

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1480
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 121 DP 789400, 36 Cabbage Tree Road BAYVIEW NSW 2104
Proposed Development:	Alterations and additions to a retirement village complex (Community centre building)
Zoning:	R2 Low Density Residential
Development Permissible:	Yes, under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Bokor Architecture

Application Lodged:	20/11/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	02/12/2024 to 21/01/2025
Advertised:	02/12/2024
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,675,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for alterations and additions to an existing retirement village as follows:-

- Refurbishment works to the existing community centre

"A summary of the proposed works is provided below:

Ground Floor:

- demolition works
- new outdoor dining area

- new entry awning and paving
- new bathroom
- new vinyl flooring
- new glazing and doors
- new exit door
- new external paving
- new columns
- new planter box
- new tiles to balcony
- new shopfront door glazing and tiles to salon
- new external lift
- new internal platform lift
- proposed entry door airlock and tiled floor

Lower Ground Floor:

- proposed storeroom
- proposed wall and door for gymnasium
- installation of door signage
- new handrails
- new platform lift
- proposed accessible WC"

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone R2 Low Density Residential

SITE DESCRIPTION

Property Description:	Lot 121 DP 789400 , 36 Cabbage Tree Road BAYVIEW NSW 2104
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<p>Detailed Site Description:</p>	<p>The subject site, Lot Pt 121, DP 789400 (No 36 - 42) Cabbage Tree Road, Bayview, comprises two (2) parcels of land in a single lot title, separated by a drainage channel, which does not form part of the land. Much of the land is presently substantially developed by the Bayview Gardens Retirement Village, which was granted consent in 1982, before the introduction of SEPP 5 Housing for Older People or People with a Disability.</p> <p>The complex has predominantly two (2) storey residential dwelling units, with a Nursing Home and Village Centre in the larger more gently sloping southern section and a smaller residential section on the steeper section to the north of the drainage line with some undeveloped land. The principal access is from Cabbage Tree Road.</p> <p>Dwelling houses are located on across Annam Road to the north, situated along the southern side of Annam Road where the land starts to rise increasingly steeply towards the Bayview Woods development to the northwest. Other dwelling houses are located on slightly higher ground to the east and lower ground to the west, all served by Annam Road, which encloses the Village from Cabbage Tree Road. The Bayview Golf Course lies to the west. The land drains generally towards the south west.</p> <p>The Village comprises 273 residential units (80 x 1 bedroom, 154 x 2 bedroom, and 1 X 3 bedroom self-contained unit; 18 x1 bedroom, 2 bedroom and 20 Studio serviced apartments. Associated facilities comprise a 73 bed Nursing Home and a Community Centre, 39 garages, 151 carports and 22 open car spaces.</p>
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Map:



SITE HISTORY

- **Development Application T0311/15** - Tree/Bushland Works (Submitted: 23/06/2015). Status: Approved.
- **Development Application T0264/14** - Tree/Bushland Works (Submitted: 03/06/2014). Status: Approved.
- **Development Application T0160/14** - Tree/Bushland Works (Submitted: 25/03/2014). Status: Approved.
- **Development Application T0238/13** - Proposal: Tree Works involving (Submitted: 21/05/2013). Status: Approved.
- **Construction Certificate CC0321/05** - Additional 32 residential units and carparking under the provisions of SEPP 5 (Submitted: 17/05/2005). Status: Occupation Certificate received on 9 May 2005
- **Development Application N0765/04** - Construction of a gardener's enclosure (Submitted: 14/10/2004). Status: Approved on 11 May 2005.
- **Modification of Development Consent N0852/02** - Additional 32 residential units and carparking under the provisions of SEPP 5
- **Development Application N0852/02** - Additional 32 residential units and carparking under the provisions of SEPP 5 approved 9 February 2004

- **Development Application N0750/00** - A three storey development comprising 32 two-bedroom self-contained units and associated basement carparking. Refused 20 December 2000.
- **Development Application N0756/00** - Subdivision of 1 Lot into 2 Lots (separation of retirement village and nursing home) Withdrawn on 20 February 2001.
- **Development Application DA9077/92** – Additions workshop office and carparking Auth No: DU Consent No: 00000 PF 0810/L1 (Submitted: 05/08/1992). Status: Approved.
- **Development Application DA0203/92** – Retirement village alterations NS Auth No: DU Consent No: 00000 PF 0810/36 (Submitted: 27/04/1992). Status: Approved.
- **Consent No: 87/8** approved 15 January 1987 for self contained units and associated basement parking (consent was not activated)
- **Bayview Gardens** is an existing operation, which was granted development consent in 1982, as an aged care facility and disabled persons housing on land fronting Cabbage Tree Road, Bayview.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider “Prescribed conditions” of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested by Council in relation to owners consent on 1 November 2024. The applicant responded with a copy of the company ASICS extract on 6</p>

Section 4.15 Matters for Consideration	Comments
	<p>November 2024.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land and the proposed development is for a special fire protection purpose under Section 100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bushfire Assessment

Statement prepared by Building Code & Bushfire Hazard Solutions dated 4 October 2024, along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 02/12/2024 to 21/01/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BC, the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p>Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan (PLEP), and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D4 Church Point and Bayview Locality <p>The Arboricultural Impact Assessment (AIA) identified 30 trees. It is unclear whether or not the 'bushlift' remains in scope as it is shown on CE102 of the engineering drawings and Management Plan - Page 2/2 of the AIA but not in the Master Set of plans nor reference to the Statement of Environmental Effects. Either way and as recommended in the AIA a Project Arborist shall be engaged to supervise all work in the tree protection zone of existing trees to be retained. Should tree 22 need to be removed no concerns are raised as it is exempt by height and as such may be managed or removed at the discretion of the applicant without consent. All other trees shall be protected during works.</p>
NECC (Bushland and Biodiversity)	<p>The submitted Arborist Report and Flora & Fauna Assessment are noted, and these conclude that the works to the Community Centre Building will not impact trees or native vegetation. Based on this the development complies with the local biodiversity planning objectives and controls.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	The proposed development is in Region 1. Additional on-site detention is not required. Vehicle crossing construction is not proposed. A geotechnical report has been provided. Development engineering raises no objections to the proposed development, subject to conditions.
NECC (Riparian Lands and Creeks)	Supported This application was assessed in consideration of: <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; and • Relevant LEP and DCP clauses The proposal does not include construction within 40 metres of a watercourse. No objections regarding riparian lands and creeks.
NECC (Water Management)	Supported This application was assessed in consideration of: <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses. No objections regarding water management.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Integrated Development - Rural Fire Service - Rural Fires Act, s100B - Subdivisions and Special Fire Protection Purposes	The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, and is supported subject to conditions.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Housing) 2021

Part 5 – Housing for seniors and people with a disability

Division 3 Development Standards

Clause 84 – Development Standards (General)	
Standard	Compliance/Comment
(2) Development consent must not be granted for the development unless:	
(a) The site area of the development is at least 1,000m ² .	Complies.
(b) The frontage of the site area of the development is at least 20m measured at the building line.	Complies.
(c) for development on land in a residential zone where residential flat buildings are not permitted: <ul style="list-style-type: none"> (i) the development will not result in a building with a height of more than 9.5m, (ii) excluding servicing equipment on the roof of the building, and (iii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site. 	Complies, a maximum height of 7.8m above the FPL is proposed.
(3) The servicing equipment must:	
(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places.	Complies.
(b) be limited to an area of no more than 20% of the surface area of the roof.	Complies.
(c) not result in the building having a height of more than 11.5m.	Complies.

An assessment against Schedule 4 has been completed in the following tables:

Clause 87 – Additional Floor Space Ratios	
Standard	Compliance/Comment
(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if:	

(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or (b) the development is carried out on land in Zone B3 Commercial Core.	N/A.
(2) Development consent may be granted for development to which this section applies if:	
(a) the site area of the development is at least 1,500m ² , and	Complies.
(b) The development will result in a building with the maximum permissible floor space ratio plus: (i) for development involving independent living units - an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility - an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities - an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and	There are no FSR controls in the PLEP as such the provisions relating to additional floor space are not relevant.
(c) The development will result in a building with a height of not more than 3.8m above the maximum permissible building height.	Complies.

Clause 88 – Restrictions on Occupation of Seniors Housing	
Standard	Compliance/Comment
(1) Development permitted under this Part may be carried out for the accommodation of only the following:	A condition imposed in consent (N0852/02) restricting occupation is still valid and ensure compliance.
(a) seniors or people who have a disability,	As above.
(b) people who live in the same household with seniors or people who have a disability,	As above.
(c) staff employed to assist in the administration and provision of services to housing provided under this Part.	As above.
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to	As above.

in sub-section (1) will occupy accommodation to which the development relates.

Clause 91 – Fire sprinkler systems in residential care facilities

Standard	Compliance/Comment
(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.	Complies.

Division 4 – Site-related requirements

Clause 94 – Location and access to facilities and services (residential care facilities)

Standard	Compliance/Comment
(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services:	Complies.
(a) on-site, or	Complies, no change to approved development.
(b) by a transport service other than a passenger service.	Complies.

Clause 95 – Water and sewer

Standard	Compliance/Comment
(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will:	
(a) be connected to a reticulated water system, and	Complies, essential services are available.
(b) have adequate facilities for the removal or disposal of sewage.	Complies.
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority:	
(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or	Complies.
(b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	Complies.

Clause 96 – Bush fire prone land

Standard

(1) A consent authority must not consent to development under this Part on bush fire prone land unless that the development complies with the requirements of Planning for Bushfire Protection.
(2) In determining a development application for development under this Part on land near bush fire prone
(a) consult with the NSW Rural Fire Service and consider its comments, and
(b) consider the following including:
(i) the location of the development,
(ii) the means of access to and egress from the location,
(iii) the size of the existing population within the area,
(iv) age groups within the population and the number of persons within the age groups,
(v) the number of hospitals and other facilities providing care to the residents of the facilities within the hospitals and facilities,
(vi) the number of schools within the area and the number of students at the schools,
(vii) existing seniors housing within the area,
(viii) the road network within the area and the capacity of the road network to cater for traffic to and were a need to evacuate persons from the area in the event of a bush fire,
(ix) the adequacy of access to and from the site of the development for emergency response vehicles,
(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the the requirements of Fire and Rescue NSW.
(xi)

Division 5 – Design requirements

Clause 97 - Design of Seniors Housing

Being an application for additions and alterations to a recently approved residential aged care facility, the proposed development has been considered against and is considered to be consistent with the *Seniors Housing Design Guideline*.

An assessment against Schedule 8 has been completed in the following tables:

Schedule 8 - Design principles for seniors housing

1 – Neighbourhood amenity and streetscape	
Standard	Compliance/Comment
Seniors housing should be designed as follows:	
(a) recognise that the operational, functional and economic requirements of residential care facilities typically require a different building shape from other residential accommodation,	Complies.
(b) recognise the desirable elements of: <ul style="list-style-type: none"> i) the location's current character, or ii) for precincts undergoing a transition - the future character of the location so new buildings contribute to the quality and identity of the area, 	Complies.
(c) complement heritage conservation areas and heritage items in the area,	N/A.
(d) maintain reasonable neighbourhood amenity and appropriate residential character by:	Complies.

<ul style="list-style-type: none"> i) providing building setbacks to reduce ii) bulk and overshadowing, and iii) using building form and siting that iv) relates to the site's land form, and adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and 	
(e) to set back the front building on the site generally in line with the existing building line,	Complies.
(f) to include plants reasonably similar to other plants in the street,	A review by Council's Landscape Officer has assessed the proposal as acceptable, subject to conditions.
(g) to retain, wherever reasonable, significant trees,	Significant trees are retained where reasonable.
(h) be designed so no building is constructed in a riparian zone.	Complies.

2 – Visual and acoustic privacy

Standard	Compliance/Comment
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by:	
(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	Complies.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	N/A.

3 – Solar access and design for climate

Standard	Compliance/Comment
The design of seniors housing should:	
(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	Complies.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Complies.

4– Stormwater

Standard	Compliance/Comment
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The design of seniors housing should aim to:	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Complies, subject to conditions.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Complies, subject to conditions.

5 – Crime prevention	
Standard	Compliance/Comment
Seniors housing should:	
(a) be designed in accordance with environmental design principles relating to crime prevention, and	Complies.
(b) provide personal property security for residents and visitors, and	Complies.
(c) encourage crime prevention by: (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	N/A.

6 – Accessibility	
Standard	Compliance/Comment
Seniors housing should:	
(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	Complies, accessible links are provided to the public street.
(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Complies, subject to conditions.

7 – Waste management	
Standard	Compliance/Comment
Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Complies.

Division 7 – Non-Discretionary Development Standards

Clause 107 – Non-discretionary development standards for hostels and residential care facilities	
Standard	Compliance/Comment
(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities:	
Height	
(a) no building exceeds a height of 9.5m, excluding servicing equipment on the roof of a building,	Complies, the proposal has a height of 7.8m.
(b) servicing equipment on the roof of a building, which results in the building exceeding a height of 9.5m: <ul style="list-style-type: none"> (i) is fully integrated into the design of the roof or contained and suitably screened (ii) from view from public places, and (iii) is limited to an area of no more than 20% of the surface area of the roof, and does not result in the building exceeding a height of 11.5m. 	Complies.
Density and Scale (FSR)	
(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	Complies, the FSR is less than 1:1.
Communal Open Space	
(d) internal and external communal open spaces with a total area of at least: <ul style="list-style-type: none"> (i) for a hostel - 8m² for every bed, or (ii) for a residential care facility - 10m² for every bed. 	Complies.
Landscaped Area	
(e) at least 15m ² of landscaped area for every bed,	Complies.
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.	Complies
Car Parking	
(g) for a hostel - at least 1 parking space for every 10 beds in the hostel,	N/A
(h) for a residential care facility - at least 1 parking space for every 15 beds in the facility,	Complies, no additional beds proposed.
(i) at least 1 parking space for every 2 employees who are on duty at the same time,	Complies, no change to employees on duty.
(j) at least 1 parking space for the purpose of ambulance parking.	Complies.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.8m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.4 Floodplain risk management	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone R2 Low Density Residential

Proposed Use	Permitted or Prohibited
Retirement Village - seniors housing	Prohibited under Pittwater Permitted with consent in Policy (Housing for Senio

Despite the above, the objectives of the R2 Low Density Residential under the provisions of the Pittwater Local Environmental Plan 2014 are addressed below:

- To provide for the housing needs of the community within a low density residential environment.***

Comment: The retirement village offers a range of housing options for aged and disabled members of the community within a low-density residential setting.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

Comment: The facilities and services provided by the retirement village meet the daily needs of residents and offer aged and disabled members of the community alternative living arrangements.

- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.***

Comment: The retirement village provides an alternative land use within a residential zone while maintaining a low intensity and scale that harmonizes with the surrounding land uses.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line (Primary - Cabbage Tree Road)	6.5m	108.8m	-	Yes
Front building line (Secondary - Annam Road)	6.5m	13.1m	-	Yes
Front building line (Secondary - Annam Road)	6.5m	118.5m	-	Yes
Side building line (Western)	2.5m	115.1m	-	Yes
Building envelope	3.5m	Within envelope	-	Yes
	3.5m	Within envelope	-	Yes
Landscaped area	60% (4.49ha)	>60% (4.49ha)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.8 Estuarine Hazard - Medium Density Residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.21 Seniors Housing	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.2 Scenic protection - General	Yes	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	Yes	Yes
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$46,750 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,675,000.

Whilst a residential care facility is a type of residential accommodation which triggers a contribution under the Housing Productivity Contribution order, no such contribution is leviable as there is no increase in density proposed.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/1480 for Alterations and additions to a retirement village complex (Community centre building) on land at Lot 121 DP 789400, 36 Cabbage Tree Road, BAYVIEW, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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
DA-011	4	SITE & ROOF PLAN - PROPOSED	Bokor Architecture & Interiors	17/10/2024
DA-012	4	SITE WASTE MANAGEMENT PLAN -PROPOSED	Bokor Architecture & Interiors	17/10/2024
DA-100	4	GROUND FLOOR - DEMOLITION PLAN	Bokor Architecture & Interiors	17/10/2024
DA-101	4	GROUND FLOOR - PROPOSED PLAN	Bokor Architecture & Interiors	17/10/2024
DA-102	4	LOWER GROUND FLOOR - DEMOLITION PLAN	Bokor Architecture & Interiors	17/10/2024
DA-103	4	LOWER GROUND FLOOR - PROPOSED PLAN	Bokor Architecture & Interiors	17/10/2024
DA-200	4	ELEVATIONS - EXISTING	Bokor Architecture & Interiors	17/10/2024
DA-201	4	ELEVATIONS - PROPOSED	Bokor Architecture & Interiors	17/10/2024
DA-300	4	SECTIONS - PROPOSED	Bokor Architecture & Interiors	17/10/2024
DA-400	4	OUTDOOR DINING AREA - INTERNAL PLANS & ELEVATIONS - 2	Bokor Architecture & Interiors	17/10/2024
DA-401	4	ENTRY AWNING - INTERNAL PLANS & ELEVATIONS	Bokor Architecture & Interiors	17/10/2024

Approved Reports and Documentation	
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Document Title	Version Number	Prepared By	Date of Document/Submitted
Bushfire Assessment Statement	-	Building Code & Bushfire	4 October 2024
Flora and Fauna Assessment	-	Australian Wetlands Consulting Pty Ltd	October 2024
Arboricultural Impact Appraisal and Method Statement	-	EZIGROW	3 October 2024
BCA & DDA Capability Statement	0	BM+G	2 October 2024
Geotechnical Investigation	-	JK Geotechnics	16 October 2024
Waste Management Plan	-		29 October 2024

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

In the event of any inconsistency between 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.

2. **Compliance with Other Department, Authority or Service Requirements**

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/Received
Ausgrid	Ausgrid Referral Response	20 December 2024
NSWRFS	Rural Fire Service Referral Response	3 February 2025

(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.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$46,750.00 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 (as amended).

The monetary contribution is based on a development cost of \$4,675,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or

demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to an existing approved system.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

8. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics dated 16.10.2024 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)

- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

10. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

11. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Project Arborist

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) tree protection measures and works under section 4 Arboricultural Method Statement, Appendix 7, and Appendix 8.

c) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures

under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

13. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

14. **Tree and Vegetation Protection**

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

15. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

16. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed.

Reason: Protection of the receiving environment.

17. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

18. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

19. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

20. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log

book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

21. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. Fire Safety Matters

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.

23. Condition of Retained Vegetation

- a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:
- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
 - ii) extent of damage sustained by vegetation as a result of the construction works,
 - iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

24. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

25. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

26. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Phil Lane, Principal Planner

The application is determined on 13/02/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments