

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

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

As delegate of the Minister for Planning, we approve the modification application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

MEMBER OF THE COMMISSION

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Sydney 2016

SCHEDULE 1

Application Number:	MP09_0188
Proponent:	Urbis Pty Ltd
The Authority:	Minister for Planning
The Land:	100-120 King Street and 30-36 Dangar Street, Randwick
Concept Approval:	Montefiore Concept Plan granted on 19 July 2011 by the Planning Assessment Commission
Project:	<p>Expansion of an existing residential aged care facility including retail space and childcare centre</p> <p>Stage 1 A building envelope of five levels toward the south-eastern corner of the site providing residential aged care accommodation and support services, a retail unit, parking facilities and public square.</p> <p>Stage 2 A building envelope of between four to six levels towards the south-western corner of the site providing residential aged care accommodation and ancillary spaces, a new child care centre to replace the existing and associated car parking.</p>
Modification:	<p>MP 09_0188 MOD 2: modification includes:</p> <ul style="list-style-type: none">• amendment to building envelopes C, D and E (including a new envelope F);• increase of 68 Independent Living Units (ILUs) (from 36 to 104), an increase of 15 special care/dementia beds (from 94 to 109), reduction of 170 residential aged care beds (from 187 to 17);• reduction of 40 childcare centre places (from 80 to 40 places);

- increase of 63 car parking spaces (from 217 to 280 spaces);
- use of the tenancy adjacent to the public plaza for retail, business, commercial and community-related uses; and
- modification to access, landscaping and other minor amendments.

The Concept Plan for MP09_0188 is modified as follows:

**SCHEDULE 2
PART A – TERMS OF APPROVAL**

- (a) Schedule 2 Part A – Term of Approval 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

1 Development Description

Concept Plan approval is granted for the development as described below:

- a. ~~Two-Three~~ new building envelopes (known as Buildings D ~~and E and F~~) of between 4-~~6~~7 storeys in height and an additional level (level 6) above the existing aged care facility (Building C);
- b. a new child care centre as part of Building ~~E F~~ to replace the existing, with associated access and car parking;
- c. use of the Buildings D ~~and E and F~~ and additional level on Building C for the purpose of a range of seniors housing, residential aged care accommodation and ancillary spaces;
- d. public space/square on the corner of King and Dangar Streets;
- e. a retail/business/commercial or community space of 350m² at the street level fronting onto the public square/space;
- f. a ~~total of maximum~~ provision of ~~217~~ 280 car parking spaces; and
- g. associated landscaping and drainage infrastructure.

- (b) Schedule 2 Part A – Terms of Approval 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

2 Development in Accordance with the Plans and Documentation

The approval shall be generally in accordance with:

- a) MP 09_0188 and with the Environmental Assessment dated September 2010 prepared by JBA Planning Consultants, except where amended by the Preferred Project Report dated January 2011 prepared by JBA Planning Consultants and additional information to the Preferred Project Report, and the following drawings prepared by Jackson Teece and Oculus;
- b) Section 75W Modification to Concept Plan MP 09 0188 (MOD1), prepared by JBA Planning Consultants, dated 1 December 2011;
- c) Section 75W Modification to Concept Plan MP 09 0188 (MOD2), prepared by Urbis, dated October 2015; and
- d) The following drawings.

Concept Plan Drawings prepared by Jackson Teece (as part of PPR)		
Drawing Ref	Name of Plan	Date
<u>MA1.01Rev.1</u>	Site Analysis Plan - Proposed <u>SITE PLAN</u>	January 2011 <u>May 2016</u>
<u>MA1.02Rev.1</u>	RL Height Diagram <u>RL HEIGHT DIAGRAM</u>	January 2011 <u>May 2016</u>
<u>MA1.03Rev.1</u>	Staging Diagram <u>CONSTRUCTION STAGING PLAN</u>	January 2011
<u>MA2.01Rev.1</u>	<u>BASEMENT LEVEL 2 CARPARK</u>	<u>May 2016</u>
<u>MA2.02Rev.1</u>	<u>BASEMENT LEVEL 1 CARPARK</u>	<u>May 2016</u>

<u>MA2.03Rev.1</u>	<u>LOWER GROUND LEVEL FLOOR PLAN</u>	<u>May 2016</u>	
<u>MA2.04Rev.1</u>	<u>GROUND LEVEL FLOOR PLAN</u>	<u>May 2016</u>	
<u>MA2.05Rev.1</u>	Level 1 Floor Plan <u>LEVEL 1 FLOOR PLAN</u>	January 2011 <u>May 2016</u>	
<u>MA2.06Rev.1</u>	Level 2 Floor Plan <u>LEVEL 2 FLOOR PLAN</u>	January 2011 <u>May 2016</u>	
<u>MA2.07Rev.1</u>	Level 3 Floor Plan <u>LEVEL 3 FLOOR PLAN</u>	January 2011 <u>May 2016</u>	
<u>MA2.08Rev.1</u>	Level 4 Floor Plan <u>LEVEL 4 FLOOR PLAN</u>	January 2011 <u>May 2016</u>	
<u>MA2.09Rev.1</u>	Level 5 Floor Plan <u>LEVEL 5 FLOOR PLAN</u>	January 2011 <u>May 2016</u>	
	Level 6 Floor Plan	January 2011	
<u>MA2.10Rev.1</u>	<u>ENVELOPE ELEVATION</u>	<u>May 2016</u>	
	Site Elevations	January 2011	
<u>MA3.02Rev.1</u>	Site Setbacks <u>SITE SETBACKS</u>	January 2011 <u>May 2016</u>	
<u>MA3.03Rev.1</u>	<u>SITE SETBACKS</u>	<u>May 2016</u>	
<u>MA3.04Rev.1</u>	Detailed Sections <u>DETAILED SECTIONS</u>	January 2011 <u>May 2016</u>	
<u>MA3.05Rev.1</u>	Site Sections (1 & 2) <u>SITE SECTIONS 1</u>	January 2011 <u>May 2016</u>	
<u>MA3.06Rev.1</u>	Site Sections (3,4 & 5) <u>SITE SECTIONS 2</u>	January 2011 <u>May 2016</u>	
Landscape Concept Plans prepared by Oculus			
Drawing No.	Rev	Name of Plan	Date
<u>PA-L100</u>	<u>C</u>	<u>Level 3 Landscape Plan (Stage 2)</u>	<u>17.01.11</u>
<u>PA-L101</u>	<u>D</u>	<u>Level 3 Landscape Plan (Stage 1)</u>	<u>17.01.11</u>
<u>PA-L102</u>	<u>D</u>	<u>Level 4 & 5 Courtyards Landscape Concept Plan</u>	<u>14.01.11</u>
<u>PA-L103</u>	<u>D</u>	<u>Level 6 Courtyards Landscape Concept Plan</u>	<u>14.01.11</u>
<u>PA-L104</u>	<u>B</u>	<u>Carpark Section</u>	<u>14.01.11</u>
<u>PA-L105</u>	<u>C</u>	<u>Plant removal</u>	<u>14.01.11</u>
<u>PA-L-100</u>	<u>B</u>	<u>LANDSCAPE PLAN</u>	<u>01/04/2016</u>
<u>PA-L-101</u>	<u>B</u>	<u>LANDSCAPE PLAN DETAILED PLAN (WEST)</u>	<u>01/04/2016</u>
<u>PA-L-102</u>	<u>B</u>	<u>LANDSCAPE PLAN DETAILED PLAN (EAST)</u>	<u>01/04/2016</u>
<u>PA-L-200</u>	<u>B</u>	<u>LANDSCAPE SECTIONS SHEET 1</u>	<u>01/04/2016</u>
<u>PA-L-201</u>	<u>B</u>	<u>LANDSCAPE SECTIONS SHEET 1</u>	<u>01/04/2016</u>
<u>PA-L-300</u>	<u>A</u>	<u>INDICATIVE PLANTING SCHEDULE AND PRECEDENT IMAGES</u>	<u>01/04/2016</u>

<u>PA -L-400</u>	<u>B</u>	<u>SPACES AND PLANTING TYPES</u>	<u>01/04/2016</u>
<u>PA -L-401</u>	<u>B</u>	<u>PRIVATE AND PUBLIC SPACES</u>	<u>01/04/2016</u>
<u>PA -L-402</u>	<u>B</u>	<u>CIRCULATION DIAGRAM</u>	<u>01/04/2016</u>
<u>PA -L-403</u>	<u>B</u>	<u>DEEP SOIL PLANTING</u>	<u>01/04/2016</u>

- (c) Schedule 2 Part A – Terms of Approval 3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

3 Residential Aged Care Facility Accommodation Provisions

The approved accommodation is limited to the following:

- a. ~~187 additional hostel beds~~ **17 additional residential care beds;**
- b. ~~94-109~~ additional special care/ dementia beds; and
- c. ~~36-104 independent living units/ serviced self-care apartments (5 x 1 bedroom and 31 x 2 bedroom apartments).~~

- (d) Schedule 2 Part A – Terms of Approval 6 is added by the insertion of the **bold and underlined** words / numbers as follows:

7 Maximum Height

No part of the development shall exceed the following maximum building envelope heights:

- a. **RL 59.00m for building envelope C;**
- b. **RL 61.63 for building envelope D;**
- c. **RL 64.83m for building envelope E; and**
- d. **RL 58.53m for building envelope F.**
- e. **RL 0.9m above the maximum RL building envelope height for any minor projection through the roof plane for the purpose of any plant or lift overrun that is not visible from the public domain, immediately adjoining property or streetscape.**

- (e) Schedule 2 Part A – Terms of Approval 6 is added by the insertion of the **bold and underlined** words / numbers as follows:

8 Childcare Centre Places

The child care centre shall provide a maximum number of 40 child care places.

**SCHEDULE 2
PART B – MODIFICATIONS**

- (f) Schedule 2 Part B – Modification 1 is deleted by the ~~**bold struck out**~~ words/numbers as follows:

1. Maximum Gross Floor Area (GFA)

The maximum GFA for the site (existing development plus Stages 1 and 2) shall not exceed 37,968m²

- (g) Schedule 2 Part B – Modification 2 is deleted by the ~~**bold struck out**~~ words/numbers as follows:

2. Maximum Height

No part of the development shall exceed the following heights:

- a. ~~RL 58.53m (AHD) for the roof of Buildings D and E;~~
- b. ~~RL 59.00m (AHD) for the roof of Building C; and~~

~~c. RL59.60m (AHD) for any minor projection through the roof plane for the purpose of any plant that is not visible from the public domain or immediately adjoining property.~~

- (h) Schedule 2 Part B – Modification 3 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~3. Child Care Centre Places~~

~~The child care centre shall provide a maximum number of 80 child care places.~~

- (i) Schedule 2 Part B – Modification 4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

4.1. Affordable Housing

A minimum of 10% of accommodation across the entire facility shall be provided as affordable places in accordance with the provisions of Part 6 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

- (j) Schedule 2 Part B – Modification 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

2. Building E Street Frontage Height

Future development application(s) shall include amendments to the height of Building E, demonstrating that the southern most 10 metres of the building measured from the street wall does not exceed a maximum height of RL 54.53.

**SCHEDULE 3
FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

- (k) Schedule 3 – Future Environmental Assessment Requirement 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

1. Building Separation/Setbacks

Any future application shall indicate that Building ~~E~~ **F** (above Level 1) shall be setback no less than 14 metres from the western site boundary.

- (l) Schedule 3 – Future Environmental Assessment Requirement 6 is added by the insertion of the **bold and underlined** words / numbers as follows:

6. On-Street Car Parking

Future development application(s) shall demonstrate that any proposed future vehicular access arrangement for the childcare centre will not result in a reduction in the number of existing long term (i.e. non pick-up / drop-off) on-street car parking bays on King Street.

- (n) Schedule 3 – Future Environmental Assessment Requirement 7 is added by the insertion of the **bold and underlined** words / numbers as follows:

7. Design of Top Storey of Building D

Future project / development application(s) shall demonstrate that the top storey of Building D:

- a) is architecturally treated to achieve a light weight external appearance;**
- b) is designed to be visually recessive from the storeys below; and**
- c) employs high quality materials and finishes.**

- (o) Schedule 3 – Future Environmental Assessment Requirement 8 is added by the insertion of the **bold and underlined** words / numbers as follows:

8. Design of Top Three Storeys of Building E

Future development application(s) shall demonstrate that the top three floors of Building E and associated structures (above RL 54.53) provide an appropriate setback behind the street frontage height so they are not readily visible from a pedestrian's perspective on the footpath on the southern side of King Street directly opposite the building.

End of Modifications to MP09_0188
(MP09_0188 MOD2)