

# Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant  
Executive Director  
Key Sites and Industry Assessments

Sydney 25 October 2017

### SCHEDULE 1

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project Approval:</b>   | <b>MP 10_0044</b> granted by the Planning Assessment Commission on 19 July 2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>For the following:</b>  | A building envelope of 5 levels towards the south-eastern corner of the site providing: <ul style="list-style-type: none"><li>• residential aged care accommodation and support services</li><li>• a retail unit at the ground level</li><li>• parking facilities</li><li>• a public square at the corner of King and Dangar Streets</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Proponent:</b>          | Sir Moses Montefiore Jewish Home                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Approval Authority:</b> | Minister for Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>The Land:</b>           | 100-120 King Street and 30-36 Dangar Street, Randwick                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Modification:</b>       | <b>MP 10_0044 MOD 2:</b> the modification includes: <ul style="list-style-type: none"><li>• increase of five additional special care/dementia beds (from 82 to 87)</li><li>• reconfiguration and reallocation of uses within Building D and Building C</li><li>• infill of the corner terrace at second floor Level 5 Building D with dementia care rooms</li><li>• separation of Building C and Building D (northern component) except for a Level 4 walkway connecting the two buildings</li><li>• provision of a roof top plant room</li><li>• reconfiguration of the Building D internal courtyard</li><li>• reconfiguration of the retail floorspace and public plaza at the Building D King Street frontage</li><li>• reconfiguration of the basement car parking level, including:<ul style="list-style-type: none"><li>○ reduction of 4 basement car parking spaces (from 38 to 34 spaces)</li><li>○ reduction of 2 temporary surface car parking spaces (from 28 to 26 spaces)</li></ul></li></ul> |

- provision of a new loading area to the north east of the basement car parking level under Building D
- amendments to circulation areas and other associated changes.

## SCHEDULE 2

The above approval (MP 10\_0044) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

### A1. Development Description

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

Construction of a building of **5 6** levels toward the south-eastern corner of the site providing:

- residential aged care accommodation and support services;
- a retail/**business/commercial** unit **or community space** at the ground level of 350 m<sup>2</sup>;
- parking facilities; and
- a public square at the corner of King and Dangar Streets.

- (b) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

### A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated September 2010 prepared by JBA Planning and all Appendices, except where varied by:

- the Preferred Project Report submitted in January 2010 and all Appendices;
- the Proponent's Statement of Commitments included in the PPR; **and**
- **the Section 75W modification application (MP 10 0044 MOD 2) prepared by Urbis Pty Ltd, dated 9 December 2016 and Response to Submissions, dated 4 August 2017**
- the following drawings:

| Architectural (or Design) Drawings prepared by Jackson Teece |                                    |                                                                           |                                                    |
|--------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------|
| Drawing No.                                                  | Revision                           | Name of Plan                                                              | Date                                               |
| DA120                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1</u></b> Site Plan                                           | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| <b><u>DA121</u></b>                                          | <b><u>B</u></b>                    | <b><u>Stage 1 Block C &amp; D Level 1</u></b>                             | <b><u>18/01/11</u></b>                             |
| DA122                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 2</u></b> <b><u>Carpark</u></b> | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| DA123                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 3</u></b>                       | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| DA124                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 4</u></b>                       | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| DA125                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 5</u></b>                       | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| DA126                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 6</u></b>                       | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |
| DA127                                                        | <b><u>B</u></b><br><b><u>1</u></b> | <b><u>Stage 1 Block C &amp; Block D Level 7</u></b> <b><u>Roof</u></b>    | <b><u>18/01/11</u></b><br><b><u>30/11/2016</u></b> |

|                                                     |                        |                                                                                 |                                          |
|-----------------------------------------------------|------------------------|---------------------------------------------------------------------------------|------------------------------------------|
| DA130                                               | <b>B</b><br><b>1</b>   | <del>Stage 1 Block C &amp;</del> <b>Block</b> D Elevations                      | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA311                                               | <b>B</b><br><b>1</b>   | <del>Stage 1 Block C &amp;</del> <b>Block</b> D Elevations                      | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA350                                               | <b>B</b><br><b>1</b>   | <del>Stage 1 Block C &amp;</del> <b>Block</b> D Detailed Elevations             | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA351                                               | <b>B</b><br><b>1</b>   | <del>Stage 1 Block C &amp;</del> <b>Block</b> D Detailed Elevations             | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA412                                               | <b>B</b><br><b>1</b>   | <del>Stage 1</del> Sections                                                     | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA413                                               | <b>B</b><br><b>1</b>   | <del>Stage 1</del> Sections                                                     | <del>18/04/11</del><br><b>30/11/2016</b> |
| DA700                                               | <b>B</b><br><b>1</b>   | <del>Stage 1</del> Demolition Plan                                              | <del>18/04/11</del><br><b>30/11/2016</b> |
| <b><u>Landscape Drawings prepared by Oculus</u></b> |                        |                                                                                 |                                          |
| <b><u>Drawing No.</u></b>                           | <b><u>Revision</u></b> | <b><u>Name of Plan</u></b>                                                      | <b><u>Date</u></b>                       |
| <b><u>PA -L102</u></b>                              | <b><u>K</u></b>        | <b><u>LANDSCAPE PLAN DETAIL PLAN (EAST)</u></b>                                 | <b><u>22/11/16</u></b>                   |
| <b><u>PA - L02</u></b>                              | <b><u>F</u></b>        | <b><u>LEVEL 4 &amp; 5 LANDSCAPE PLAN</u></b>                                    | <b><u>04/10/16</u></b>                   |
| <b><u>PA - L103</u></b>                             | <b><u>F</u></b>        | <b><u>LEVEL 6 COURTYARD LANDSCAPE PLAN</u></b>                                  | <b><u>04/10/16</u></b>                   |
| <b><u>PA - L203</u></b>                             | <b><u>C</u></b>        | <b><u>BUILDING D PLAZA SECTION</u></b>                                          | <b><u>21/11/16</u></b>                   |
| <b><u>PA -L-300</u></b>                             | <b><u>D</u></b>        | <b><u>INDICATIVE PLANTING SCHEDULE AD</u></b><br><b><u>PRECEDENT IMAGES</u></b> | <b><u>17/11/16</u></b>                   |

except for:

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

- (c) Schedule 2 Part A – Administrative Conditions, Condition A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **A5. Ecological Sustainable Development**

The development shall be carried out so that the following energy efficiency targets are met (as recommended by the **Sustainability Strategy ESD Report** prepared by **Cundall Associates dated 6 September 2010** **Medland Engineering dated 10 November 2016** and the **Water Savings Letter prepared by DP Consulting Group Pty Ltd dated 07 November 2016**):

- carbon: achieve a reduction of 40% compared against the existing building; and
- water: achieve a reduction of 25% compared against the existing building.

- (d) Schedule 2 Part A – Administrative Conditions is amended by the insertion of the following new Condition A9

#### **A9. Fit-out of retail unit**

**This consent does not approve the fit-out and use of the ground floor level retail / business / commercial / community tenancy.**

- (e) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **B14. Works in Relation to Council Stormwater Infrastructure**

Prior to issuing a Construction Certificate, full design details and specifications for all works relating to Council controlled stormwater pipelines/ infrastructure within the Project Application development site must be submitted to and approved by Council. Works shall be in generally in accordance with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October, 2009 as amended by the Preferred Project Report Appendix H **except as modified by the stormwater drainage concept plan prepared by Emerson and Associates dated 24 November 2016.**

- (f) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **B16. Stormwater Detention**

Onsite stormwater detention shall be provided for the development in general accordance with the design parameters established with the development consent for Development Application 551/2002 and with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October 2009 as amended by the Preferred Project Report Appendix H **and as modified by the stormwater drainage concept plan prepared by Emerson and Associates dated 24 November 2016.** Full design details for the stormwater infrastructure serving the approved works must be submitted to Council for approval, and be approved, prior to the issuing of a Construction Certificate.

- (g) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **B20. Detailed Landscaping Plans**

The landscaping areas shall be the subject of detailed landscaping drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a Construction Certificate. The documentation is to include:

- a) A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- b) A planting plan at scale 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawing at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant species are to be clearly indicated for all accent and groundcovers.
- c) A planting schedule listing all plants by botanical & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of plant at maturity (height and spread) and proposed staking methods (where applicable).

- d) Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- e) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater etc.
- f) Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- g) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscaping plans.
- h) Location of easements within the site and upon adjacent sites (if any).
- i) The proposal shall include at least 4 medium sized trees (minimum mature height of 15m) within the setback building frontages fronting King Street and Dangar Street.**

- (h) Schedule 2 Part B – Prior to Issue of Construction Certificate, is amended by the insertion of the following new Condition B21:

#### **B21. External Walls and Cladding Flammability**

**The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:**

- a) **Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and**
- b) **Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.**

**A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.**

- (i) Schedule 2 Part D – During Construction, Condition D5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **D5. Remediation Works**

Remediation works shall be carried out in accordance with the recommendations of the Site Contamination Review prepared by Cetec, ~~dated July 19 2010, and submitted with the Environmental Assessment dated 07 October 2016.~~

- (j) Schedule 2 Part D – During Construction, Condition D6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **D6. Demolition Work Plan**

A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and carried out in accordance with the document titled 'Site Contamination Review: Sir Moses Montefiore Jewish Home', prepared by Cetec, dated 19 July 2010 **except as modified by the Site Contamination Review prepared by CETEC dated 07 October 2016.**

- The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant detail, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

*Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant Work Cover licences and permits*

**End of Modification  
(MP10\_0044 MOD 2)**