

30 July 2024

Dylan Hamman  
C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49  
NEWPORT NSW 2106

Dear Sir/Madam

<b>Application Number:</b>	<b>Mod2024/0252</b>
<b>Address:</b>	<b>Lot 1 DP 373531 , 1955 Pittwater Road, BAYVIEW NSW 2104 Lot 1 DP 1047205 , 1955 Pittwater Road, BAYVIEW NSW 2104</b>
<b>Proposed Development:</b>	<b>Modification of Development Consent DA2019/0154 granted for Demolition works and construction of a seniors housing development</b>

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,



Adam Richardson  
**Manager Development Assessments**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application Number:</b>	Mod2024/0252 PAN-435217
<b>Applicant:</b>	Dylan Hamman C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49 NEWPORT NSW 2106
<b>Property:</b>	Lot 1 DP 373531 1955 Pittwater Road BAYVIEW NSW 2104 Lot 1 DP 1047205 1955 Pittwater Road BAYVIEW NSW 2104
<b>Description of Development:</b>	Modification of Development Consent DA2019/0154 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>	24/07/2024
<b>Date from which the consent operates:</b>	24/07/2024
<b>Date on which the consent lapses:</b>	24/07/2029

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### 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.

## 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



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Name                      Adam Richardson, Manager Development Assessments

Date                      24/07/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-435217 Mod2024/0252	The date of this notice of determination	Modification of Development Consent DA2019/0154 granted for demolition works and construction of a seniors housing development  Add Condition 1D - Modification of Consent - Approved Plans and supporting documentation Modify Condition 28A (Access and Facilities for Persons with Disabilities) Modify Condition 74 (Use of "Lower Ground Floor storage areas")
PAN-254758 MOD2022/0471	13 September 2023	Modification of Development Consent DA2019/0154 granted for demolition works and construction of a seniors housing development  Add Condition No.1C - Modification of Consent - Approved Plans and supporting Documentation Modify Condition 2 (Compliance with Other Department, Authority or Service Requirements) Modify Condition 46 (Removal of trees within the road reserve) Modify Condition 49 (Tree and vegetation protection) Modify Condition 56 (Landscape Works) Modify Condition 57 (Condition of Retained Vegetation) Add Condition 28A (Access and Facilities for Persons with Disabilities) Add Condition 28B (Submission Roads Act Application for Civil Works in the Public Road (Retaining Wall Works)) Add Condition 28C (Amendments to the approved plans) Add Condition 51A (Impacts to Protected Native Wildlife) Add Condition 51B (Wildlife Protection) Add Condition 57A (No Weeds Imported On To The Site) Add Condition 57B (Priority Weed Removal and Management) Add Condition 71 (Replacement of Canopy Trees) Add Condition 72 (Plant Noise) Add Condition 73 (Use of the Roof Terrace) Add Condition 74 (Use of "Lower Ground Floor storage areas") Add Condition 28D (Services and Fire Hydrant Enclosure) Add Condition 75 (Roof top screening & AC Units)
PAN-106400 Mod2021/0343	27 July 2021	Modification of Development Consent DA2019/0154 granted for demolition works and construction of a seniors housing development

		Add Condition No. 1B - Modification of Consent - Approved Plans and supporting Documentation
PAN-78870 Mod2021/0101	12 May 2021	Modification of Development Consent DA2019/0154 granted for demolition works and construction of a seniors housing development  Add Condition No. 1A - Modification of Consent - Approved Plans and supporting Documentation

### **Modified conditions**

#### **A. Add Condition 1D - 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.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
DA.101	G	Site Plan	Aplus Design Group	19 April 2024
DA.203	H	Lower Ground Floor Plan	Aplus Design Group	24 June 2024
DA.204	D	Ground Floor Plan	Aplus Design Group	19 April 2024
DA.205	E	First Floor Plan	Aplus Design Group	24 June 2024
DA.301	F	Section AA	Aplus Design Group	19 April 2024
DA.302	F	Section BB	Aplus Design Group	19 April 2024
DA.303	B	Section CC	Aplus Design Group	19 April 2024
DA.405	B	Unit 1 Internal Elevation/Sections	Aplus Design Group	24 June 2024

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
Access Report	P000737	Cheung Access Pty Ltd Trading As Inclusive Places	25 June 2024
BASIX Certificate (No.991214M_07)	-	Efficient Living Pty Ltd	10 May 2024
Geotechnical Report	2023-223	Crozier Geotechnical Consultants	23 April 2024
NatHERS Certificate (No.0005395090)	F	Efficient Living Pty Ltd	10 May 2024

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

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

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

**B. Modify Condition 28A (Access and Facilities for Persons with Disabilities), to read as follows:**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the recommendations contained in the Access Report prepared by Cheung Access Pty Ltd Trading As Inclusive Places, Reference No.P000737, dated 25 June 2024 are to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifier prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

**C. Modify Condition 74 (Use of "Lower Ground Floor storage areas"), to read as follows:**

The "lower ground floor level" unit storage areas, labelled UNIT 2 ST"; "UNIT 3 ST"; "UNIT 4 ST"; shall not to be used for habitable purposes and shall not to contain any cooking, bathroom/toilet or laundry facilities. The storage areas despite notation on the plan shall have not external openings or ventilation louvers.

Reason: To ensure that the storage areas are used for their intended purpose.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## 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. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.