



**CARDINAL FREEMAN VILLAGE
137 Victoria Street, Ashfield**

**S75W APPLICATION TO MODIFY
CONCEPT PLAN APPROVAL MP 08_0245
AND
PROJECT APPROVAL MP08_0260**

Mod 2

RESPONSE TO SUBMISSIONS REPORT

**Prepared for
Stockland Property Services Pty Ltd**

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Table of Contents

1.	INTRODUCTION	2
1.1	The Modifications to the Approvals	2
1.2	Structure of this Response to Submissions Report	4
2.	ADDITIONAL INFORMATION AND CLARIFICATION REQUESTED BY THE DEPARTMENT OF PLANNING	5
2.1	Comparison Drawings.....	5
2.2	Increase in Building Height and Justification.....	5
2.3	Design of Eastern Façade of Building 4	6
2.4	Justification for Building 4 Ground Floor Privacy Screens.....	7
2.5	Resolution of Discrepancies	7
2.6	Concept Plan.....	8
3.	ISSUES RAISED BY COUNCIL	10
3.1	Inadequate and Incomplete Information.....	10
3.2	Proposed Variation to Staging Not Clearly Presented	10
3.3	Variation to Statement of Commitment	10
3.4	Removal of Victoria Street Gates Not Supported	10
3.5	Council's Heritage Advisers Comments	10
3.6	Timing of Payment of S94.....	10
3.7	Survey of Long Nosed Bandicoot	11

APPENDICES

Appendix 1: Comparison Drawings

Appendix 2: Revised Elevations

Appendix 3: Screen Details

Appendix 4: Revised Drawing DA 2102

Appendix 5: Revised Staging Drawing

Appendix 6: Building Perspectives

Appendix 7: Resident Committee Letter

1. INTRODUCTION

1.1 The Modifications to the Approvals

This Response to Submissions Report relates to an application to the Minister under Section 75W for:

- Modification No. 2 to Concept Plan Approval MP 08_0245;
- Modification No. 2 to Project Approval MP08_0260 to carry out a part of the Project being the Village Green Precinct and the Care Precinct.

The Project involves the renewal, refurbishment and expansion of the Village in a staged and controlled manner respecting the rights of existing residents to the quiet enjoyment of their environment and ensuring access to facilities and services is maintained.

On 20 January 2011, the Planning Assessment Commission, as delegate to the Minister for Planning, granted approval to:

1. Application No. MP080245 - The **Concept Plan** for the comprehensive redevelopment of an existing retirement village over 5 stages including 12 residential buildings of 3 & 5 storeys in height and a residential aged care facility with associated landscaping, community facilities, internal road network and parking (the Concept Plan Approval); and
2. Application No. MP080260 - The **Project Application** for Cardinal Freeman Village including:
 - Stage 1 – Village Green Precinct
 - 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
 - Demolition of the existing nursing home, ILU building, dwelling houses and associated structures
 - Construction of a 4 storey, 160 bed Residential Aged Care Facility¹
 - Construction of 2 x 5 storey buildings consisting of 46 ILU's
 - Construction of a new north-south laneway

¹ The reference to 160 beds is an error in the approval notice as the RACF drawings show 132 beds.

- Associated infrastructure works (the Project Approval).

The Concept Plan Approval is subject to terms of approval and modifications as set out in the approval and the Statement of Commitments. This included a determination that Stages 3, 4 and 5 of the Concept Plan Approval are to be subject to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Project Approval is subject to conditions.

The main modifications are summarised as follows:

Modifications to Approvals

Since the approvals were granted, there have been on-going discussions with the residents and with the design team at Stockland to identify improvements to the overall design of the development. Issues discussed included:

- Minor changes to the internal layout of apartments to Buildings 2, 3 and 4 and to the facades of buildings;
- Changes to staging to allow flexibility in the staging of construction of buildings approved under Stage 1 including the proposed RACF and the serviced apartment building;
- The earlier removal of the heritage gates in order to achieve compliance with conditions regarding emergency access;
- Changes to arrangements for temporary buildings and facilities; and
- Changes to various conditions for clarification purposes.

The proposed modifications seek to maintain the primary objectives and key principles of the approved development. The proposal maintains an integrated design solution for the site that considers existing historic items, existing buildings and the surrounding urban context.

No change to unit numbers or parking numbers is proposed.

The modifications are summarised as follows:

Concept Plan

- a) Variations to the staging of construction to allow flexibility in construction including changes to the terms of the break in construction between Stages 1 and 2, the deferral of Building 1 and flexibility in the construction of the RACF and Buildings 2, 3 and 4;
- b) Variation to references to reports in Statement of Commitments to refer to latest reports; and
- c) Variation to conditions of the approval and changes to the terms of determination made by the Minister to rectify anomalies in the approval as modified.

Project Approval

- a) Minor changes to the internal and external design of ILU buildings 2, 3 and 4;
- b) Changes to the staging of construction to allow flexibility in the order of priority of construction of buildings including the deferral of Building 1 and flexibility in the construction of the RACF with Buildings 2, 3 and 4. The deferral of construction of Building 1 is in response to the requirements of residents of the serviced apartment building. The construction of the RACF building is subject to negotiations with the operator of this facility. It is expected Buildings 2 & 3 and the RACF will be constructed at the same time. The Chapel undercroft conversion, temporary buildings, Building 4 and part of the Village Green will be phased as appropriate to manage construction processes, services diversions and construction management;
- c) Changes to the location of temporary services to allow for the provision of temporary buildings to house temporary administrative and community functions during construction;
- d) Changes to enable the removal and storage of the entry gates from Victoria Street as part of Stage 1 to enable emergency vehicles to access the site in accordance with NSW Fire Brigade requirements;
- e) Internal changes to the community facilities area in the Chapel undercroft;
- f) Minor changes to stormwater management arrangements including consolidating proposed OSD and water harvesting facilities; and
- g) Changes to various conditions for clarification purposes including clarification of staging of works to enable the progressive issue of construction certificates.

There is no change to the overall redevelopment scheme to provide a contemporary aged care village comprising a variety of accommodation types and no significant change in approved height of buildings on the site and site layout. The relationship to heritage buildings remains unchanged.

1.2 Structure of this Response to Submissions Report

This report:-

- provides the additional information requested by the Department of Planning and Infrastructure (DoPI) in its letter dated 6 December 2013 to enable the Department to complete its assessment of the Modification Application (see Section 2);
- responds to the issues raised in by Council in its interim report (see Section 3).

2. ADDITIONAL INFORMATION AND CLARIFICATION REQUESTED BY THE DEPARTMENT OF PLANNING

The Department has requested additional information and clarification to enable it to complete its assessment of the Modification Applications.

2.1 Comparison Drawings

Request:

For clarity comparison plans should be provided. The plans should clearly indicate where external and internal alterations are proposed

Response:

Architects AJ+C have prepared comparison drawings which are contained in Appendix 1. These drawings compare the development as approved (black) with the development as proposed (red).

2.2 Increase in Building Height and Justification

Request:

the height and bulk of buildings and the plant enclosures including details of whether the plant enclosures would be visible from key locations as outlined below (from a pedestrian perspective):

- *view north along William Street towards Building B2/B3;*
- *view from the north western edge of the Village Green towards Building B4; and*
- *view from the north western edge of the Village Green toward Building B3.*

Response:

AJC advise that Buildings 2 and 4 have not increased in height and that Building B3 is 20mm higher. There is no change to the height of Building 1 or the RCF.

	Mod 1 (approved)	Mod 2 (proposed)
Building 2	RL 55.100	RL55.10
Building 3	RL 61.000	RL 61.020
Building 4	RL 64.300	RL 64.290

These measurements exclude plant.

The height of the plant areas have been reduced. Angled enclosures have been shown to plant roofs. These are not necessary on Buildings 3 or 4 as they are only a device to shield

equipment visibility from overlooking buildings such as occurs between Buildings 3 and 2. Revised elevations incorporating these changes are attached in Appendix 2.

Perspective views of plant for each of the locations indicated are also attached in Appendix 6.

2.3 Design of Eastern Façade of Building 4

Request:

The Department notes that the design of the eastern façade of Building B4 has been altered and vertical solid and slatted architectural features/walls have been added to the top floor, east elevation. These features stand forward of the recessed glazed setback and are located directly beneath the leading edge of the roof line. A similar design approach was originally proposed for the previous MOD 1 application, but was subsequently deleted. The Department considers that the proposed treatment would add visual bulk at the upper floor and negates the positive effect of a setback at this level, which is necessary to ensure an appropriate relationship to the neighbouring Chapel building (refer to Figure 1):

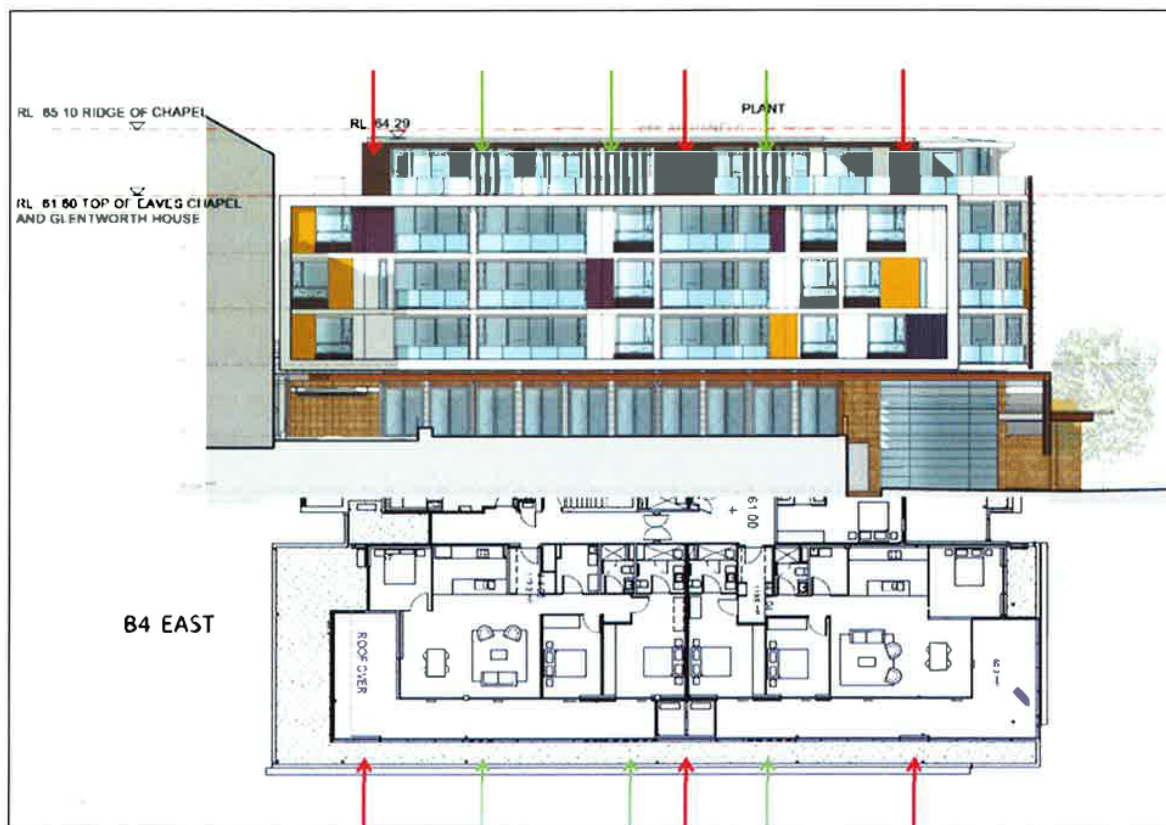


Figure 1: The addition of solid and slatted elements to the design of the eastern façade of Building B4.

Response:

Elevations to Building 4 have been revised to address the bulk issues raised by the Department and are contained in Appendix 2.

2.4 Justification for Building 4 Ground Floor Privacy Screens

Request:

The Department notes that the proposed privacy screening between ground and first floor level of Building B84 has been enlarged (drawing DA2123). Justification for this enlargement is required, together with confirmation of the impact on outlook from and solar access to ground floor apartments.

Response:

The proposed screening for Building 4 has not been enlarged, however there is a discrepancy with the graphic representation between the Mod 1 set of drawings and the Mod 2 set. Attached is an enlarged portion of both drawings indicating the width of the screens (Appendix 3).

2.5 Resolution of Discrepancies

Request:

The following discrepancies have been identified on the drawings/documents for the Project Application, which require correction or clarification:

- on drawing DA2102G the staged approach to the drawing results in a conflict of information and therefore results in uncertainty over the resulting car parking provision. The Department recommends that two separate staging plans be provided indicating the two different car parking layouts;*
- on drawing DA3104G the Chapel building adjacent to 84 East is not drawn correctly. Furthermore, the ridgeline height (which carries across both 84 East and West) is shown as being both RL 64.29 and RL 66.195;*
- on drawing DA3103G the plant room for Building 82 is not shown on the north, south or east elevations;*
- on elevational drawings, no RL is noted for any of the proposed plant rooms;*
- on drawing DA3104G a materials legend is provided. However, the building facades are not annotated with the corresponding numeral/abbreviated reference for the proposed materials; and*
- on drawing DA1002H it is unclear whether the annotation of 'Stage 1 & 2' refers to the whole site or the outlined area. If the annotation is actually referring to the staged division of construction work within Stage 1 it would be clearer to refer to this division as 'Stage 1, Phase 1 & 2'.*

Response:

on drawing DA2102G the staged approach to the drawing results in a conflict of information and therefore results in uncertainty over the resulting car parking provision. The Department recommends that two separate staging plans be provided indicating the two different car parking layouts;	DA 2102G has been amended to show the information required for 75W approval only. This clarifies the proposed works. staging construction for the carpark has been deleted. The car park construction will be staged. The revised drawing DA 2102H in contained in Appendix 4.
on drawing DA3104G the Chapel building adjacent to B4 East is not drawn correctly. Furthermore, the ridgeline height (which carries across both 84 East and West) is shown as being both RL 64.29 and RL 66.195;	DA 3104G section through the chapel is incorrect and has been amended. Drawing DA 3104H is contained in Appendix 2. The eaves height is indicated at RL 64.29. This is correct. The RL 66.195 is confusing. It is not a level relating to Building 4 but is the ridge of the gable end of the chapel.
on drawing DA3103G the plant room for Building B2 is not shown on the north, south or east elevations;	DA 3102 and DA3103 have been amended to show Building 2 plant room. It would not be possible to see the plant from the north as it is located at the south end of the building, however its location is indicated. Drawings attached in Appendix 2.
on elevational drawings, no RL is noted for any of the proposed plant rooms;	RL's for plant rooms have been added and are on amended elevations DA in Appendix 2.
on drawing DA3104G a materials legend is provided. However, the building facades are not annotated with the corresponding numeral/abbreviated reference for the proposed materials; and	Elevations now all include material legend and annotation (SEE Appendix 2).
on drawing DA1002H it is unclear whether the annotation of 'Stage 1 & 2' refers to the whole site or the outlined area. If the annotation is actually referring to the staged division of construction work within Stage 1 it would be clearer to refer to this division as 'Stage 1, Phase 1 & 2'.	Drawing DA 1002H has been amended to make the staging of the works more clear. Refer Appendix 5.

2.6 Concept Plan

The DoPI has requested:

at Appendix 9, the letter from the Resident's Committee is not signed or on letterhead paper; and

Section 4.4.5 'Unit Mix' should be updated to confirm the approved and proposed number of Independent Living Units and nursing home beds.

The letter from the Resident's Committee is on the committee's letterhead with an electronic signature. The replacement letter with signature is contained in Appendix 7.

The updated table is as follows:

Existing and Proposed Seniors Housing

	Existing	Approved	Mod 2	Comment
South West Quadrant	56	56	56	No change Retained
Glentworth House	23	23	23	No change Retained
Villas (South East)	17	0	0	No change Demolished
Buildings A and B	36	36	36	No change Retained
Blocks C to F	48	0	0	No change Demolished
Stage 1 Care Precinct (or equivalent)	0	101	101	Change in apartment mix and building design
Stage 1 Village Green (or equivalent)	0	40	40	Change in apartment mix and building design
Stage 2	0	99	99	New
Total ILUs	180	355	355	
Serviced Apartments	49	0		Demolished
Total Apartments	229	355	355	
Nursing Home (beds)	59	133	133	No change
Hostel (beds)	60	0	0	No change Demolished
Total RACF beds	119	133	133	No change

There is no change to the number of units and no change to the number of nursing home beds.

3. ISSUES RAISED BY COUNCIL

3.1 Inadequate and Incomplete Information

As requested by the Department of Planning and Infrastructure, drawings have been provided that compare the approved drawings with the proposed drawings. This enables the changes to be more readily compared. This together with the description in the Environmental Assessment, provides a full description of the changes that are the subject of this modification.

3.2 Proposed Variation to Staging Not Clearly Presented

As requested by the Department, revisions have been made to Drawing DA1002 to show the extent of Stage 1 works. There is no change to the extent of Stage 1 works. The phasing of construction of the Stage 1 works is changed as detailed in Sections 3.1.1 and 3.2.5 of the Environmental Assessment and the Construction Management Plan contained in Appendix 3 accompanying the application.

3.3 Variation to Statement of Commitment

The Environmental Assessment indicates the changes to the Statement of Commitments. The approved Statement of Commitments forms part of the approvals and is available on the DoPI website. A copy can be provided to Council if required.

3.4 Removal of Victoria Street Gates Not Supported

The removal of the Victoria Street gates is approved. This application seeks only to remove them earlier in the construction program to ensure that adequate access for larger fire service vehicles can be provided. This has been the subject of heritage advice and detailed advice on the process for removing the gates as required by the terms of the approval of the Concept Plan as described in Appendix 1 and 7 of the Environmental Assessment.

3.5 Council's Heritage Advisers Comments

This is a matter for Council.

3.6 Timing of Payment of S94

The demand for facilities and services will only be generated when the development is occupied which will be progressively given the nature of the development as seniors housing. The development includes a residential care facility which provides a significant benefit to the community of Ashfield. Similarly, the seniors housing in the form of independent living units will have access to facilities and services on the site and will provide equally important social benefits to the community. Given the long development time frame for each stage, it is

considered that the payment of the contribution prior to OC will provide benefits to the development whilst not creating any additional burden on Council.

It is noted that contributions remain indexed to the date of payment by CPI ensuring no financial burden on Council.

3.7 Survey of Long Nosed Bandicoot

The deletion of condition C4 requiring additional survey of the bandicoot is pressed for the reasons given on the EA accompanying the modification.



APPENDICES



APPENDIX 1

Comparison Drawings



APPENDIX 2

Revised Elevations



APPENDIX 3

Screen Details



APPENDIX 4

Revised Drawing DA2102



APPENDIX 5

Revised Staging Drawing



APPENDIX 6

Building Perspectives



APPENDIX 7

Resident Committee Letter