

28 April 2023



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

Dear Sir/Madam

Application Number: Mod2022/0289
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.

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,



Rodney Piggott
Acting Executive Manager Development Assessment

NOTICE OF DETERMINATION

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|----------------------------|-------------------------------------|
| Application Number: | Mod2022/0289 |
| Determination Type: | Modification of Development Consent |

APPLICATION DETAILS

| | |
|--|---|
| Applicant: | Regis Aged Care Pty Ltd |
| Land to be developed (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 |

DETERMINATION - APPROVED

| | |
|-----------------------|------------|
| Made on (Date) | 26/04/2023 |
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The request to modify the above-mentioned Development Consent has been approved as follows:

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

Condition No.2A - Modification of Consent - Approved Plans and supporting Documentation

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 |
| DA050 Revision R | 23 March 2023 | Morrison Design Partnership Pty Ltd |
| DA054 Revision D | 5 April 2022 | Morrison Design Partnership Pty Ltd |
| DA101 Revision G | 25 August 2022 | Morrison Design Partnership Pty Ltd |
| DA102 Revision Q | 25 August 2022 | Morrison Design Partnership Pty Ltd |
| DA103 Revision Q | 25 August 2022 | Morrison Design Partnership Pty Ltd |
| DA104 Revision P | 25 August 2022 | Morrison Design Partnership Pty Ltd |
| DA105 Revision F | 25 August | Morrison Design Partnership Pty |

| | | |
|------------------|-----------------|-------------------------------------|
| | 2022 | Ltd |
| DA200 Revision G | 5 April 2022 | Morrison Design Partnership Pty Ltd |
| DA201 Revision G | 5 April 2022 | Morrison Design Partnership Pty Ltd |
| DA300 Revision H | 27 October 2022 | Morrison Design Partnership Pty Ltd |

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

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

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

Condition No. 5 - RMS Conditions

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(s) 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 roads and maritime requirements. Details of these requirements should be obtained from roads and maritime services, manager developer works, State Wide Delivery, Parramatta (telephone 9598 7798).

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

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 Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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 Roads and Maritime.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114

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 and hydraulic calculations of any changes to the stormwater drainage system in Forest Way are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

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 should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Way during construction activities.

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

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

Condition No.7A - 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 |
|--|---------------------------|
| Ausgrid | Response Ausgrid Referral |
| NSW Rural Fire Service | Response RFS Referral |
| NSW Police | Response Police Referral |

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

Condition No. 11A - Amendments to the approved plans

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

- The four car spaces (and the aprons which adjoin these car spaces) shown adjacent to the eastern side of the ramp to the basement are to be deleted from the plans (including but not limited to architectural, landscape and stormwater).

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.

E. Modify Condition No. 29 - Public Liability Insurance - Works on Public Land, to read as follows:

Condition No. 31A - Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

F. Modify Condition No. 30 - Removal of AWTS to read as follows:

Condition No. 31B - Removal of AWTS

The existing AWTS (All waste treatment system) is to be pumped out (by an authorised contractor) before demolition/removal .

Reason: To protect the environment and health.

Important Information

This letter should therefore be read in conjunction with DA2018/1654 dated 22 October 2020.

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 Rodney Piggott
 Acting Executive Manager Development Assessment
Date 26/04/2023

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 26/04/2023.