an additional 2.7m (RL 64.3).

Council's submission recommends that the overall floor space ratio of the development should be decreased by 640m² or 1.5%, but provides no justification for these figures. The Department notes that the committee report to Council recommends that the top floor of Building 4 should be removed owing to its impact on the setting of the Chapel and suggests this would equate to 640m² or 1.5% of floor area. The relationship between Building 4 and the Chapel is shown in **Figure 12**



Figure 12: CGI showing the relationship between B4 and the Chapel (Source: proponent's Environmental Assessment)

Building 4 has been designed so that its strong white parapet line is below the height of the eaves height of the Chapel. The top floor of Building 4 has been designed as a recessed element that would be lower in height than the ridge of the adjoining Chapel. The front building line of Building 4, where it faces the Village Green, would be set back a further 1.5m when compared to the approved Q2 and Q3 resulting in a greater gap between the Chapel and Building 4. In response to the concerns raised and in the interest of ensuring that the Chapel maintains its visual dominance within the landscape, the proponent has further refined the design of the roof of Building 4 by:

- Deleting the standing solid architectural feature at roof level that stood proud of the setback facade; and
- Changing the design of the roof overhang to a pergola structure.

The facades of Building 4 are interestingly articulated and the creation of a single, solid façade (rather than two separate buildings, Q2 and Q3) fronting the Village Green is considered to frame the space more appropriately. The revised approach to the architecture in this location is also considered to be a noticeable improvement over that of Q1, Q2 and Q3.

The Department acknowledges that Building 4 would be taller than the approved buildings it replaces and taller than the eaves line of the Chapel (RL 61.60). However, the Department considers, that the overall good design of the building coupled with the further refinements to the roof element results in a building that would relate sympathetically to the neighbouring Chapel and would knit appropriately into the resulting urban fabric. Consequently, the erection of a 5-storey building in this location is not considered to be harmful to the setting of the heritage item.

Building Design/Appearance

No objection has been received from the Council or the public with regard to the revised design/appearance of building facades.

Having reviewed this aspect of the proposal, the Department considers that the architectural approach to the modified buildings presents a modern and visually acceptable facade treatment. The collective appearance of the buildings, when compared to the original Project Approval, is more visually engaging and offers an improved visual aesthetic. The use of modern materials will contrast with the heritage items in a complementary way. Overall the appearance of the buildings is considered to be appropriate.

Building Separation and Setbacks

As a result of the consolidation of buildings the modification results in significant increases in building separation distances within the site. There are now only three locations where buildings are separated less than the suggested minimum suggested by the Residential Flat Design Code, being:

- Less than 12m (6m) between the Residential Aged Care Facility and Building 1. However there are no windows facing Building 1;
- Less than 12m (6.5m) between Buildings 2 and 3. However, in these locations windows are off-set or benefit from privacy screens; and
- Less than 12m (11m) between Buildings 1 and 3. However, windows in these locations are at high/landscape level.

There is no change to the approved building setbacks from the street.

5.3 Impacts on Amenity

Amenity Impact to Existing Residents

Shadow diagrams submitted with the Environmental Assessment indicate that 70% of apartments would receive at least 3 hours of direct sunlight between 9am – 3pm in mid winter, in accordance with the Residential Flat Design Code.

Concern was raised by an existing resident of retained Building B regarding impact on amenity, loss of a view and breaches of contract. The resident is concerned that proposed Building 2 will be harmful to the enjoyment of her existing balcony by obscuring outlook and creating further overshadowing. The Department notes that the location and height of Building 2, when compared with the approval is largely unchanged in terms of the relationship with the objector's building. Furthermore, daylight analysis suggests that the building would not result in additional adverse overshadowing. The Department considers that the modified buildings would not have a significant adverse impact on the amenity of the objector's property.

The resident suggests that proposed Building 5 would block her view of the heritage precinct. The Department notes that the approval shows Buildings C and D (part 4/5-storeys, **Figure 7**) already largely obscures the heritage precinct from Building B. Proposed Building 5 consolidates buildings C and D into one building envelope and the new B5 envelope is of a similar width as buildings C and D. The Department considers that due to the locations, height and width of Building 5, the modification would not result in further obstruction of the heritage precinct from the objector's property at retained building B.

The resident is concerned that the construction of the new buildings breaches the contract of sale she entered into with the site owners and would also devalue her property. Matters relating to private contracts of sale and the impact on the value of objector's properties are not planning matters for consideration. However, the Department notes that Stocklands has agreed to buy back units should residents wish to terminate their tenure as a result of the development.

Cross Ventilation

The Residential Aged Care Facility and Buildings 1, 2, 3 and 4 are located within Stage 1 and are subject to the Project Approval. A local resident has objected to the units not having adequate natural/cross ventilation. The Facility, by its nature, is required to have a functional layout dictated by its institutional use and specific needs of the health care facility with single rooms accessed off a central corridor. It would not be possible to cross-ventilate these rooms without a transformation of building design and future operational management. The Department does not consider that cross-ventilation can reasonably be expected in this circumstance and accepts that the Residential Aged Care Facility will require mechanical ventilation.

Buildings 1, 2, 3 and 4 comprise 141 Independent Living Units, of these Independent Living Units a total of 74 would be cross ventilated (52%). This figure falls 8% below the 60% rule of thumb advocated by the Residential Flat Design Code. Although the percentage of cross ventilated apartments is marginally below 60%, the Department notes that the units have been designed to meet the other standards of the Residential Flat Design Code in terms of room depths, kitchen ventilation, building layouts and passive solar design. On balance, the Department considers the marginal shortfall in cross ventilated units is acceptable in this instance.

Construction Staging

The proposal seeks to reduce the number of construction stages from five to two (Refer **Figure 8**), which will reduce the overall construction timeframe from approximately five to three years. The proponent has stated that this change is in response to residents' wishes for a swift delivery of the development with minimal impact on existing residents and services.

Both stages of the development are to likely have one or more construction and occupation phases. The proponent has advised that Stage 1 will be constructed in the following sequence:

- Phase 1: Residential Aged Care Facility;
- Phase 2: Buildings 2 and 3;
- Phase 3: Building 1; and
- Phase 4: Building 4 and part of the Village Green.

Stage 2 which involves Buildings 5, 6 and 7 will likely be constructed and occupied in a similar phased manner.

The Department supports the proposed reduced construction timeframe and consolidation of 5 development stages into 2. Further the construction of the Residential Aged Care Facility as part of the first phase of Stage 1 is also supported by existing Village residents. It is recommended that the conditions imposed on the Concept Plan be amended to reflect the revised staging arrangements.

5.4 Access

Central East-West Road

There is an existing east-west road that curves through the site between Victoria Road and Queen Street (**Figure 3**). The approved Concept Plan alters the road layout by straightening the eastern half of the road and realigning the western half, while generally maintaining its curved layout (**Figures 4 and 5**). The proponent is now seeking to realign this through road so that it is completely straight along an east-west axis (**Figure 6**).

A public submission has raised concern that the proposed straightened road will form a 'rat-run', encouraged by the creation of a visual link between Victoria and Queen Streets.

The Environmental Assessment outlines the Proponent's aim to develop an integrated design solution for the site that considers heritage items and provides a more legible and permeable movement system. When compared to the approved scheme, the proposal secures the following key modifications, which are only made possible with a straight east-west road layout:

- A more rationalised and regularly shaped 'village green', which forms the threshold to the historic Chapel;
- Removal of Independent Living Units (approved Building V5) from the forecourt of Glentworth House allowing a wider unobstructed garden setting to present to Victoria Street; and
- Consolidated building forms, logical pedestrian pathways and easier emergency vehicle access.

The Department agrees that the proposal improves the setting of the historic items through the improved village green layout and enlarged unobstructed forecourt to Glentworth House. These improvements would allow for a better appreciation of the heritage items by residents and the wider community. The alteration to vehicle and pedestrian legibility of the site is also beneficial.

The Department notes that an east-west road has existed on this site since the commencement of its use as a retirement village in the mid 1970's. The proposal is not creating a new link road, instead just realigning and existing one. The Department acknowledges that the straightened road may create a visual link between Victoria and Queen Streets. However, given that the east-west road meets the middle of both Victoria and Queen Streets, does not connect to a defined destination, or allow a by-pass of an existing busy road it is not considered that the straightening of this existing road would result in a 'rat-run'. Furthermore, the proposed realignment reinforces the grid-like street pattern character of the local area and will allow an improved integration of the Village into the local area. The Department considers that the realignment of the road would not have a material impact on pedestrian or driver safety. It is noted that council and Roads and Maritime Services do not object to the realignment of the central east-west road.

The implications of the realignment of the road on existing trees is discussed later in this report under **Section 5.5**.

Parking and Traffic

The proposal seeks to amend the Project Approval by providing an additional 42 car parking spaces, resulting in a total of 353 spaces. The majority of car parking spaces would be provided within the basement levels. Local residents have raised concern that the proposal would result in undue parking and traffic pressure on surrounding roads.

The Traffic and Parking Assessment submitted with the modification request provides the following points:

- There has been a change in the Independent Living Unit unit mix, which has changed the car parking requirement;
- There are 34 less Independent Living Units/serviced apartments when compared to the approved Concept Plan; and
- A total of 318 spaces are provided plus 34 visitor spaces (total 353 spaces)

In its assessment of the approved Concept Plan and Project Approval, the Department adopted the parking rates as indicated within the State Environmental Planning Policy Housing for Seniors, which are minimum, not maximum, parking rates. The Policy indicates that the modified proposal should provide no less than 318 car parking spaces for occupants and staff. The proposal provides 353 car parking spaces (which includes visitor parking) and is comfortably above the minimum suggested by the Policy. Therefore the Department

considers that the proposal would not result in additional undue pressure on parking within the immediate surrounding neighbourhood.

The traffic modelling undertaken by the Proponent indicates that the change in unit mix coupled with the demolition of the serviced apartments would result in a reduction in the total vehicles generated per hour by the modified proposal. The Department considers it unlikely that the modification would result in a material increase in traffic pressure.

5.5 Tree Removal and Relocation

The proposal seeks to modify the Concept Plan and Project Approval to accommodate revised building footprints, layouts and a realigned central east-west road. The tree removal strategy has been revised to take account of these proposed modifications to the development.

The approved Concept Plan necessitates the removal of 127 trees and includes the provision of 100 replacement trees. The proposed modification necessitates the removal of 111 trees and includes the provision of 120 replacement trees. An established mature *Ficus rubiginosa* (Port Jackson Fig tree), noted as T39 within the Arboricultural Impact Assessment, adjacent to Victoria Street is sought to be relocated to the south eastern corner of the site to accommodate the realigned east-west road and construction of Building 7.

A local resident has objected to the removal of T39. The Department notes that the Council raised no objection to the revised tree removal strategy or the transplanting of T39.

The Arboricultural Impact Assessment confirms that the tree is approximately 100 years old and was likely planted around the time of the construction of Glentworth House. T39 and three other Port Jackson Fig trees (T42, T56, T210) form part of the curtilage of Glentworth House and are mentioned in the Ashfield Heritage Study 1991. The trees have been allocated a very high Landscape Significance. It should be noted that T56 and T210 are retained as part of the development (although noted as being in poor health / decline), it was agreed to fell T42 as part of the approved Concept Plan. The Assessment confirms that due to the landscape significance of T39 it is worthwhile transplanting the tree, which would include an extensive period of staged crown and root ball preparation. The tree would be transplanted to the south eastern corner of the site, within the foregrounds of Glentworth House and would be undertaken as part of Stage 2 works.

The Department acknowledges, given the advanced age and size of the tree, that there is a risk that the tree would not survive the transplanting procedure. However, the benefits of moving this tree are considered to outweigh the risk of the failure of its transplanting. The Assessment suggests that if the tree does not survive the transplant procedure, a super-advanced sized tree could act as a replacement. It is recommended that a new requirement be imposed on the Concept Plan to address the matter of the tree transplantation.

5.6 Other

Fencing and Main Entry

At present site boundary fencing treatment is not uniform, and is represented by a number of treatment types constructed at various stages of the site's history. This includes:

- palisade fencing relating to the sites original use along the Victoria Street frontage together with a formal gated entrance;
- a modern palisade fence is located along the Clissold Street frontage, together with a sandstone wall;
- part stone masonry wall and part sandstone wall runs along part of the Seaview Street frontage; and

- A sandstone wall along the Queen Street frontage.



Figure 13: Existing modern palisade fencing to the Clissold Street frontage (Source: site visit)

In the interest of better unifying the boundary treatment and as the historic palisade fencing and boundary walls distinguish the site, the Council recommended that the modern palisade fence to Clissold Street be replaced with either a sandstone wall or a replica of the palisade fence to Victoria Street. Furthermore, the Council also recommended that the existing original fencing should be safeguarded. No objection was raised to the relocation of the main entrance, which includes the relocation of the original formal gates, on Victoria Street.

The Proponent agreed within the Response to Submissions Report to maintaining the existing stone and palisade fencing. Furthermore, agreement has been given to replacing the modern palisade fencing subject to the majority of the residents in Buildings A and B agreeing to such works. It is recommended that these aspects be secured via condition. Furthermore, it is also recommended that the methodology and sensitive relocation of formal entry and gates is also secured by condition.

Contributions

In its assessment of the Project Application the Department adopted the Ashfield Council's Section 94 Plan, however, accepted the occupancy data specific to the site as provided by the proponent. This resulted in a specific contribution rate for the Project Approval. In particular conditions B17 and B18 of the Project Approval require S94 contributions (total payments of \$672,192.56) as follows:

- B17 relates to Stage 1 (42 Independent Living Units) and requires a total of \$364,546.71; and
- B18 relates to Stage 2 (34 Independent Living Units and 41 Residential Aged Care Facility beds) and requires a total of \$307,645.85.

The Department however notes that condition B18 incorrectly cites an increase of 41 Residential Aged Care Facility bed spaces, instead of the 13 actually approved. Furthermore, it is apparent that the contributions for the Independent Living Units were not accurately calculated. The Proponent has also noted these errors and requested that the discrepancy be resolved. The two discrepancies resulted in the conditions requiring:

- An Independent Living Unit contribution which was \$4,228.17 less than required;
- A Residential Aged Care Facility contribution of \$8,561.77 more than required;
- A total of \$4,333.60 more than necessary.

The Department considers that the base methodology behind the calculations of the Section 94 contributions for the original approval is still valid and the revised contributions arising out of this modification application have been calculated on that basis:

- \$8,731.83 per Independent Living Unit (occupancy rate of 1.3)
- \$305.77 per Residential Aged Care Facility bed

It is recommended that both Condition B17 and B18 be revised to take account of the correction to calculations and the revised accommodation schedule. Furthermore, credit is given for the demolition of:

- 49 serviced apartments adjacent to Queen Street;
- 12 Independent Living Units within Block E;
- 12 Independent Living Units within Block F; and
- 119 nursing beds within the existing nursing home.

It is recommended that conditions B17 and B18 be amended to require the following Section 94 contributions (total payments of \$598,045.22):

- Village Green Precinct (28 Independent Living Units). Total of \$244,491.24 (B17)
- Care Precinct (40 Independent Living Units and 14 Residential Aged Care Facility beds). Total of \$353,553.98 (B18)

The Proponent has requested that payment for the Section 94 contributions be required prior to the issuing of a Construction Certificate for each building rather than on a stage basis. This request is based primarily on the requirement to stagger the start times of buildings within each stage in order to cater to the needs of existing residents and the available relocation options at any one time. The Department consulted Ashfield Council about the proposed change, however, received no response. The Department considers the change to payment times would assist in the delivery of the accommodation within the site and will be paid before there is an increase in demand for local services. It is therefore recommended that the conditions be altered accordingly.

6. CONCLUSION

The Department is satisfied that this modification application falls within the scope of Section 75W of the Act and does not change the original assessment as to the site's suitability for this development.

The Department has assessed the Proponent's request to modify the Concept Plan and Project Approval and has considered the Council's and public's submissions in response to the proposal.

The modified architectural approach to the design of the buildings is considered to present a modern facade treatment. The scale/height of buildings is considered acceptable, and refinements to the top floors of Building 1 and Building 4 have ensured that these buildings are appropriate to their context and not harmful to the visual amenity, existing streetscape or the setting of heritage items.

The separation distance between proposed buildings has increased and sufficient daylight is considered to reach habitable rooms of the proposed buildings and existing neighbouring buildings. The percentage of cross ventilated apartments is marginally below the 60% guideline of the Residential Flat Design Code, however, given the otherwise good design/layout of the accommodation this is considered acceptable in this instance.

The Department does not consider that the realigned east-west road will result in the creation of a 'rat-run' for vehicles. The road would result in an acceptable standard for vehicle and pedestrian safety and sufficient car parking will be provided throughout the site for residents and visitors.

It is acknowledged that additional tree removal is required to accommodate the modifications, however, given the provision of quality replacement trees these losses are on balance considered acceptable. The transplant/relocation of a tree with high landscape significance is secured by condition.

Conditions are recommended to ensure that existing fencing will be protected during construction and that the modern palisade fence be replaced (if agreed by residents).

The Department supports the reduced construction timeframe and consolidation of five development stages into 2. Conditions B17 and B18 (Section 94 contributions) have been updated to take account of the correction to contribution calculations and the change in unit numbers, including necessary credits, arising from the modification.

The Department supports the proposed modifications as outlined in this report and it is therefore recommended that the applications be approved subject to the modified conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Development Assessment Systems and Approvals, as a Delegate for the Minister for Planning and Infrastructure:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification requests under delegated authority, subject to modified terms of approval and conditions; and
- (c) **sign** the attached Instruments of Modification for MP08_0245 and MP08_0260.

Prepared by: Matthew Rosel
Senior Planner, Metropolitan and Regional Projects South

Endorsed by:


11/3/13
Director
Metropolitan & Regional Projects
South

Approved by:

Executive Director
Development Assessment Systems and
Approvals

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5639

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5640

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5639

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5640

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5639

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5640
