

28 April 2025



Regis Aged Care Pty Ltd
C/- Mecone NSW Pty Ltd Level 12 179 Elizabeth Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2024/0550
Address: Lot 3 DP 805710 , 181 Forest Way, BELROSE NSW 2085
Proposed Development: Modification of Development Consent DA2018/1654 granted for Demolition works and Construction of a new aged care facility including underground parking

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0550 PAN-474865
Applicant:	Regis Aged Care Pty Ltd C/- Mecone NSW Pty Ltd Level 12 179 Elizabeth Street SYDNEY NSW 2000
Property:	Lot 3 DP 805710 181 Forest Way BELROSE NSW 2085
Description of Development:	Modification of Development Consent DA2018/1654 granted for Demolition works and Construction of a new aged care facility including underground parking
Determination:	Approved Consent Authority: Sydney North Planning Panel
Date of Determination:	24/04/2025
Date from which the consent operates:	24/04/2025

Under Section 4.56 Court Consent of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Steven Findlay, Manager Development Assessments

Date 24/04/2025

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 24/04/2025.

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-474865 - Mod2024/0550	The date of this notice of determination	<p>Modification of Development Consent DA2018/1654 granted for Demolition works and Construction of a new aged care facility including underground parking</p> <ul style="list-style-type: none"> • Add Condition No.2B - Modification of Consent - Approved Plans and supporting documentation • Modify Condition No. 5 - RMS Conditions • Modify Condition No.7A - Compliance with Other Department, Authority or Service Requirements • Modify Condition No.8 - Policy Controls • Modify Condition No.11A - Amendments to the approved plans • Modify Condition No.12 - Detailed Design of Stormwater Quality System • Delete Condition No.16 - On-site Stormwater Detention • Add Condition No.16A - On-Site Stormwater Detention Details • Modify Condition No.22 Engage a Project Ecologist • Add Condition No.30A - National Construction Code (BCA) upgrade requirements and Fire Safety upgrade • Add Condition No.30B - Waste and Service Vehicle Access • Add Condition No.45A - Substitution of Stormwater Treatment Measures • Modify Condition No.49 - Certification for the Installation of Stormwater Quality System • Modify Condition No.53 - Stormwater Quality Operation and Maintenance Plan • Delete Condition No.56 - Installation of Water Efficient Fittings • Modify Condition No.65 - Fire Safety Matters • Delete Condition No.67 - Basement Servicing - Internal Signals • Add Condition No.69 - Convex Mirrors on Ramps
PAN-227699 - Mod2022/0289	26 April 2023	Modification of Development Consent DA2018/1654 granted for Demolition works and Construction of a new aged care facility including underground parking

		<ul style="list-style-type: none"> • Add Condition No.2A - Modification of Consent - Approved Plans and supporting Documentation to read as follows • Modify Condition No. 5 - RMS Conditions • Add Condition No.7A - Compliance with Other Department, Authority or Service Requirements • Add Condition No. 11A - Amendments to the approved plans • Modify Condition No. 29 - Public Liability Insurance - Works on Public Land • Modify Condition No. 30 - Removal of AWTS
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Modified conditions

A. Add Condition No.2B - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA050	Y	Site Plan	Morrison Design Partnership Pty Ltd	20 May 2024
DA054	F	Site Details	Morrison Design Partnership Pty Ltd	30 April 2024
DA101	H	Lower Ground Floor Plan	Morrison Design Partnership Pty Ltd	5 March 2024
DA102	S	Ground Floor Plan	Morrison Design Partnership Pty Ltd	20 May 2024
DA103	R	First Floor Plan	Morrison Design Partnership Pty Ltd	5 March 2024
DA104	Q	Second Floor Plan	Morrison Design Partnership Pty Ltd	5 March 2024
DA105	H	Roof Plan	Morrison Design Partnership Pty Ltd	20 May 2024
DA200	J	Elevations & Colour and Finishes Board - Sheet 1	Morrison Design Partnership Pty Ltd	27 September 2024
DA201	J	Elevations & Colour and Finishes Board - Sheet 2	Morrison Design Partnership Pty Ltd	27 September 2024
DA300	K	Sections	Morrison Design Partnership Pty Ltd	29 January 2024

Approved Reports and Documentation	
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Document Title	Version Number	Prepared By	Date of Document
Biodiversity Management Plan	V02	Cumberland Ecology	10 May 2024
Bushfire Cover Letter	-	Bushfire Consulting Services	10 February 2025
Transport Assessment	-	JMT Consulting	20 March 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Modify Condition No.5 - RMS Conditions, to read as follows:

All conditions stipulated in the RMS correspondence (reference: SYD17/01004/09 (A22630902) dated 6 June 2018 shall be complied with and the necessary conditions addressed prior to the relevant stages of the works. Applicable certificates shall not be released until such time as the RMS conditions have been satisfied.

The conditions are as follows:

1. Roads and Maritime has previously resumed and dedicated a strip of land as road along the Forest Way frontage of the subject property, as shown by grey colour on the attached Aerial – “X”

Therefore all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Forest Way boundary.

However, the proponent should be advised that the Deceleration Lane and any associated works should be dedicated as public road. The property boundary should be suitably adjusted.

2. Any redundant driveway on the Forest Way boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Forest Way shall be in accordance with TfNSW requirements.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. All vehicles are to enter and exit the site in a forward direction.

4. All vehicles are to be wholly contained on site before being required to stop.
5. Sight distances from the proposed vehicular crossing to vehicles on Forrest way are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
6. The proposed deceleration lane and access into the site shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. Detailed design plans including hydraulic calculations of any changes to the stormwater drainage system in Forest Way are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved plans by TfNSW.

9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Forest Way.

10. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Forest Way during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>.

11. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior

to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

Reason: To ensure TfNSW conditions are satisfied prior to the relevant certificates being released.

C. Modify Condition No.7A - Compliance with Other Department, Authority or Service Requirements, to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	14 November 2024
NSW Rural Fire Service	Response RFS Referral	6 March 2025
NSW Police	Response Police Referral	30 June 2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

D. Modify Condition No.8 - Policy Controls, to read as follows:

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$283,885.28 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$28,388,528.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating

compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

E. Modify Condition No.11A - Amendments to the approved plans, to read as follows:

The following amendments are to be made to the approved plans:

- The rear retaining wall adjacent to the fire trail and lower ground garden area is to be finished in dark or earthy tones.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

F. Modify Condition No.12 - Detailed Design of Stormwater Quality System, to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the ENTEC Civil Stormwater Section 4.56 Amendment Letter (1 May 2024), ENTEC Civil Drawing 230074-01 rev B October 23 pages C100, C101, C102, C201, C301, C310, C501, C510, C511, C512, C520 and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

G. Delete Condition No.16 - On-site Stormwater Detention.

H. Add Condition No.16A - On-Site Stormwater Detention Details, to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Entec Consultants, project number 230074-01, dated 06.02.25. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

I. Modify Condition No.22 Engage a Project Ecologist, to read as follows:

A Project Ecologist is to be employed for the duration of the approved works, and for a 5-year period post construction, to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports and plans:

- Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019)
- Biodiversity Management Plan (Cumberland Ecology 10 May 2024)

The Project Ecologist must be an accredited assessor under the NSW Biodiversity Conservation Act 2016.

The project ecologist is to provide an engagement letter for the period of construction, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

The project ecologist is to provide an engagement letter for the 5-year period post construction, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Occupation Certificate. The Project Ecologist must also provide details and certify engagement of a bush regeneration company to complete on-ground works.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environmental LEP/DCP controls.

J. Add Condition No.30A - National Construction Code (BCA) upgrade requirements and Fire Safety upgrade, to read as follows:

The National Construction Code works as detailed and recommended in the BCA Assessment Report prepared by Steve Watson & Partners, dated 28 March 2024, Report Ref No. 2023/2268 R1.0, are to be considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

K. Add Condition No.30B - Waste and Service Vehicle Access, to read as follows:

Access to the on-site lower ground floor loading bay area including ramp grades, transitions and height clearance shall be restricted to use by vehicles no larger than a 6.4m SRV. The loading bay and access to/from the loading bay shall be designed for safe forward in and forward out access of a 6.4m SRV as a minimum requirement. The height clearance required is 3.5m, measured from the floor level to any overhead structures such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 6.4m SRV moving to and from the loading bay and Forest Way shall be submitted to Council's Traffic Engineer for approval with such approval provided to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate service vehicle access.

L. Add Condition No.45A - Substitution of Stormwater Treatment Measures, to read as follows:

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation.

The biofiltration device cannot be substituted by another filtration mechanism.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

M. Modify Condition No.49 - Certification for the Installation of Stormwater Quality System, to read as follows:

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by ENTEC Civil dated February 2025. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

N. Modify Condition No.53 - Stormwater Quality Operation and Maintenance Plan, to read as follows:

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visitsAdditionally for vegetated devices:
 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal

- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

O. Delete Condition No.56 - Installation of Water Efficient Fittings.

P. Modify Condition No.65 - Fire Safety Matters, to read as follows:

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Q. Delete Condition No.67 - Basement Servicing - Internal Signals

R. Add Condition No.69 - Convex Mirrors on Ramps, to read as follows:

Two (2) convex mirrors are to be installed and maintained at the base and at the elbow bend midway along the curved ramp leading from ground floor to the lower ground floor carpark. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To minimise vehicular conflicts on the carpark ramp.

Important Information

This letter should therefore be read in conjunction with DA2018/1654 dated 29 September 2020 and Mod2022/0289 dated 26 April 2023.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where

the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.