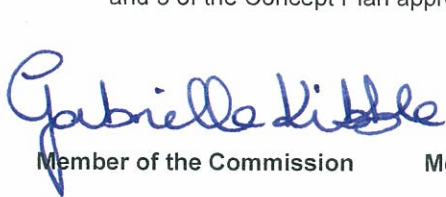


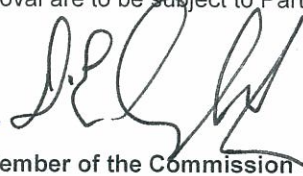
# Concept Approval

## Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 20 December 2010, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the Terms of Approval in Schedule 2 (a) and the Modifications in Schedule 2 (b) and Schedule 3 the Statement of Commitment pursuant to Section 75O of the Environmental Planning and Assessment Act, 1979;
- (b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Cardinal Freeman Village as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that Stages 3, 4 and 5 of the Concept Plan approval are to be subject to Part 4.

  
Member of the Commission

  
Member of the Commission

Member of the Commission

Sydney

20<sup>th</sup> January 2011

### SCHEDULE 1

Application No.:	MP08_0245
Proponent:	Aevum Limited
Approval Authority:	Planning Assessment Commission
Land:	137 Victoria Street, Ashfield (lot 101 DP702245, Lot 4 DP 717062, Lot 6 & 7 DP 717644 and Lot 1 DP 1126717)
Project:	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.

### NOTES RELATING TO THE DETERMINATION OF MP No. 08\_0245

#### Responsibility for other approvals/agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulations

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director General

## DEFINITIONS

In this approval,

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Council** means Ashfield Council.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department or his nominee.

**Environmental Assessment (EA)** means the Environmental Assessment prepared by BBC Consulting Planners and dated March 2010.

**Minister** means the Minister for Planning.

**MP No. 08\_0245** means the Concept Plan described in the Proponent's Environmental Assessment/ Response to Submissions Report.

**MP No. 08\_0260** means the Major Project described in the Proponent's Environmental Assessment/ Response to Submissions Report.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Response to Submissions (RtS)** means the Response to Submissions Report prepared by BBC Consulting Planners and dated August 2010.

**Proponent** means Aevum Limited or any party acting upon this approval.

**Regulation** means the Environmental Planning and Assessment Regulation, 2000 (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**End of Section**

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## **SCHEDULE 2**

### **PART A – TERMS OF APPROVAL**

#### **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 13 separate buildings with heights ranging from 3 to 5 storeys to accommodate a 160 bed Residential Aged Care Facility and approximately 225 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 5000m<sup>2</sup> village green

#### **2. Development in Accordance with the Plans and Documentation**

The approval shall be generally in accordance with MP08\_0245 and the Environmental Assessment prepared by BBC Consulting Planners dated 10 March 2010, except where amended by the Response to Submissions Report dated August 2010 and received by the Department on 1 September 2010, and 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).

**End of Section**

## **PART B – MODIFICATIONS**

Pursuant to Section 75P(1)(a) of the Act the following future environmental assessment requirements apply.

**1. Building Design**

Future Development Applications for Stages 3, 4 and 5 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*.

**2. Landscaping**

The Future Development Application for Stage 5 shall include a Landscape Conservation Management Plan that provides guidance for the restoration of an appropriate garden setting for the Heritage Precinct area.

**3. Staging**

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

**End of Section**

## SCHEDULE 3

MP 08\_0245

### REDEVELOPMENT OF AN EXISTING RESIDENTIAL AGED CARE FACILITY

137 VICTORIA STREET, ASHFIELD

#### STATEMENT OF COMMITMENTS (SOURCE: PREFERRED PROJECT REPORT)

#### STATEMENT OF COMMITMENTS

#### Statement of Commitments

##### A. General

A1. The development will be undertaken generally in accordance with the Environmental Assessment report prepared by BBC Consulting Planners, including accompanying volumes & appendices **and the 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, while allowing for reasonable design development to occur.

A3. The Proponent is committed to the principles of sustainability as defined in the Environmental Planning and Assessment Act, 1979.

##### B. Further Approvals

B1. The Proponent will obtain all necessary approvals and licences required by State and Commonwealth legislation in implementing and operating the project.

B2. The Proponent will obtain Project Approvals prior to undertaking any development approved under the Concept Plan approval.

##### C. Commitment 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

##### D. Demolition, Excavation and Construction Management

D1. The Construction Management Plan in Appendix J of Volume 5 will be updated through consultation with the building contractor in order to comprehensively address the issues raised in Sections 3.4.2 and 5.10 of the Environmental Assessment report and the following.

D2. The Proponent will put in place environmental controls to mitigate the effects of noise, dust, vibration and erosion during demolition, excavation and construction, including the implementation of:

- Demolition and excavation in a manner that meets acoustic criteria for construction as identified in the Acoustic Impact Assessment;
- Construction zones are to be enclosed and contained with semi-permanent solid hoarding to avoid prolonged direct exposure construction works by residents;
- All building materials are to be stored within restricted, designated and properly secured areas;
- Strict noise mitigation of construction activity and construction equipment;

- Strict management of dust by use of screens and/or hose down having particular regard on the impacts on nearby residences; and
- Implementation of erosion and sediment control devices as shown in the set of civil services plans submitted with the Environmental Assessment report.

D3. The building contractor will establish a Safety Plan before work commences on-site detailing safe work methods and procedures to be followed on-site and to ensure compliance with OH&S and statutory requirements, such plan to address safety risks during demolition, excavation and construction activity, including:-

- stability of adjacent structures;
- excavation support;
- falls from heights;
- protection of pedestrians and the provision of safe paths of travel in the vicinity of construction zones;
- provision of alternative access for pedestrians to community facilities and services on the site including external bus stops, letterboxes, garbage collection areas and temporary and permanent administration offices and community facilities,
- traffic controls around the perimeter of the site and within the site.

D4. Construction activities (including demolition and excavation) will only occur between 7.00am and 5.00pm, Monday to Friday. **Construction on Saturdays will be limited to 50% of the Saturdays during the construction period, will be between the hours of 8.00am and 1.00pm and will involve activities that will not generate noise.** and between 8.00am and 1.00pm Saturdays, unless further acoustic analysis of specific noise-producing works has been carried out and endorsed by a qualified acoustic engineer.

D5. The Proponent and contractor are to jointly prepare a consultation plan to be implemented on a regular basis during construction to include effective communication with the residents of the village on construction program and construction activities.

D6. The building contractor will be required to arrange sorting and recycling of waste materials to ensure maximum recycling is achieved, in accordance with the Construction Management Plan.

D7. The Proponent will ensure construction traffic and parking requirements during construction activities are as per the adopted Construction Management Plan:

D8. The Proponent will carry out all construction activities in accordance with relevant environmental protection legislation.

D9. The Proponent will instigate environmental management and mitigation measures during construction activities as per the CMP.

D10. Prior to construction commencing, the Proponent is to implement the Relocation Strategy contained in the Environmental Assessment.

D11. Pedestrian and vehicular access is to be maintained during construction to ensure that access is maintained to and within the site at all times.

## **E. Tree Protection**

E1. Specific tree protection measure and general tree protection measures (as appropriate) will be implemented for the trees identified as being retained in the Aboricultural Assessment Reports appended to the Environmental Assessment.

**F. Biodiversity/Tree Loss**

F1. The proponent will implement the Landscape Plan forming part of the project application.

**G. Acoustic considerations**

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.

G2. Once plant and equipment has been selected for the new buildings, a separate acoustic assessment will be carried out to ensure that noise emissions are controlled, and compliance achieved with the criteria specified in the DECC Industrial Noise Policy guidelines.

**H. ESD**

H1. The Proponent will implement the measures proposed in the Environmental Sustainable Development Assessment, Civil Works reports submitted with the Environmental Assessment.