

CONSOLIDATED APPROVAL

Summary of Modifications

Application Number	Determination Date	Decider	Modification Description
MP08_0245 MOD 1	9 April 2023	Executive Director	<ul style="list-style-type: none">• 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.
MP08_0245 MOD 2	12 June 2014	Executive Director	<ul style="list-style-type: none">• 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_0245 MOD 3	30 August 2024	Director	Changes to Building B1.

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Concept Approval

Section 750 of the *Environmental Planning & Assessment Act 1979*

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 & 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

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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 ~~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 5000m² village green

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 MP08_0245 MOD2 and MP08_0245 MOD 3 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) The Environmental Assessment prepared by BBC Consulting Planners dated September 2013, except where amended by:
 - i. the plans and documentation contained within the Cardinal Freeman Village Environmental Assessment prepared by BBC Consulting Planners (dated September 2013);
 - ii. the Response to Submissions report prepared by BBC Consulting Planners (dated January 2014); and
 - iii. the response to Council's submissions prepared by BBC Consulting Planners (dated 18 March 2014 and 4 April 2014).
- d) The Environmental Assessment prepared by FPD Planning dated March 2024, except where amended by:
 - i) the plans and documentation contained within the Cardinal Freeman Village Environmental Assessment prepared by FPD Planning (dated

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- ii) [March 2024\)](#)
[the Submissions Report prepared by FPD Planning and
accompanying plans and documentation \(dated June 2024\)](#)

End of Section

FOR INFORMATION

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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~~ 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*.

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.

~~3. **Staging**~~

~~The construction of Stage 2 shall not commence until 12 months has lapsed since the final Occupation Certificate is issued for Stage 1.~~

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;

End of Section

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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 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, and the Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Application dated September 2013 and the Environmental Assessment report accompanying Mod 3 to the Concept Plan Approval and Mod 5 to the Project Approval dated March 2024.~~

A2. The development will be undertaken generally in accordance with the architectural, landscape, and civil services drawings submitted with the Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013, and the architectural, landscape and civil plans submitted with the Environmental Assessment report accompanying Mod 3 to the Concept Plan Approval and MOD 5 to the Project Approval, and design principles, strategies and guidelines submitted with the Environmental Assessment report (Mod 1), 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 and the Environmental Assessment report accompanying Mod 4 2 to the Concept Plan Approval and Mod 4 2 to the Project Approval dated ~~October 2012~~ September 2013.

D. Demolition, Excavation and Construction Management

D1. The Construction Management Plan in Appendix ~~Appendix H of Volume 3 of the Environmental assessment report accompanying Mod 1 to the Concept Plan Approval~~

MP 08_0245

NSW Government

Department of Planning, Housing and Infrastructure

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~~and Mod 1 to the Project Approval dated October 2012 Appendix 3 of Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013~~ 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:

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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 report (as amended) accompanying Mod 4 2 to the Concept Plan Approval and Mod 4 2 to the Project Approval dated October 2012 September 2013.

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 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 and as described in the Arboricultural Impact Assessment and Landscape Plans forming part of the Environmental Assessment accompanying Mod 3 to the Concept Plan Approval and Mod 5 to the Project Approval dated March 2024.

F. Biodiversity/Tree Loss

F1. The proponent will implement the Landscape Plan forming part of the project application Environmental Assessment report (as amended) accompanying Mod 4 2 to the Concept Plan and Mod 4 2 to the Project Approval dated October 2012 September 2013 and the Landscape Plan forming part of the Environmental Assessment accompanying Mod 3 to the Concept Plan Approval and Mod 5 to the Project Approval dated March 2024.

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 accompanying Mod 1 to the Concept Plan and Mod 1 to the Project Approval dated 2012.

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 report 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 and changes described in the Environmental Assessment report (as amended) accompanying Mod 2 to Concept Plan Approval and Mod 2 to the Project Approval dated September 2013.