

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

Project Approval:	MP08_0260 granted by the Planning Assessment Commission on 20 January 2011
For the following:	<p>Cardinal Freeman Village, including</p> <ul style="list-style-type: none">• Stage 1 - Village Green Precinct<ul style="list-style-type: none">• Demolition of existing ILU buildings and community buildings to allow for the Construction of 3 x 5 storey buildings (Q1, Q2 & Q3) consisting of 54 independent living units (ILU's), community facilities and basement car parking• New village green• Upgrade and realignment of the existing east-west roadway• Stage 2 - Care Precinct<ul style="list-style-type: none">• Demolition of existing nursing home, ILU building, dwelling houses and associated structures• Construction of a 4 storey, 160 bed Residential Aged Care Facility• Construction of 2 x 5 storey buildings consisting of 46 ILU's• Construction of a new north-south laneway• Associated infrastructure works.
Modification:	<p>MP08_0260 MOD1 including:</p> <ul style="list-style-type: none">• modifications to the internal layout and external treatment of the RACF 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;• consolidation of approved Stages 1 and 2 into one

stage (Stage 1). Reorganisation of construction schedule, with the RACF building being commenced first;

- an increase of one additional RACF bed space (from 132 to 133) and clarification of misdescription of approval for 160 beds;
- an increase in the number of ILUs within Stage 1 by 37 (from 104 to 141); and
- demolition of the existing serviced apartment building (49 serviced apartments) and construction of a new ILU building (Building 1);

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SCHEDULE 2 CONDITIONS

The Project Approval for MP08_0260 is modified as follows:

- (a) Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- ~~Stage 1~~– Village Green Precinct
 - Demolition of existing **Independent Living Unit (ILU)** buildings and community buildings to allow for the construction of ~~3~~ **1** x 5 storey buildings (~~Q1, Q2 & Q3 Building 4~~) consisting of ~~54~~ **40** independent living units (ILU's), community facilities and basement car parking
 - New village green
 - **Partial** upgrade and realignment of the existing east-west roadway
 - **Adaptive reuse of the chapel undercroft for community facility use**
- ~~Stage 2~~– Care Precinct
 - Demolition of existing **119 bed** nursing home, ILU building, **serviced apartment building**, dwelling houses and associated structures
 - Construction of a 4 storey, ~~460~~ **133** bed Residential Aged Care Facility
 - Construction of 2 x 5 storey and **1 x 4 storey** buildings consisting of ~~46~~ **101** ILU's
 - Construction of a new north-south laneway **in a temporary alignment; and**
 - **Associated infrastructure works**

- (b) Condition A2 is replaced with the following condition:

A2. Approved plans stamped by the Department

The development will be undertaken generally in accordance with:

- the Environmental Assessment for MP08_0260 dated 10 March 2010, except where amended by the Response to Submissions Report dated August 2010, prepared by BBC Consulting Planners;
- the Environmental Assessment for MP08_0260 MOD 1 dated 18 October 2012, except where amended by the Response to Submissions Report dated January 2013 and addendums dated 18 January 2013, 1 February 2013 and 29 February 2013 and
- the following drawings:

Architectural Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA1002	G	Stage 1 Site Plan	Allen Jack + Cottier	18.10.12
DA2101	H	Precinct NW_B2	Allen Jack + Cottier	25.10.12
DA2102	F	Precinct NW_B1	Allen Jack + Cottier	18.10.12

DA2103	G	Precinct NW_GND	Allen Jack + Cottier	25.10.12
DA2104	G	Precinct NW_L1	Allen Jack + Cottier	25.10.12
DA2105	G	Precinct NW_L2	Allen Jack + Cottier	25.10.12
DA2106	E	Precinct NW_L3	Allen Jack + Cottier	18.10.12
DA2107	F	Precinct NW_L4	Allen Jack + Cottier	26.02.13
DA2108	E	Precinct NW_L5	Allen Jack + Cottier	26.02.13
DA2121	F	Precinct SW_B1	Allen Jack + Cottier	18.10.12
DA2122	F	Precinct SW_GND	Allen Jack + Cottier	18.10.12
DA2123	F	Precinct SW_L1	Allen Jack + Cottier	18.10.12
DA2124	F	Precinct SW_L2	Allen Jack + Cottier	18.10.12
DA2125	F	Precinct SW_L3	Allen Jack + Cottier	18.10.12
DA2126	F	Precinct SW_L4	Allen Jack + Cottier	26.02.13
DA2127	E	Precinct SW_L5	Allen Jack + Cottier	26.02.13
DA3101	C	Site Elevations	Allen Jack + Cottier	18.10.12
DA3102	F	Building 1 Elevations	Allen Jack + Cottier	26.02.13
DA3103	E	Building 2, 3 Elevations	Allen Jack + Cottier	19.10.12
DA3104	F	Building 4 Elevations	Allen Jack + Cottier	26.02.13
DA3105	A	RACF Elevations	Allen Jack + Cottier	18.10.12
DA3110	A	Chapel Elevations	Allen Jack + Cottier	18.10.12
DA3201	D	Site Sections	Allen Jack + Cottier	18.10.12
DA3202	D	Site Sections	Allen Jack + Cottier	18.10.12
DA5101	A	Typical Apartment Plans – Sheet 1	Allen Jack + Cottier	18.10.12
DA5102	A	Typical Apartment Plans – Sheet 2	Allen Jack + Cottier	18.10.12
DA9710	B	External Finishes and Colours Schedule	Allen Jack + Cottier	18.10.12
Landscape Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
L-100	B	Stage 01 – Landscape Plan	Oculus	October 2012
L-101	B	Stage 01 – Landscape Plan	Oculus	October 2012
L-102	B	Stage 01 – Landscape Sections	Oculus	October 2012
L-103	B	Stage 01 – Planting & Materials	Oculus	October 2012

Stormwater Plans				
Drawing No.	Revision	Name of Plan	Drawn By	Date
C01	P1	Cover Sheet	Taylor Thomson Whitting	16.10.12
C02	P4	Concept Masterplan	Taylor Thomson Whitting	17.10.12
C03	P4	Stage 1 Siteworks Plan Sheet 1 of 2	Taylor Thomson Whitting	17.10.12
C04	P4	Stage 1 Siteworks Plan Sheet 2 of 2	Taylor Thomson Whitting	17.10.12
C05	P5	Staging Plan Stage 1A	Taylor Thomson Whitting	17.10.12
C06	P5	Staging Plan Stage 1B	Taylor Thomson Whitting	17.10.12
C07	P3	Staging Plan Stage 2	Taylor Thomson Whitting	17.10.12

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

(c) Condition B17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B17. Section 94 Contributions for the Stage 1 (Village Green Precinct)

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate for ~~Stage 1~~ **Building 4 (Village Green Precinct)** to cater for the increased demand for community infrastructure resulting from the development:

	Seniors Housing <u>Building 4</u> (self-care – ILU's)
Number of additional Dwellings / Beds or GFA	42 28 ILU's*
Local Roads	\$1,551.63 <u>\$943.57</u>
Local Public Transport Facilities	\$17,732.28 <u>\$11,897.34</u>

Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$311,832.17 <u>\$209,220.65</u>
Local Community Facilities	\$19,262.40 <u>\$12,932.82</u>
Plan Preparation and Administration	\$14,168.23 <u>\$9,505.86</u>
TOTAL	\$364,546.71 <u>\$244,491.24</u>

*** credit given for 12 ILU's to be demolished.**

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_c = \frac{\$C_p \times CPI_c}{CPI_p}$$

Where:

\$ C_c is the amount of the contribution for the current financial quarter

\$ C_p is the amount of the original contribution as set out in this development consent

CPI_c is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

- (d) Condition B18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B18. Section 94 Contributions for the Stage 2 (Care Precinct)

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate for ~~Stage 2~~

each of the buildings within the Care Precinct to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT) **				TOTAL
	Seniors Housing <u>Building 1</u> (self-care ILU's)	Seniors Housing <u>Building 2</u> (ILU's)	Seniors Housing <u>Building 3</u> (ILU's)	Residential Care Facility	
Number of Dwellings / Beds or GFA	34 <u>17</u> ILU's	<u>11</u>	<u>12</u>	44 <u>14</u> beds	N/A
Local Roads	\$1,256.08 <u>\$572.88</u>	<u>\$370.69</u>	<u>\$404.39</u>	\$1,829.23 <u>\$624.68</u>	\$3,085.34 <u>\$1,972.64</u>
Local Public Transport Facilities	\$14,354.71 <u>\$7,223.38</u>	<u>\$4,673.96</u>	<u>\$5,098.86</u>	\$0.00	\$14,354.71 <u>\$16,996.20</u>
Local Car Parking Facilities	\$0.00			\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$252,435.57 <u>\$127,026.82</u>	<u>\$82,193.83</u>	<u>\$89,665.99</u>	\$0.00	\$252,435.57 <u>\$298,886.64</u>
Local Community Facilities	\$15,593.38 <u>\$7,846.61</u>	<u>\$5,077.21</u>	<u>\$5,538.78</u>	\$0.00	\$15,593.38 <u>\$18,462.80</u>
Plan Preparation and Administration	\$11,469.53 <u>\$5,771.41</u>	<u>\$3,734.45</u>	<u>\$4,073.94</u>	\$10,707.34 <u>\$3,656.10</u>	\$22,176.84 <u>\$17,235.90</u>
TOTAL	<u>\$295,109.25</u> <u>\$148,441.11</u>	<u>\$96,050.13</u>	<u>\$104,781.96</u>	<u>\$12,536.54</u> <u>\$4,280.78</u>	<u>\$307,645.78</u> <u>353,553.98</u>

** credit given for 49 serviced apartments and 12 ILU's to be demolished.

** credit given for 119 nursing beds to be demolished

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\begin{aligned}
 \$C_c &= \frac{\$C_p \times}{CPI_c} \\
 &CPI_p
 \end{aligned}$$

Where:

\$ C_c is the amount of the contribution for the current financial quarter

\$ C_p is the amount of the original contribution as set out in this development consent

CPI_c is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

- (e) Condition D31 to be added by the insertion of **bold and underlined** words / numbers as follows:

D31 Replacement of modern palisade fencing

The proponent shall provide a strategy for the replacement of the modern palisade fencing in consultation with the residents of Block A and B.

- (f) Condition D32 to be added by the insertion of **bold and underlined** words / numbers as follows:

D32 Protection of existing boundary walls/fences

The applicant is to take all precautions to ensure that existing boundary fencing is protected during construction so to prevent damage, and repair any damage that occurs.

End of Modifications to MP08_0260