



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

***MP08_0245 MOD 2
MP08_0260 MOD 2***



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

June 2014

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1. INTRODUCTION

The purpose of this report is to assess the requests to modify the concept approval (MP08_0245) for the expansion of the aged care facility on the site and Stage 1 project approval (MP08_0260) for the provision of 5 new buildings, provision of associated open space and adaptive reuse of the Chapel under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modifications include amendments to the internal layouts and external architectural treatment of the buildings, alteration of the staging of the development, the earlier removal of heritage gates, changes to the arrangement of temporary buildings and revisions to the stormwater management arrangements. The proponent seeks approval for associated new, reworded and deleted conditions and updated Statement of Commitments.

1.1 The site and surroundings

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 square, has an area of approximately 4.1 hectares and 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 site is currently occupied by seniors housing and aged care facilities. The site also contains two heritage items of local significance known as Glentworth House and an attached Chapel.

The surrounding area is dominated by residential buildings comprising detached dwellings and two to three storey apartment buildings. 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**.

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.

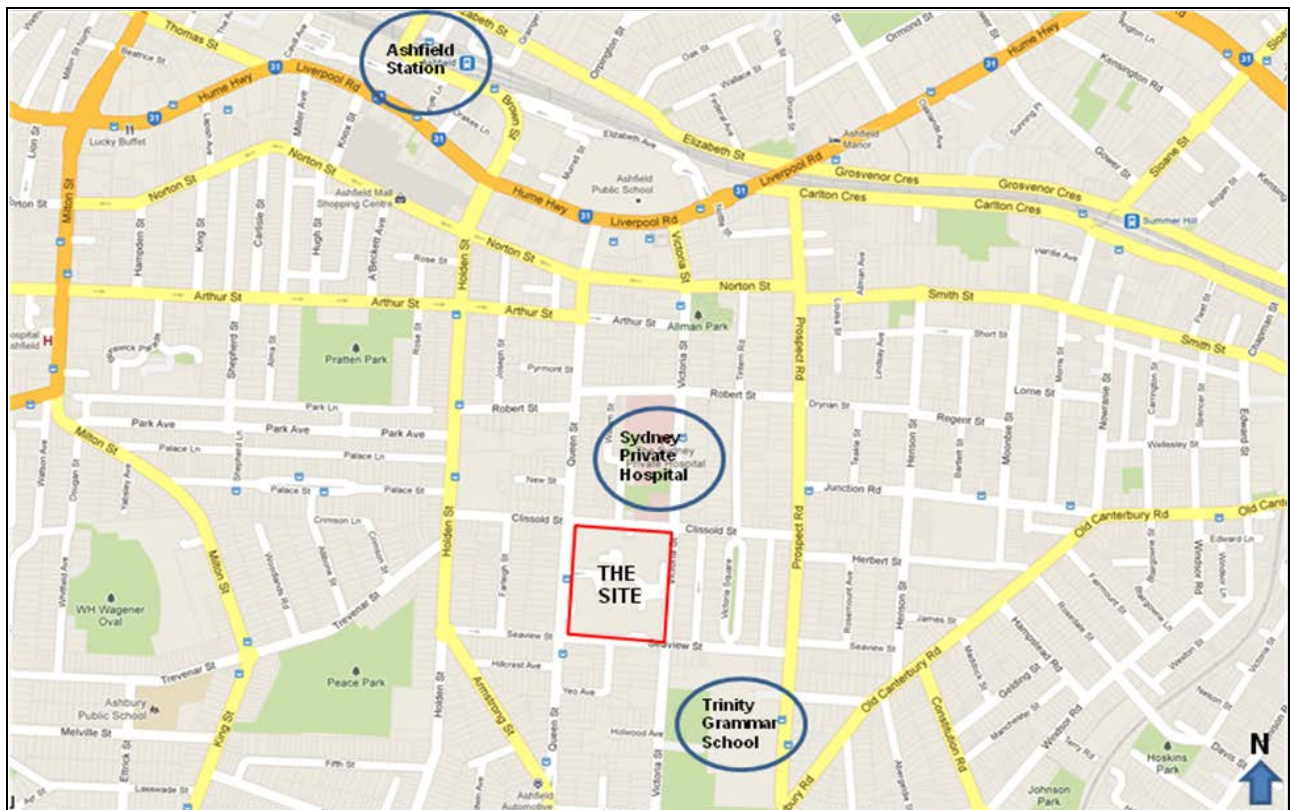


Figure 1: Site location



Figure 2: Aerial photograph of the site and immediate locality

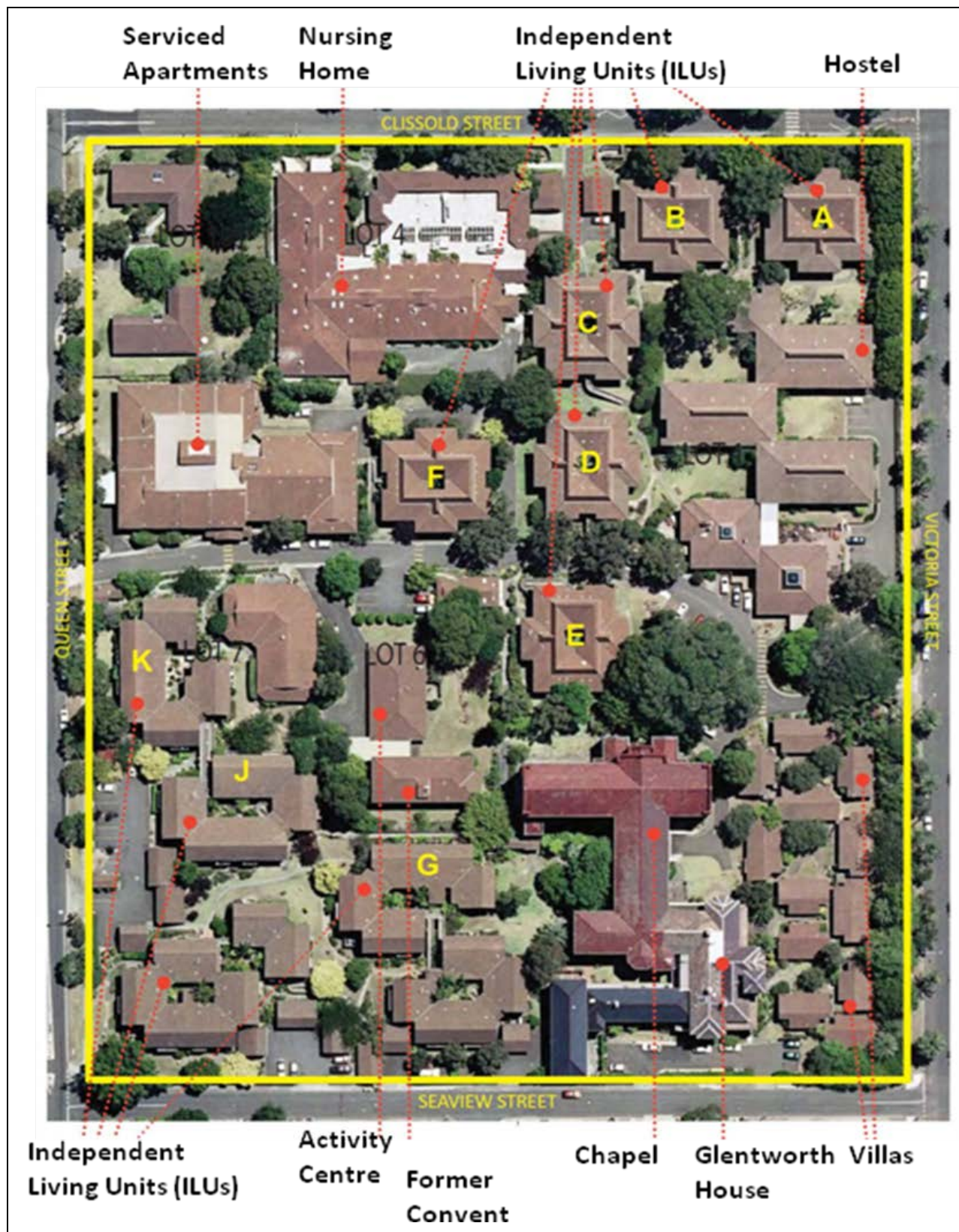


Figure 3: Existing buildings and uses

1.3 Previous approvals

On 20 January 2011, the Planning Assessment Commission (PAC) approved the concept plan (MP08_0260) and project application (MP08_0245) for the redevelopment of the retirement village over five stages.

The concept approval comprises the following:

- 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 (ILU);
- 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.

The project approval comprises:

- 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.

On 9 April 2013, modifications were approved (MP08_0245 MOD1 and MP08_0260 MOD1) by the Executive Director, Development Assessment Systems and Approvals. The modifications increased the number of independent living units, RACF bedspaces, car parking spaces and proposed floor area, reduced the total number of building envelopes, removed the existing serviced apartments building, modified proposed building treatments, consolidated construction staging (reduction from 5 to 2 stages) and realigned the east-west road.

The approved development is shown at **Figures 4 to 6**.

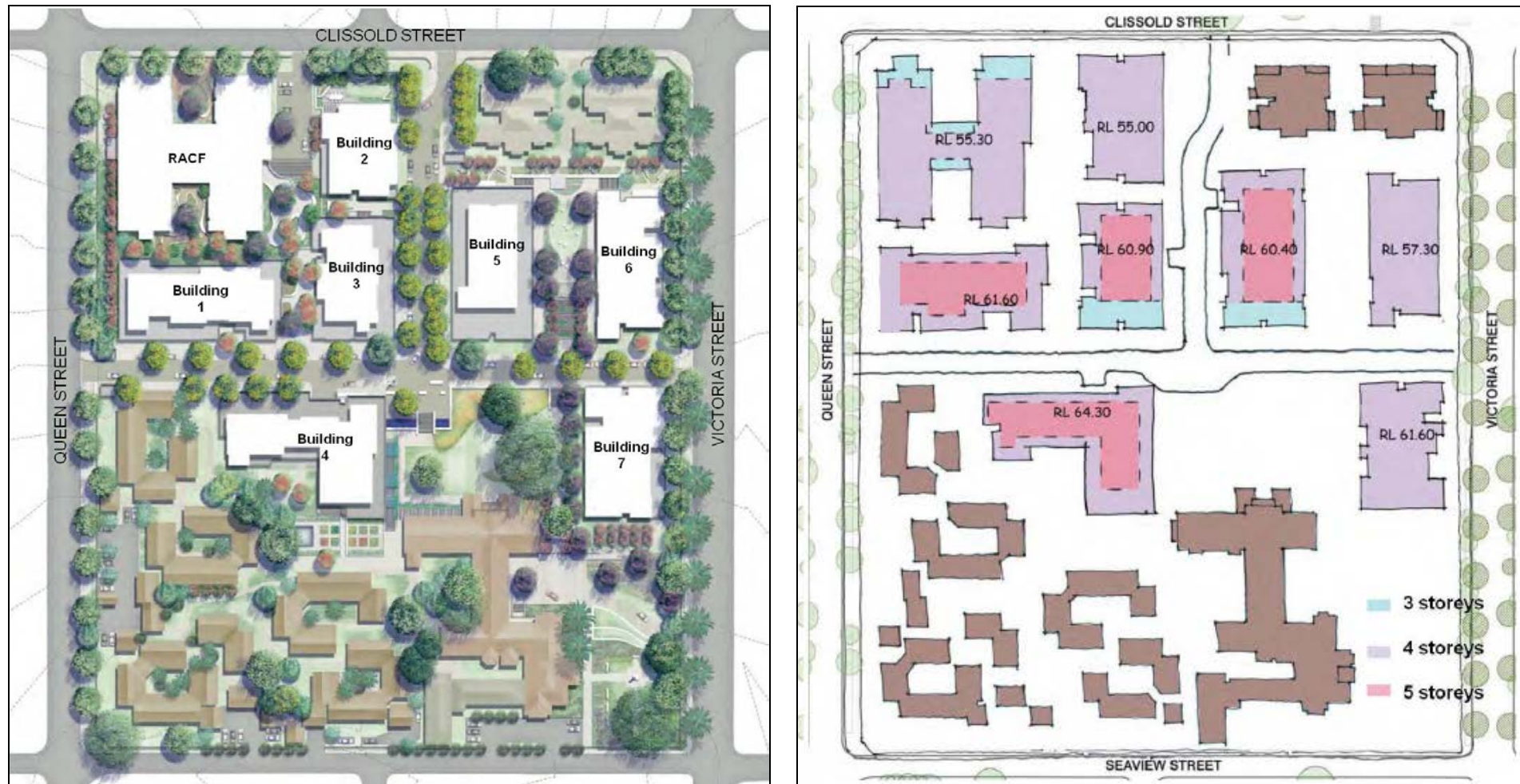


Figure 4: The approved concept plan layout (left) and approved Building Height Plan (right)

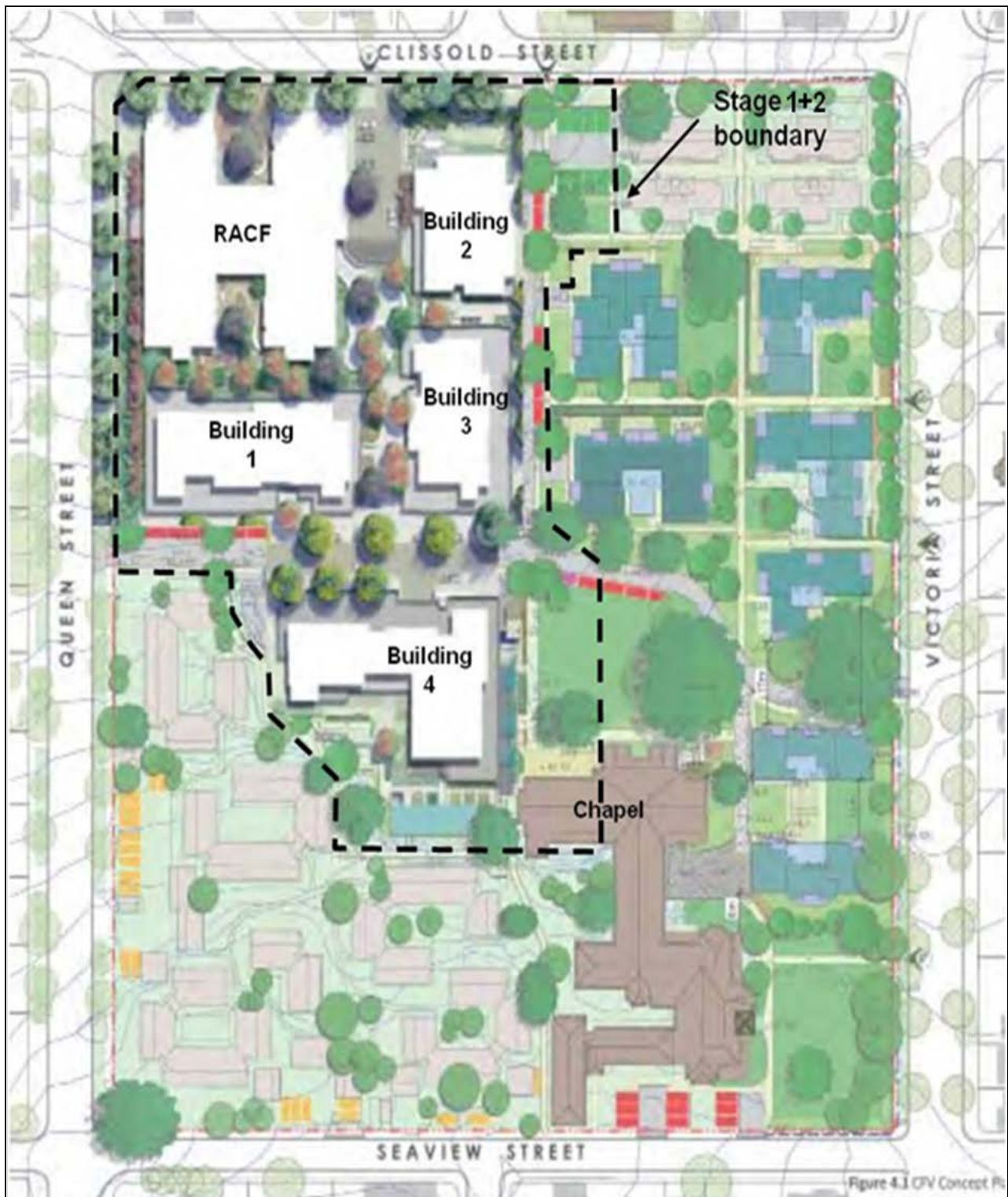


Figure 5: The approved Stage 1 project application layout

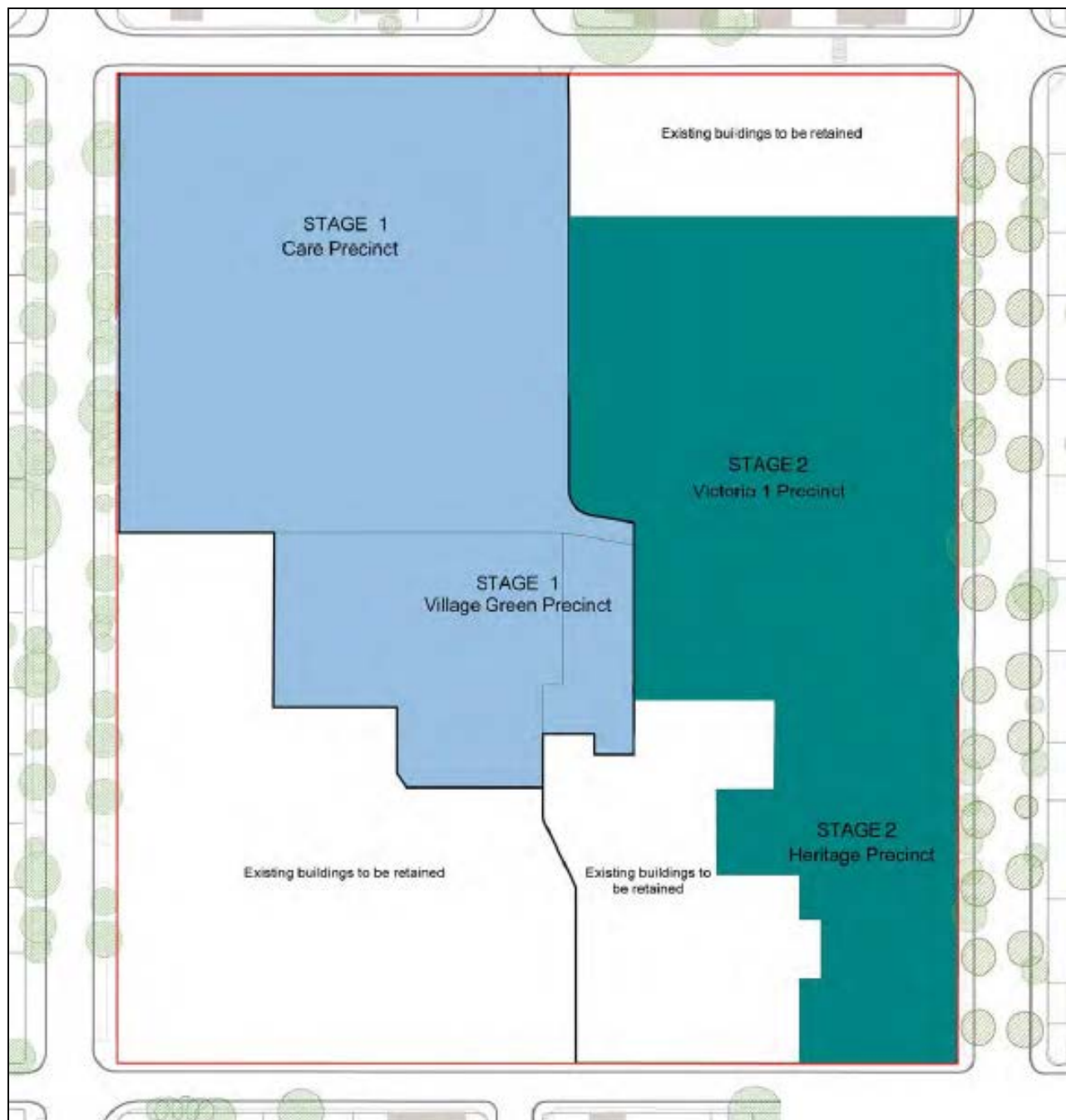


Figure 6: Approved staging plan

2. PROPOSED MODIFICATION

2.1 Modification Description

On 19 September 2013, Aeuvum Ltd lodged modification applications under section 75W of the EP&A Act to modify the concept plan and stage 1 project approval. The modifications primarily relate to staging and construction scheduling and minor internal and external changes to approved buildings.

On 13 January 2014 (updated on 18 March 2014 and 4 April 2014) the proponent submitted a Response to Submissions including its response to Council's comments, which included comparison plans, height justifications, clarification of building façade treatments and further information to describe/clarify the proposed modification.

The modification requests, as amended, propose the following key changes:

MP08_0245 MOD1 concept plan:

- removal of the requirement restricting the commencement of the construction of Stage 2 until after 12 months has lapsed since the final Occupation Certificate is issued for Stage 1; and
- associated amendments to terms of determination, terms of approval, modifications, conditions and Statement of Commitments.

MP08_0260 MOD1 project application:

- internal and external changes to the design of ILU Buildings 2, 3, 4 (and resultant change to unit mix) and the Chapel undercroft;
- amendment of the order and scheduling of construction of Buildings and the RACF;
- alteration of the location of temporary services during construction;
- amendment to the timing of the removal and storage of the entry gates from Victoria Street; and
- associated changes to conditions.

Images of the proposed modification are shown at **Figures 7 to 9**. Further details of the proposed modification are provided at **Appendix A**.

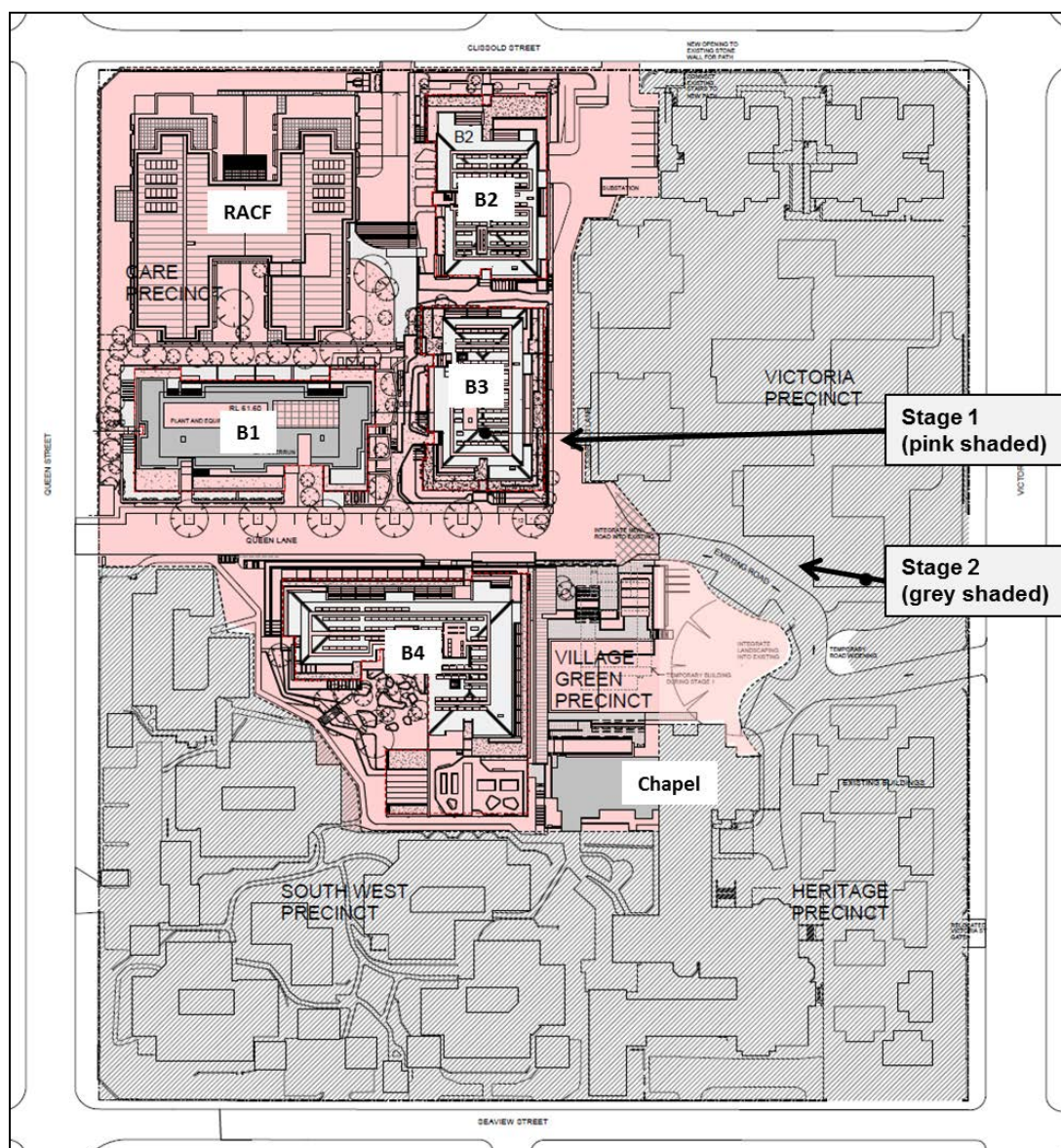


Figure 7: Proposed staging plan (Base image source: proponent's RtS)



Figure 7: Approved (left) and modified (right) eastern elevations of Building 3 (Source: proponent's RtS)



Figure 8: Approved (left) and modified (right) eastern elevation of Building 4 (Source: proponent's RtS)



Figure 9: Approved (top) and modified (bottom) northern elevation of Building 4 (Source: proponent's RtS)

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 department 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 for 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 are required.

3.3 Secretary's 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 applications.

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 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 has not objected to the proposed modifications. However, Council reiterated its objection to the relocation of the heritage gates, which was previously approved as part of the original applications as discussed in **Section 5.2**. Council also objected to two aspects of the original modification request, which are now no longer being pursued.

No 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 department is required to make the modification request publicly available. The department:

- referred the applications to Ashfield Council for comment; and
- made the applications publicly available on the department's website.

Ashfield Council raised the following concerns and comments:

- the removal of the Victoria Street gates is not supported due to adverse heritage impacts;
- there is no concern about internal changes;
- the proposed staging is unclear and should not impact on residents or local amenity;
- the variations to Statement of Commitments are minor (to be considered by the department);
- the payment of s94 contributions 'prior to occupation' is not supported (it is noted that this is no longer proposed); and
- the deletion of condition C4 relating to the survey of Long Nosed Bandicoot is not supported (it is noted that this is no longer proposed).

No public submissions were received raising objections to the modification.

The department notes that the proposed changes relating to the timing of S94 contributions and the Long Nose Bandicoot survey are now no longer sought. The department has considered the remaining key issues raised in Council's submission in its assessment of the proposed modifications.

5. ASSESSMENT

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

- staging;
- Victoria Street gates and piers;
- built form; and
- amendments to the wording of the concept and project approvals.

5.1 Staging

The department considers that the two principal issues relating to Staging are:

- Stage 1 construction schedule; and
- deletion of the 12 month lapse requirement.

Stage 1 construction schedule

The modification seeks to amend the construction schedule of Stage 1 to allow for a more flexible approach to the timing and order of the construction of the buildings. The key change is the deferral of the construction of Building 1 to either the end of Stage 1 or to Stage 2. The proponent has confirmed that the deferral of Building 1 is to allow an appropriate amount of time to fully vacate the existing Serviced Apartments building that will be demolished and replaced by Building 1 (refer to **Table 1** and **Figure 11**). The amendment to the construction schedule is not expected to impact on the duration of construction of Stage 1.

Table 1: Approved and proposed Stage 1 construction schedules

Approved Stage 1 construction schedule:		Proposed Stage 1 construction schedule:	
Phase 1	Residential Aged Care Facility;	Phase 1	Residential Aged Care Facility, Building 2, Building 3 and Chapel undercroft
Phase 2	Phase 2: Building 2 and 3;	Phase 2	Building 4 and temporary service buildings
Phase 3	Phase 3: Building 1; and	Phase 3	Village Green and removal of temporary service buildings
Phase 4	Phase 4: Building 4 and part of the Village Green.	Phase 4 or Stage 2	Building 1

Although Council commented that the revised staging sequence was unclear, it did not object subject to ensuring that there are no adverse impacts on residents or local amenity.

The department notes that the revised indicative construction schedule represents a re-ordering of the construction sequence of the buildings rather than an increase in the duration of construction time. It is also noted that the Construction Management Plan submitted with the EA confirms that construction process would be coordinated and would move from one phase to the next without delay.

The department considers that the proposed alteration of the construction schedule would not result in any noticeable difference to the impact on the local amenity of the area. Further, the earlier delivery of the Village Green central open space is considered to be a positive aspect of the revised construction staging. The revised staging would result in a reduced impact on residents (particularly those within the Serviced Apartments) as residents would only be required to move once rather than multiple times before being settled in their new homes.

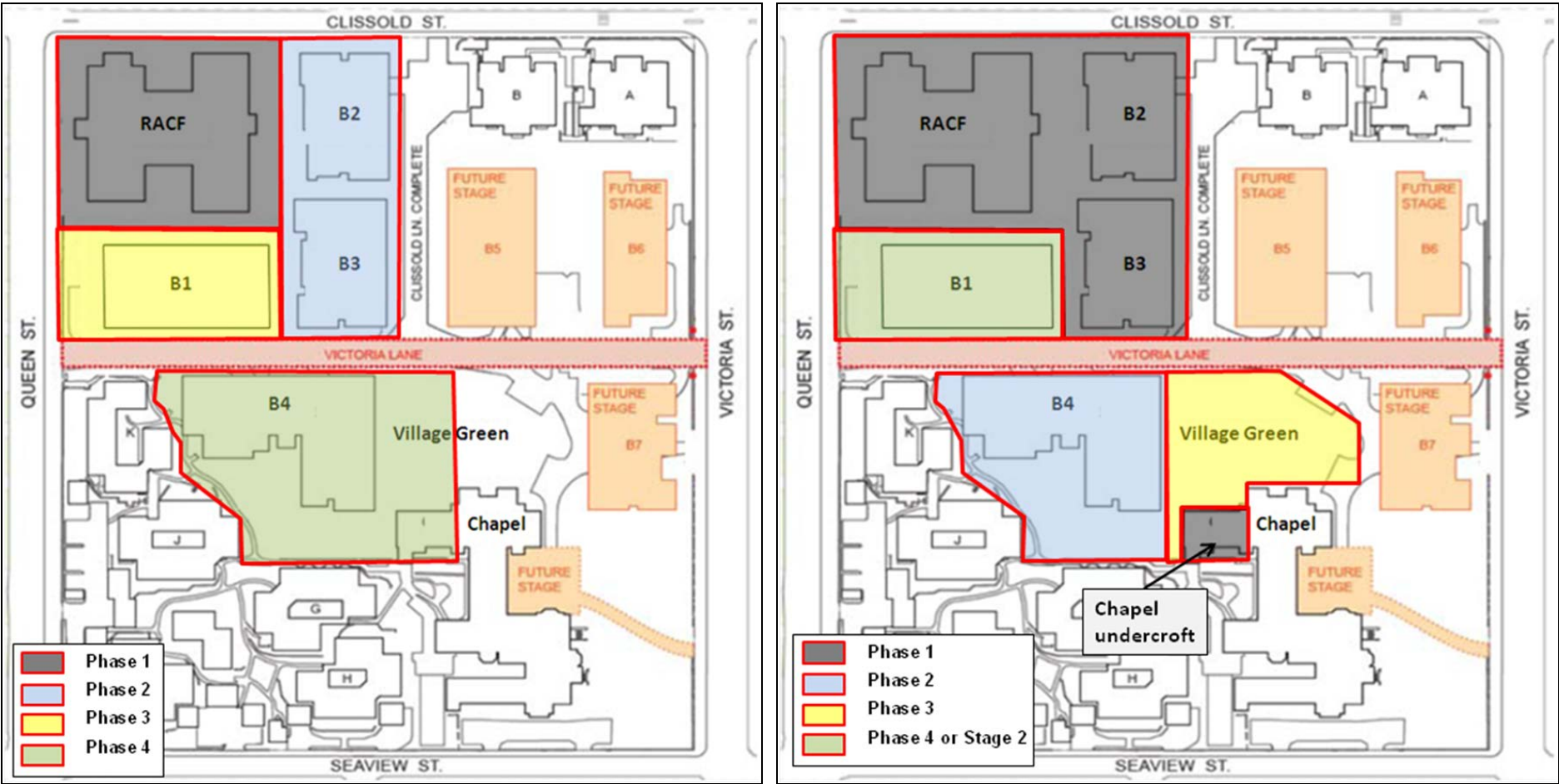


Figure 11: Approved (left) and proposed (right) indicative Building construction sequence plans (Base source: Proponent's EA)

Overall the department considers that the amendments to the construction schedule of Stage 1 of the development would not have any adverse impacts on residents or the local amenity. The changes would result in a swifter construction timescale with reduced impacts on residents.

Deletion of 12 month lapse requirement

As part of the original concept approval, a 12 month 'rest period' was proposed between each construction stage of the development to minimise construction impacts on existing residents. Modification 3 of the concept approval states that the construction of Stage 2 cannot commence until 12 months has lapsed since the final Occupation Certificate has been issued for Stage 1.

The proposal seeks to delete Modification 3 of the concept approval, removing the requirement of a 12 month lapse period between Stages 1 and 2. The proponent has consulted residents on the site about this change and the Cardinal Freeman Resident's Committee (CFRC) has confirmed that the majority of residents (88%) supported the deletion of the 12 month lapse requirement as this would allow for a shorter overall construction period (**Appendix B**). Council did not raise any concerns in relation to the deletion of Modification 3.

The department acknowledges that the 12 month rest period was originally offered by the proponent as a construction mitigation measure to reduce disturbance to existing residents. However, the majority of residents have now confirmed that they would prefer a swifter construction period overall (rather than staged and separated construction works). On this basis the department considers that the removal of the 12 month lapse requirement is acceptable. The department therefore recommends that Modification 3 is deleted.

5.2 Victoria Street gates and piers

The application site contains heritage listed fencing along the Victoria Street frontage, which include palisade fencing, formal entrance gates and four piers. As part of the Stage 2 development the original concept approval allowed the creation of a new vehicle entry point for the heritage listed Glentworth House at the south eastern corner of the site and also included the removal and relocation of the formal entrance gates and piers to appropriately frame this new entry point (near the intersection of Victoria and Seaview Streets) (refer to **Figure 10**).

The proposal seeks to modify the timing of the relocation of the Victoria Street gates and piers from Stage 2 to Stage 1 to enable suitable emergency vehicle access to the site during all stages of construction. The gates and piers will be reinstated prior to the issue of an Occupation Certificate for Stage 2.

Council stated that it does not support the principle of the removal and relocation of the gates due to the heritage impacts. However, Council did not raise any concerns regarding the specific change to the timing of the removal/relocation proposed by this modification request.

The department notes Council's concern. However, the removal and relocation of the gates and piers forms part of the original concept approval approved by the PAC. As noted within the department's original assessment report, the relocation of the gates and piers will not have an adverse impact on the heritage items.

The proponent has provided an additional Heritage Report with this application that comprehensively details the methodology for the dismantling, protection, storage and reinstatement of the gates and piers. The analysis and approaches provided in the Heritage Report are considered appropriate.

The department notes that the proponent has consulted with residents about this proposal and the CFRC has confirmed that no residents raised objections to the proposed removal and storage of the gates and piers until their reinstatement at Stage 2. The department considers that the proposed removal and storage of the gates and piers prior to construction of Stage1 commencing

will reduce the risk of damage during construction. On this basis the proposed modification to the timing of the removal of the gates and piers is acceptable.

The department recommends that a new condition be imposed requiring that the removal and relocation be carried out in accordance with the Heritage Report.

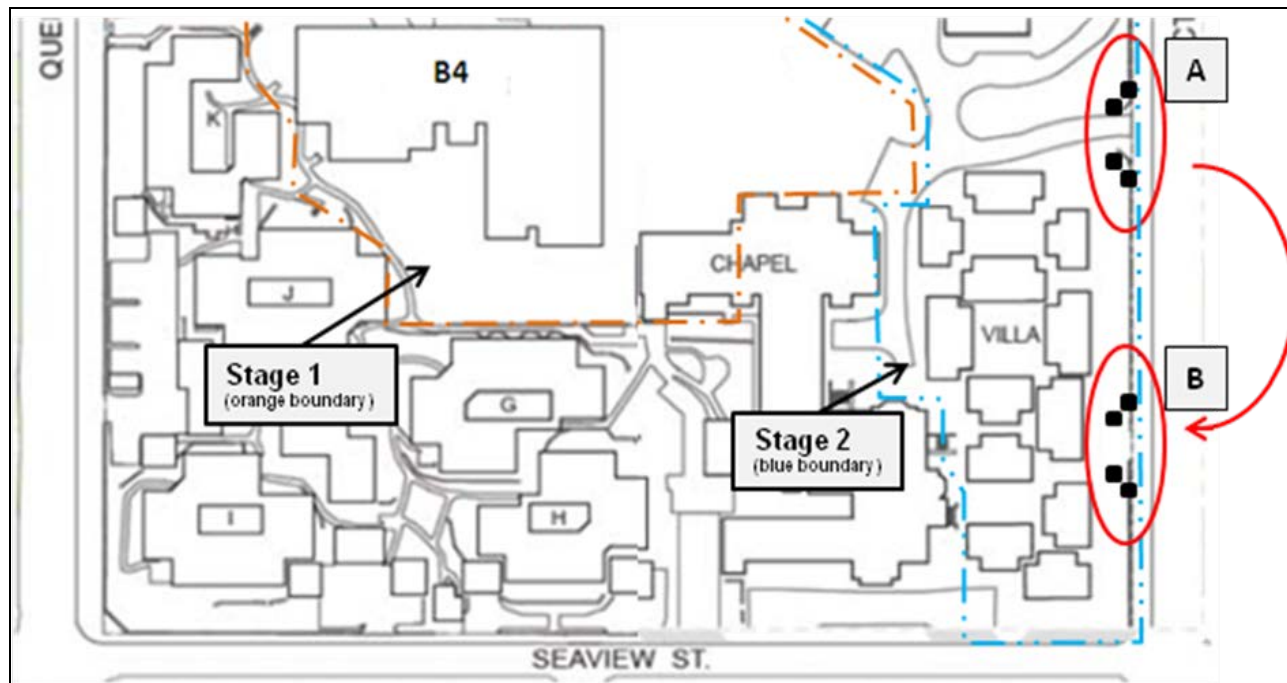


Figure 10: The existing (A) and approved (B) locations of the Victoria Street gates and piers (Base source: proponent's EA)

5.3 Built form

As a result of the evolution of the design development following the approval of the concept plan and project application, the modification proposes external and internal alterations to the proposal.

5.3.1 External alterations

The proposal includes external design changes to Buildings 1, 2, 3 and 4 (refer to **Figure 7 to 9**). The key changes include:

- fenestration alterations;
- replacement of sandstone with brickwork and other change to material palette;
- alteration/replacement of solar shading and deletion of pegolas; and
- further details of plant room, lift overruns and solar panels.

The department notes that there are no material changes to building footprints or heights. In addition, despite the external alterations, the proposed buildings maintain a similar facade and architectural building form and design to the approval. Accordingly, the proposed alterations do not result in any visual impacts and do not adversely impact on the amenity of nearby residential properties.

The department also notes that further detail has been provided of lift overruns and plant rooms and it has been demonstrated that those aspects would not be readily visible from a pedestrian perspective within the public domain (refer to **Figure 12**).

The department considers that the proposed external alterations do not result in buildings that are materially different from the original approval and the changes would not have an unacceptable

impact on neighbouring residential amenity. The proposed alterations are therefore considered acceptable.



Figure 12: Key public domain view west to the eastern elevation of Building 4 and northern elevation of the Chapel. Plant enclosure and lift overrun not visible (Source: proponent's RtS Addendum)

5.3.2 Internal alterations and dwelling mix

The modification seeks minor changes to the internal layouts of the buildings. The proposed revised internal layouts (in terms of circulation and access, unit layout, community facilities within the Chapel undercroft, car parking) are similar to that of the approved development and do not result in an increase in GFA or alterations to car parking numbers.

The department notes that the unit mix of the concept approval is proposed to be modified as follows:

Table 2: Site wide (Stages 1 and 2) amendments to dwelling mix

Unit Type	Studio	1 bed	1 bed + study	2 bed	2 bed + study	3 bed	TOTAL
Approved	8	60	42	118	111	16	355
Proposed	8	56	43	109	128	11	355
+/- change	0	-4	+1	-9	+17	-5	0

The proponent has stated that the revision of the unit mix is in response to market feedback on the needs of residents. The department considers that the proposed amendment to the approved unit mix is minor in nature and notes that the changes do not alter the overall unit numbers. The proposed unit mix is considered to maintain an acceptable balance between smaller and larger sized units and the resulting revised internal layouts of apartments would maintain an appropriate level of residential amenity.

5.4 Amendments to the wording of the concept and project approvals

The department notes, in addition to the above changes, the modification seeks a number of amendments to the wording of the concept approval and project approval. The department considers, as these changes represent minor updates or corrections to the wording of conditions, terms of approval, modifications and Statement of Commitments that they are administrative changes and are therefore acceptable. Council has raised no objection to these modifications.

6. CONCLUSION

The department is satisfied that the proposed modification is consistent with the original concept approval and Project Approval applications (MP08_0245 and MP08_0260) and that the modification applications fall within the scope of Section 75W of the Act.

The department has assessed the proponent's request to modify the concept approval and project approval and has considered Council's submission in response to the proposal.

The key issue raised by Council during the assessment relates to the relocation of the heritage listed gates on Victoria Street. This issue was considered in the original application and found to be acceptable. The current proposal seeks to change the time at which the gates are to be relocated which is of no consequence to the heritage significance of the site and is therefore supported.

The proposed modification does not result in any additional adverse impacts on the surrounding area and the development is considered to be substantially the same as the originally approved development.


The modification applications have been assessed on their merits in accordance with section 75W of the EP&A Act, and the department supports the proposed modifications subject to the modified conditions.

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

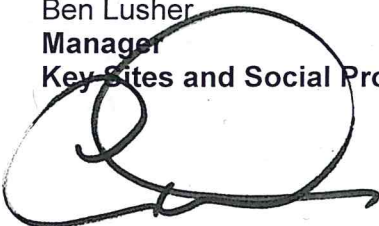
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification requests under delegated authority, subject to modified terms of approval and conditions; and
- (c) **sign** the attached Instruments of Modification for MP08_0245 and MP08_0260.

Endorsed by:

Prepared by Matthew Rosel
Senior Planner



Ben Lusher
Manager
Key Sites and Social Projects



12.6.14

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A MODIFICATION REQUEST

See the department's website at:

1. Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6144

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6145

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6144

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6145

3. Proponent's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6144

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6145

APPENDIX B CARDINAL FREEMAN RESIDENT’S COMMITTEE

Cardinal Freeman Village Residents Committee
261/137 Victoria Street,
ASHFIELD NSW 2131

Mr Calum Ross,
Development Manager/Retirement Living
Stockland, Level 25,
133 Castlereagh St,
Sydney NSW 2000

22nd July, 2013

Dear Mr Ross,
Following the Committee Meeting of 22nd July, 2013, below are the results of the survey undertaken by the Independent Living Residents in Cardinal Freeman Village re the following four questions:

Items required for feedback and approval by Executive Committee

Items for Consideration	
1.	Construction Program 12 month construction break between Stage 2 and Stage 3 to be removed resulting in a shortened overall construction period of approximately 15 months.
2.	Heritage Gates The heritage gates will need to be removed and stored safely for a period of time to allow for fire truck access on site prior to Stage 3 commencing.
3.	Salon & Practitioner/s Room (Doctor) Conversion of part of Serviced Apartments to accommodate for a salon and practitioner/s room (Doctor).
4.	Temporary Community Centre Temporary community centre to be constructed prior to commencing Stage 2.

As there are a number of vacant units, and a number occupied by renters, the overall majority of those who responded returned a positive reply to all four questions and support your proposal.

	for	against	abstained	did not reply
Q 1	129	17	1	
Q 2	148			
Q 3	148	1		
Q 4	143	7		1

Yours faithfully,

CFV Residents Committee,
Irene Sykes
Chair

20/12/2013

R. C. Vern
Dr Robyn C. Vern
Chairperson.

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS
