

22 April 2024



The Trustee For Iris Property Trust  
Level 2 68 Sophia Street  
SURRY HILLS NSW 2010

Dear Sir/Madam

**Application Number:** Mod2023/0677  
**Address:** Lot A DP 415552 , 87 Iris Street, BEACON HILL NSW 2100  
Lot B DP 415552 , 89 Iris Street, BEACON HILL NSW 2100  
**Proposed Development:** Modification of Development Consent DA2020/0511 granted for  
Demolition works and construction of a Seniors Housing  
Development

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

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

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

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

Regards,



Jordan Davies  
**Principal Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0677 PAN-393801
<b>Applicant:</b>	The Trustee For Iris Property Trust Level 2 68 Sophia Street SURRY HILLS NSW 2010
<b>Property:</b>	Lot A DP 415552 87 Iris Street BEACON HILL NSW 2100 Lot B DP 415552 89 Iris Street BEACON HILL NSW 2100
<b>Description of Development:</b>	Modification of Development Consent DA2020/0511 granted for Demolition works and construction of a Seniors Housing Development
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	12/04/2024
<b>Date from which the consent operates:</b>	12/04/2024

Under Section 4.55 (2) Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

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

### Community views

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

## Request a review of the determination

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

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

## Rights to appeal

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

## Objector's right of appeal against the determination

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

## Dictionary

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

**Signed** On behalf of the Consent Authority



Name Jordan Davies, Principal Planner

Date 12/04/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN #393801 MOD2023/0677	The date of this notice of determination	Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Amend condition 15 On-site Stormwater Detention Details Amend Condition 16 Submission Roads Act Application for Civil Works in the Public Road Delete Condition 23 Amendments to the approved plans Replace with Condition 23 Amendment to Engineering Plans Modify Condition 27 Pre-Construction Dilapidation Report

### Modified conditions

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

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
01	B	Site Plan	PTI Architecture	28/03/2024
03	B	Demolition Plan	PTI Architecture	28/03/2024
04	B	Basement	PTI Architecture	28/03/2024
05	B	Ground Floor	PTI Architecture	28/03/2024
06	B	Level 1	PTI Architecture	28/03/2024
07	B	Roof	PTI Architecture	28/03/2024
08	B	Basement - Access Post Adaptable	PTI Architecture	28/03/2024
09	B	Ground - Access Post Adaptable	PTI Architecture	28/03/2024
10	B	Level 1 - Access Post Adaptable	PTI Architecture	28/03/2024
11	B	Sections	PTI Architecture	28/03/2024
11a	B	Sections	PTI Architecture	28/03/2024
12	B	Sections	PTI Architecture	28/03/2024
13	B	North and South Elevation	PTI Architecture	28/03/2024
14	B	East and West Elevation	PTI Architecture	28/03/2024

15	B	Schedule of Finishes North East view	PTI Architecture	28/03/2024
16	B	Schedule of Finishes West View	PTI Architecture	28/03/2024
17	B	Schedule of Finishes East View	PTI Architecture	28/03/2024
Sheet 1 of 2	L	Landscape Site Plan	Paul Scrivner	28/03/2024
Sheet 2 of 2	L	Landscape Planting Plan	Paul Scrivner	28/03/2024
DWG00, D001, D010, D011, D020, D030, D040, D050	B	Engineering Plans	RISE Engineering	10/11/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No1086782M_06	-	Gradwell Consulting	17/11/2023
Aboricultural Impact Assessment, Ref 7656.1	-	Redgum Horticultural	21/01/2022
Section 4.55 Access Report Ref 23305	B	Vista Access Architects	28/03/2024
Geotechnical Report Assessment	-	CAM Consulting	1/12/2023

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

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

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

#### **B. Amend condition 15 On-site Stormwater Detention Details to read as follows:**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management Policy and generally in accordance with the concept drainage plans prepared by Rise Consulting Engineers Pty Ltd, drawing number 23074 D001 Rev B, D010 Rev C, D011 Rev B, D020 Rev C, D030 Rev C and D040 Revision C dated 10.11.2023. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for Civil Engineering. Detailed drainage plans, including Engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

**C. Amend Condition 16 Submission Roads Act Application for Civil Works in the Public Road to read as follows:**

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 four (4) copies of Civil Engineering plans for the design of the stormwater drainage extension, driveway crossing, footpath fronting the site which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified Civil Engineer. The design must include the following information.

1. 5.5 metre wide driveway crossing in accordance with Northern Beaches Council Drawing Normal Profile.
2. Reinstatement of all old driveway crossings to kerb and gutter, footpath and grass verge.
3. 2.5 metre wide concrete footpath along the entire frontage of the site up to the pedestrian refuge island at Iris Street near Jones Street intersection.
4. Footpath, bus stop upgrade and associated pram ramp and refuge island works as required by Council's Traffic Network Team to meet SEPP HSPD 2004 requirements.
5. 1.8 metre lintel and grate inlet pit in Iris St with 375mm RRJ concrete pipeline extension to the existing pit downstream of the site.

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.

**D. Delete Condition 23 Amendments to the approved plans.**

**E. Replace with Condition 23 Amendment to Engineering Plans to read as follows:**

The civil engineering plans are to be updated to reflect the changes to the basement layout, as approved on the architectural plans.

Details are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure plan consistency.

**F. Modify Condition 27 Pre-Construction Dilapidation Report to read as follows:**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties: 85 and 91 Iris Street, Beacon Hill and 38 Dareen Street, Beacon Hill.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

## Important Information

This letter should therefore be read in conjunction with DA2020/0511 dated 3 March 2021.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

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

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

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

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

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

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Northern Beaches Local Planning Panel.

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

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

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

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

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

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

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

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