

11 October 2022



Thompson Health Care Pty Ltd
C/- Greg Boston 1/9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: Mod2022/0376
Address: Lot 38 DP 7236 , 23 Bassett Street, MONA VALE NSW 2103
Lot 2 DP 748426 , 33 Bassett Street, MONA VALE NSW 2103
Proposed Development: Modification of Development Consent DA2020/0816 granted for
Demolition works and construction of a Seniors Housing
Development (Residential Care Facility)

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Adam Croft
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0376
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Thompson Health Care Pty Ltd
Land to be developed (Address):	Lot 38 DP 7236 , 23 Bassett Street MONA VALE NSW 2103 Lot 2 DP 748426 , 33 Bassett Street MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2020/0816 granted for Demolition works and construction of a Seniors Housing Development (Residential Care Facility)

DETERMINATION - APPROVED

Made on (Date)	10/10/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-01 Site Analysis and Context Plan	Rev. B, 17 November 2020	Gartner Trovato Architects
A-02 Roof Plan	Rev. B, 17 November 2020	Gartner Trovato Architects
A-03 Basement Plan	Rev. B, 17 November 2020	Gartner Trovato Architects
A-04 Ground Floor Level	Rev. C, 3 February 2021	Gartner Trovato Architects
A-05 First Floor Level	Rev. B, 17 November 2020	Gartner Trovato Architects
A-06 Elevations - North & South	Rev. B, 17 November 2020	Gartner Trovato Architects
A-07 Elevations - East & West	Rev. B, 17 November	Gartner Trovato

	2020	Architects
A-08 Sections	Rev. B, 17 November 2020	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Compliance - Access for People with a Disability	Rev. B, 10 March 2022	Accessible Building Solutions
Geotechnical Investigation	Rev. 2, 20 July 2020	White Geotechnical Group
Arboricultural Impact Assessment	February 2020	Urban Forestry Australia
BCA 2019 Capability Statement	Rev. 3, 22 April 2020	Philip Chun Building Compliance
Flood Risk Management	Rev. 1, 3 April 2020	ACOR Consultants

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-L01 Landscape Site Plan	24 March 2020	Trish Dobson Landscape Architecture
DA-L02 Tree Retention Plan	24 March 2020	Trish Dobson Landscape Architecture
DA-L03 Planting Plan West	24 March 2020	Trish Dobson Landscape Architecture
DA-L04 Planting Plan East	24 March 2020	Trish Dobson Landscape Architecture
DA-L05 Planting Schedule & Details	24 March 2020	Trish Dobson Landscape Architecture
Elevation, Section, First Floor Planter	24 March 2020	Trish Dobson Landscape Architecture

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	25 June 2020	Gartner Trovato Architects

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify Condition 20. Submission Roads Act Application for Civil Works in the Public Road to read as follows:

20. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Engineering plans for the design of drainage pits and pipe connection from the site into the existing Council drainage system in Bassett St, 3 new vehicular crossings, reconstruction of concrete footpath and reconstruction of the redundant laybacks to kerb, footpath and turf and replacement street tree planting which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, the concept engineering plans by ACOR Consultants, drawing number SY140363 C3.01 Issue C dated 29.10.20. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. The vehicular crossing width at the boundary for the below ground car park and loading dock shall have a maximum width of 8.0 metres and the profile is to be in accordance with Council drawing Normal Low.
2. The vehicular crossings for the entry and exit for the ambulance shall be 3.0 metres wide and the profile is to be in accordance with Council drawing Normal.
3. The existing driveway crossing servicing the current development is to be modified to suit the approval.
4. All redundant laybacks shall be removed and reinstated to kerb and gutter, footpath and turf.
5. Removal of the existing kerb, gutter and concrete footpath and provision of new kerb and gutter and 2.0 metre wide concrete footpath fronting the development site between 21 Bassett St and the existing driveway crossing servicing 37 and 39 Bassett St.
6. Any proposed pedestrian connections from the site to the public footpath fronting the site.
7. A pit and pipe drainage system within the public road in Bassett St shall be provided for the connection of the proposed drainage system.
8. All existing and proposed electrical and telecommunications servicing the site and in the adjacent road reserve are to be located underground.
9. All public utility services adjustments are to be detailed with concurrence from the relevant service authority if adjustment is required with costs borne by the applicant.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

C. Modify Condition 39. Project Arborist to read as follows:

39. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks,

branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) works as recommended in section 5.3 Minimising Impacts on Trees to be Retained, including tree 5 (Cooks Pine), tree 6 (Chinese Elm), tree 10 (Umbrella Tree) in adjoining property, trees 11 and 12 (Old Man Banksia) within road verge, group 13 (Swamp She-Oak), group 14 (Brush Cherry), tree 15 (Paperbark), and tree 16 (Common Ash),
- ii) works as recommended in Appendix D Tree Protection Plan of the Arboricultural Impact Assessment,

All tree protection measures specified must:

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

The Project Arborist shall provide certification to the Certifying Authority that all 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:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) 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.

D. Delete Condition 45. Tree removal within the road reserve to read as follows:

45. DELETED

E. Modify Condition 62. Tree and vegetation protection to read as follows:

62. Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation within the site not approved for removal, including trees numbered 5 (Cooks Pine), 6 (Chinese Elm), 13 (group of Swamp She-Oak), 14 (group of Brush Cherry), 15 (Paperbark), and 16 (Common Ash),
 - ii) all trees and vegetation located on adjoining properties, including trees numbered 11 and 12 (Old Man Banksia),
 - iii) all road reserve trees and vegetation, including tree numbered 10 (Umbrella Tree).
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- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 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 Australian Standard 4373-2007 Pruning of Amenity Trees.
- xi) the tree protection measures specified in this clause 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment prepared by Urban Forestry Australia.

The Certifying Authority must ensure that:

d) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: tree and vegetation protection.

F. Add Condition 110. Transport Service to read as follows:

110. Transport Service

A transport service providing access for residents of the Residential Care Facility to facilities and services as described in Clause 26(1) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004, is to be maintained throughout the life of the development. Such service to be provided by the aged care provider with parking for the subject vehicle(s) to be available on site.

Reason: To ensure that the operation of the premises is consistent with the requirements of SEPP HSPD 2004 and the subject approval.

Important Information

This letter should therefore be read in conjunction with DA2020/0816 dated 26 April 2021.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

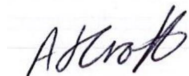
You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Adam Croft, Planner

Date 10/10/2022