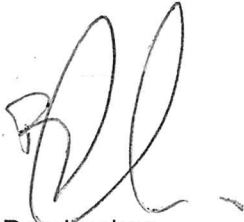


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation dated, 16 February 2015, I approve the modification of the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2 and the revised Statement of Commitments in Schedule 3.



Ben Lusher
A/Director
Key Sites Assessments

Sydney, 13 APRIL 2015

SCHEDULE 1

Project Approval: MP 09_0180

Land: 34-36 Memorial Avenue, Kellyville

For the Following: **Seniors Living Development**, including:

- Residential Aged Care Facility providing 128 rooms (160 beds), with associated resident facilities;
- 7 cluster buildings providing a total of 231 self-contained dwellings;
- Community Centre and Village clubhouse and provision of community facilities;
- basement and at-grade car parking for 290 cars; and
- landscaping.

Modification: MP 09_0180 MOD 6 includes:

- reconfiguration of Clusters 1 and 5 including increase in height from a 4 and a 4-5 storey building to two 5 storey buildings with reconfigured footprints and layout;
- an increase in floor space of 2,629m²;
- an increase in the number of independent living units (ILUs) (from 231 to 244;
- increase in associated basement car parking by 27 spaces;
- associated amendments to landscaping, vehicular access, and stormwater drainage; and
- amendments to the Statement of Commitments.

SCHEDULE 2

CONDITIONS

- a) Condition A1 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text:

A1. Development Description

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

- Construction of Residential Aged Care Facility providing 160 beds (128 rooms), with associated resident facilities;
- 7 cluster buildings providing a total of ~~234~~ **244** self-contained dwellings;
- Community Centre and Village Clubhouse and numerous community facilities;
- basement car parking for ~~234~~ **258** cars (including at least ~~46~~ **34** accessible spaces being provided **in Clusters 2, 3, 4, 6 and 7** in accordance with AS2890.6-2009);
- at-grade car parking for 59 cars (including 8 accessible spaces being provided in accordance with AS2890.6-2009); and
- landscaping including provision of Open Space Park.

- b) Condition A2 is amended by the inclusion of **bold and underlined** text:

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 09_0180 and the Environmental Assessment dated July 2010, prepared by Don Fox Planning Consultants, except where amended by the Preferred Project Report dated 12 November 2010, prepared by Don Fox Planning Pty Ltd, the Section 75W Modification, dated 9 July 2012, prepared by Don Fox Planning Pty Ltd, the Section 75W Modification, dated 28 February 2014 and amended on 30 April 2014, prepared by Don Fox Planning Pty Ltd, the Section 75W Modification, dated 5 September 2014, prepared by Don Fox Planning Pty Ltd, **the Section 75W Modification, dated 15 December 2014 and amended on 17 March 2015, prepared by Don Fox Planning Pty Ltd** and the following drawings:

Drawing No.	Revision	Name of Plan	Drawn By	Date
Architectural Drawings prepared for the Environmental by PTW Architects				
536DA1.08	D	Site Masterplan	McFadyen Architects Pty Ltd	4.11.2010
536DA1.09	K	Architectural Plans	McFadyen Architects Pty Ltd	12.09.2012
536DA1.10	K	Architectural Plans	McFadyen Architects Pty Ltd	09.10.2012
536DA1.11	D	Architectural Plans	McFadyen Architects Pty Ltd	2.4.2010
536DA1.16- 536DA1.18 536DA2.01- 06 & 2.09	C	Architectural Plans	McFadyen Architects Pty Ltd	2.4.2010
536DA2.07 - 08	D	Architectural Plans	McFadyen Architects Pty Ltd	16.10.2012
536DA3.01- 536DA3.18 536DA3.19- 536DA3.26	C	Architectural Plans	McFadyen Architects Pty Ltd	2.4.2010
536DA5.01	C	Materials & Finishes	McFadyen Architects Pty Ltd	2.4.2010

Drawing No.	Revision	Name of Plan	Drawn By	Date
		Schedule	Ltd	
536DA1.12- 536DA1.15	D	Architectural Plans	McFadyen Architects Pty Ltd	10.1.2011
Landscape Plan				
Pages 1- 20	-	Landscape Masterplan	Taylor Brammer Landscape Architects Pty Ltd	16 April 2010
A10036V	-	Landscape Restoration Management Plan	Travers Bushfire & Ecology	4 November 2010
A10036T	-	Tree Assessment	Travers Bushfire & Ecology	5 May 2010
Other				
536D4.06	C	Waste Management Plan	McFadyen Architects Pty Ltd	April 2010
-	-	Kellyville Community Village- Overview of Operations & Management		April 2010
-	-	Construction Waste Management Plan	Hanna Newman Associates Pty Ltd	March 2010
-	-	Construction Traffic Management Plan	Hanna Newman Associates Pty Ltd	April 2010
H-01- H2, H06, H08, H10	P3	Hydraulic Services	Building Services Engineers Pty Ltd	30.3.2010
H03	P1	Hydraulic Services	Building Services Engineers Pty Ltd	30.3.2010
H04- H05, H07, H11	P4	Hydraulic Services	Building Services Engineers Pty Ltd	15.4.2010
H09	P4	Hydraulic Services	Building Services Engineers Pty Ltd	22.4.2010
08110	-	Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	April 2010
11422/1-AA	-	Contamination Assessment	Geotechnique Pty Ltd	30 May 2007
Project 71123	-	Report on Geotechnical Investigation	Douglas Partners	September 2009
3988-3	-	Road Traffic Noise Intrusion Report	Day Design Pty Ltd	8 April 2010
3988-4	-	Environmental Noise Impact	Day Design Pty Ltd	8 April 2010
3988-5	-	Construction Noise and Vibration Management Plan	Day Design Pty Ltd	8 April 2010
-	-	Aboriginal Heritage Assessment for Lot 41 DP 10702 & Lot 401 DP 1125136	Jo McDonald Cultural Heritage Management Pty Ltd	April 2010
Final v3	-	Accessibility Report	Morris-Goding Accessibility Consulting	26 March 2010
318918M_05		BASIX Certificate	Department of Planning	4 November 2010

Drawing No.	Revision	Name of Plan	Drawn By	Date
4447DA_A	-	Drawings 1- 6	Mepstead and Associates	30 December 2011

as amended by the following drawings for the Residential Aged Care Facility:

Drawing No.	Revision	Name of Plan	Drawn By	Date
Architectural Drawings				
536_DD_A_001	E	Site Plan	McFadyen Architects Pty Ltd	25.02.2014
PT_A_002	G	Ground Floor Plan	McFadyen Architects Pty Ltd	15.08.2014
PT_A_003	G	First Floor Plan	McFadyen Architects Pty Ltd	15.08.2014
PT_A_004	G	Second Floor Plan	McFadyen Architects Pty Ltd	15.08.2014
PT_A_005	F	Roof Plan	McFadyen Architects Pty Ltd	15.08.2014
536_DD_A_006	C	Typical Room Plans	McFadyen Architects Pty Ltd	25.02.2014
536_DD_A_007	F	Site Elevations	McFadyen Architects Pty Ltd	17.04.2014
PT_A_007	G	Site Elevations	McFadyen Architects Pty Ltd	15.08.2014
536_DD_A_008	F	Site Elevations	McFadyen Architects Pty Ltd	17.04.2014
PT_A_008	G	Site Elevations	McFadyen Architects Pty Ltd	15.08.2014
536_DD_A_009	F	Site Sections	McFadyen Architects Pty Ltd	17.04.2014
PT_A_009	G	Site Sections	McFadyen Architects Pty Ltd	15.08.2014
Landscape Plan				
LC00	C	Cover Sheet	Taylor Brammer Landscape Architects Pty Ltd	17.04.14
LC01	C	Masterplan Ground Floor	Taylor Brammer Landscape Architects Pty Ltd	17.04.14
LC02	C	Masterplan Level 1	Taylor Brammer Landscape Architects Pty Ltd	17.04.14
LC03	C	Cross Sections	Taylor Brammer Landscape Architects Pty Ltd	17.04.14
LC04	C	Cross Sections	Taylor Brammer Landscape Architects Pty Ltd	17.04.14
Other				
H01	B	Hydraulic Services	Building Services Engineers Pty Ltd	28.01.2014
H02	B	Hydraulic Services	Building Services Engineers Pty Ltd	28.01.2014

Drawing No.	Revision	Name of Plan	Drawn By	Date
H03	C	Hydraulic Services	Building Services Engineers Pty Ltd	17.04.2014
H04	C	Hydraulic Services	Building Services Engineers Pty Ltd	17.04.2014
H05	B	Hydraulic Services	Building Services Engineers Pty Ltd	28.01.2014

as amended by the following drawings for Clusters 1 and 5:

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Drawn By</u>	<u>Date</u>
<u>Architectural Drawings</u>				
<u>DA 75W 1.08</u>	<u>D</u>	<u>Site Plan</u>	<u>McFadyen Architects Pty Ltd</u>	<u>19.03.2015</u>
<u>DA 75W 1.18</u>	<u>D</u>	<u>Site Section A-A</u>	<u>McFadyen Architects Pty Ltd</u>	<u>20.03.2015</u>
<u>DA 75W 3.01</u>	<u>C</u>	<u>Typical Floor Plan / Carpark Plan Cluster 1</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.12.2014</u>
<u>DA 75W 3.04</u>	<u>C</u>	<u>Cluster 1 - Elevations</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.12.2014</u>
<u>DA 75W 3.05</u>	<u>C</u>	<u>Cluster 1 – Elevation / Sections</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.12.2014</u>
<u>DA 75W 3.15</u>	<u>D</u>	<u>Typical Floor Plan / Carpark Plan Cluster 5</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.03.2015</u>
<u>DA 75W 3.16</u>	<u>D</u>	<u>Typical Floor Plan Level 1 - 4 Cluster 5</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.03.2015</u>
<u>DA 75W 3.17</u>	<u>D</u>	<u>Cluster 5 - Elevations</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.03.2015</u>
<u>DA 75W 3.18</u>	<u>D</u>	<u>Cluster 5 – Elevations / Sections</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.03.2015</u>
<u>DA 75W 5.01</u>	<u>C</u>	<u>External Finishes Schedule</u>	<u>McFadyen Architects Pty Ltd</u>	<u>11.12.2014</u>
<u>Landscape Plan</u>				
<u>LC00</u>	<u>B</u>	<u>Landscape Concept Sheet</u>	<u>Taylor Brammer Landscape Architects Pty Ltd</u>	<u>15.12.2014</u>
<u>LC01</u>	<u>D</u>	<u>Landscape Concept Cluster 5</u>	<u>Taylor Brammer Landscape Architects Pty Ltd</u>	<u>16.03.2015</u>
<u>LC02</u>	<u>B</u>	<u>Landscape Concept Cluster 1</u>	<u>Taylor Brammer Landscape Architects Pty Ltd</u>	<u>15.12.2014</u>
<u>LC03</u>	<u>B</u>	<u>Landscape Cross Sections</u>	<u>Taylor Brammer Landscape Architects Pty Ltd</u>	<u>15.12.2014</u>
<u>Other</u>				
<u>H01</u>	<u>A</u>	<u>Hydraulic Services Legend, General Notes and Drawing List</u>	<u>Building Services Engineers Pty Ltd</u>	<u>15.12.2014</u>

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Drawn By</u>	<u>Date</u>
<u>H03</u>	<u>A</u>	<u>Hydraulic Services Site Stormwater – Cluster 1</u>	<u>Building Services Engineers Pty Ltd</u>	<u>15.12.2014</u>
<u>H04</u>	<u>A</u>	<u>Hydraulic Services Site Stormwater – Cluster 5</u>	<u>Building Services Engineers Pty Ltd</u>	<u>15.12.2014</u>
<u>H05</u>	<u>A</u>	<u>Hydraulic Services Roof Plan - Drainage</u>	<u>Building Services Engineers Pty Ltd</u>	<u>15.12.2014</u>

except for:

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

- c) Condition B17 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text:

B17. Design of Basement Car Parking

The standard basement car parking spaces **within Clusters 2, 3, 4, 6 and 7** must be constructed in a manner which would not preclude them from being converted into designated shared areas in accordance with AS2890.6 Parking Facilities – Off-Street Parking for People with Disabilities, at a later date.

- d) Condition B18 is added by the inclusion of **bold and underlined** text:

B18. Privacy between Clusters 4 and 5

Prior to the issue of a construction certificate for Clusters 4 or 5 (whichever is issued first), amended plans shall be submitted to the satisfaction of the PCA showing method(s) / treatment(s) to prevent overlooking between Clusters 4 and 5. Method(s) and treatments may include (but are not limited to) raising sill heights to 1.8 metres, including obscured glazing to 1.8m, installation of privacy screening, dense hedge planting between the two buildings, architectural features, and re-oriented windows.

- e) Condition E21 is added by the inclusion of **bold and underlined** text:

E21. Replacement Tree Planting

Prior to the issue of an occupation certificate for either Clusters 1 or 5 (whichever is issued first), ten new *Eucalyptus crebra* trees (minimum 6" diameter pot size and minimum 1m in height) are to be planted and established within the CPW reserve and protected from grazing animals in accordance with the *Travers Bushfire and Ecology* report dated 15.12.2014 and submitted with the MOD 6 Section 75W application, and Site Plan DA75W 1.08 Rev D dated 19/03/2015.

- f) Condition F10 is amended by the deletion of the ~~struck-out~~ words and the inclusion of **bold and underlined** text:

F10. Basement Car Parking

- a. A minimum total provision of 46 **34** disabled parking spaces (in accordance with the requirements of AS2890.6) is to be provided within the basement parking areas **of Clusters 2, 3, 4, 6 and 7** for the exclusive use of residents of the Independent Living Units.
- b. Nothing in this approval, restricts the ability of the Proponent from converting some of the standard car parking spaces into shared areas (as defined by AS2890.6) to accommodate additional disabled car parking spaces, at a later date.
- c. Despite part b of this condition, the total number of basement car parking spaces for the development shall not be less than 142 spaces.

SCHEULDE 3

- g) The proponent's Statement of Commitments 7, 8 and 26 are amended by the deletion of the ~~struck out~~ words and the inclusion of **bold and underlined** text, and Commitment 9A is added by the inclusion of **bold and underlined** text:

No.	Statement of Commitment	Timing
7	BCS will create a managed Open Space Park for the conservation and restoration of the CPW and to assist in conserving habitat. The managed Open Space Park will occupy the area indicated on Schedule 1 of the Landscape Restoration Management Plan, prepared by Travers Bushfire and Ecology and dated May 2010 (as amended November 2010) <u>as amended by the details provided by Travers Bushfire and Ecology dated 15 December 2015 and Drawing No DA75W 1.08 Rev D dated 19/03/2015 submitted with MOD 6 Section 75W application</u>	The managed open space park will be created as part of Stage 1 of the Project.
8	The Proponent will carry out the management measures and actions as contained in the following sections of the Landscape Restoration Management Plan, prepared by Travers Bushfire and Ecology and dated May 2010: 1. Section 5 - Restoration Strategy 2. Section 6 - Weed Management 3. Section 7 - Management and Monitoring 4. Section 8 - Performance Targets 5. Section 9 - Program Works <u>as amended by the details provided by Travers Bushfire and Ecology dated 15 December 2015 and Drawing No DA75W 1.08 Rev D dated 19/03/2015 submitted with MOD 6 Section 75W application</u>	Works and maintenance will be carried out as per the timing in the Landscape Restoration Management Plan, prepared by Travers Bushfire and Ecology and dated May 2010, as amended November 2010, as amended November 2010.
9A	<u>Baptistcare (previously known as BCS) will amend the Section 88B Instrument registered on the title of the subject property in relation to the managed open space park to reflect the additional area shown in red on Drawing No DA75W 1.08 Rev D dated 19/03/2015 and submitted with MOD 6 Section 75W application to modify the approval issued in relation to MP09 0180.</u>	
26	BCS commits to providing a minimum of 234 <u>258</u> CVU car parking spaces, including 53 accessible spaces, underneath the CVUs. The accessible spaces will be designed to comply with AS 2890.6 (2009). <u>At least 11 of the spaces to be provided within the basements of Clusters 1 and 5</u>	Details will be documented on a stage by stage basis for the construction certificate for each building

No.	Statement of Commitment	Timing
	<p><u>will have a minimum width of 3.8m and all remaining spaces in Clusters 1 and 5 will have a minimum width of 3.2m.</u></p> <p><u>For Clusters 2, 3, 4, 6 and 7, a total of 34 accessible spaces will be provided and these spaces will be provided in accordance with AS2890.6-2009</u></p> <p>All other car parking areas ramps, grades, aisles and manoeuvring areas will be designed to comply with AS2890.1.</p>	