

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

**Director
Metropolitan & Regional Projects South**

Sydney

2013

SCHEDULE 1

Concept Plan: MP08_0245 granted by the Planning Assessment Commission on 20 January 2011

For the following: The comprehensive redevelopment of an existing retirement village over 5 stages including 12 residential buildings of 3 to 5 storeys in height and a residential aged care facility with associated landscaping, community facilities, internal road network and parking.

Modification: MP08_0245 MOD 1 including:

- 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 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 increase in the overall number of Independent Living Units within the site by 15 (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 increase the total number of car parking spaces by 42 (311 to 353); and
- modified landscape strategy.

SCHEDULE 2 CONDITIONS

The Concept Approval for MP08_0245 is modified as follows:

- (a) Term of Approval 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

1. Development Description

Concept approval is granted to the development as described below:

- a) Use of the site for a retirement village;
- b) Indicative building envelopes for ~~43~~ **8** separate buildings with heights of 3 to 5 storeys to accommodate a ~~460~~ **133** bed Residential Aged Care Facility and approximately ~~225~~ **240** Independent Living Units;
- c) Basement level and at grade car parking;
- d) Internal road works and pedestrian pathways;
- e) Community facilities and associated landscaping including the creation of a 5,000m² village green;

- (b) Term of Approval 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

2. Development in Accordance with the Plans and Documentation

The approval shall be generally in accordance with MP08_0245, **as modified by MP08 0245 MOD 1**, and:

- a) the Environmental Assessment prepared by BBC Consulting Planners dated 10 March 2010, except where amended by:
 - i. the Response to Submissions Report dated August 2010 and received by the Department on 1 September 2010, and
 - ii. the plans and documentation contained within the Cardinal Freeman Village Environmental Assessment Volumes 1 to 5 prepared by BBC Consulting Planners for Aevum Limited (dated March 2010).

b) The Environmental Assessment prepared by BBC Consulting Planners dated 18 October 2012, except where amended by:

- i. **the Response to Submissions Report dated January 2013 and addendums dated 18 January 2013, 1 February 2013 and 29 February 2013 and**
- ii. **the plans and documentation contained within the Cardinal Freeman Village Environmental Assessment Volumes 1 to 3 prepared by BBC Consulting Planners (dated 18 October 2012).**

- (c) Modification 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

1. Building Design

Future Development Applications for ~~Stages 3, 4 and 5~~ **Stage 2** shall demonstrate compliance, or fully justify any non-compliance with the provisions of

the *State Environmental Planning 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

- (d) Modification 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

2. Landscaping

The future Development Application for ~~Stage 5~~ **Stage 2** shall include a Landscape Conservation Management Plan that provides guidance for the:

- (a) restoration of an appropriate garden setting for the Heritage Precinct area;
and
- (b) **relocation or replacement of existing tree T39.**

- (e) Modification 3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

3. Staging

The construction of ~~each subsequent stages~~ **Stage 2** after the occupation of ~~Stage 2~~ shall not commence until 12 months has lapsed since the final Occupation Certificate is issued for **Stage 1**, ~~the previous stage~~.

- (f) Modification 4 to be added by the insertion of the **bold and underlined** words / numbers as follows:

4. Conservation of Fencing

The future Development Application for Stage 2 shall include a Schedule of Conservation Works for the Victoria Street fencing and gates, it shall review and comment on:

- (a) **the methodology and conservation works required for the relocated gate posts and gates;**
- (b) **fabric removal and salvage requirements for the new or widened openings, and any appropriate methodology; and**
- (c) **fabric and methodology requirements for the construction of infill fencing to the former gateway;**

- (g) Statement of Commitments A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A. General

A1 The development will be undertaken generally in accordance with the Environmental Assessment report prepared by BBC Consulting Planner, including accompanying volumes & appendices and the **Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012** ~~Response to Submissions Report prepared by BBC Consulting Planners~~

A2 The development will be undertaken generally in accordance with the architectural, landscape, and civil services drawings and design principles, strategies and guidelines

submitted with the Environmental Assessment report **(Mod 1)**, while allowing for reasonable design development to occur.

- (h) Statement of Commitments C is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

C. Commitments to Residents

C1. The proponent will implement the measures for managing mitigation, communication and management issues during construction as described in Section 5 of the Consultation Outcomes Report contained in Appendix C of Volume 5 **and the Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012.**

- (i) Statement of Commitments D is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

D. Demolition, Excavation and Construction Management

D1. The Construction Management Plan in Appendix J of Volume 5 **H of Volume 3 of the Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012** will be updated through the consultation with the building contractor in order to comprehensively address the issues raised in Section 3.4.2 and 5.10 of the Environmental Assessment report and the following.

D10. Prior to construction commencing, the Proponent is to implement the Relocation of Strategy contained within the Environmental Assessment **report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012.**

- (j) Statement of Commitments E is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

E. Tree Protection

E1. Specific tree protection measures and general tree protection measures (as appropriate) will be implemented for trees identified as being retained in the Arboricultural Assessment Reports appended to the Environmental Assessment **report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012**

- (k) Statement of Commitments F is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

F. Biodiversity/Tree Loss

F1. The proponent will implement the Landscaping Plan forming part of the ~~project application~~ **Environmental Assessment report accompanying Mod 1 to the Concept Plan and Mod 1 to the Project Approval dated October 2012.**

- (l) Statement of Commitments G is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

G1. Noise and vibration during demolition, excavation and construction will be mitigated in accordance with the recommendations and guidelines in the acoustic report submitted with the Environmental Assessment report **accompanying Mod 1 to the Concept Plan and Mod 1 to the Project Approval dated 2012.**

- (m) Statement of Commitments H is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

H. ESD

H1. The Proponent will implement the measures proposed in the Environmental Sustainable Development Assessment, Civil Works reports **and Hydraulics Services Report** submitted with the Environmental Assessment **report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012.**

End of Modifications to MP08_0245