



Ku-ring-gai Council **Modification of Development Consent Report**

APPLICATION NO:	eMOD0042/26
ADDRESS:	440 Bobbin Head Road, North Turramurra
LEGAL DESCRIPTION:	Lot 1 DP 858405
SITE AREA:	11.87 ha
ZONE:	C4 Environmental Living
DESCRIPTION OF PROPOSAL:	Modification to Land and Environment Court Consent 10973 of 2001 (DA0807/01 - construction of 220 dwellings under the provisions of SEPP 5 - Housing for Older People or People with a Disability) proposing various changes to the alterations and additions approved under eMOD0193/24 (conversion of five existing apartments into eight studios with communal living and dining spaces, plus conversion of garages into dementia day respite areas) including an additional dementia care studio.
TYPE OF MODIFICATION:	Section 4.56
APPLICANT:	The Trustee for LDK Turramurra Unit Trust
OWNER:	The Trustee for LDK Turramurra Unit Trust
DATE LODGED:	16 April 2026
SUBMISSIONS:	Nil.
ASSESSMENT OFFICER:	Shanika Kappagoda.
RECOMMENDATION:	Approval.
BASIS ON WHICH DELEGATION IS EXERCISED:	Delegated authority, no requirement to refer to the KLPP or SNPP for determination.

PANEL RESOLUTION

The Sydney North Planning Panel made a resolution on 19 June 2026 in accordance with Schedule 2 Part 5 of the EP&A Act 1979.

That pursuant to Section 2.16(6)(c) of the EP&A Act 1979 the Panel resolved to delegate to Ku-ring-gai Council the power to make a determination as consent authority under Section 4.56 of the EP&A Act on:

All 4.56 modification applications referred to the Panel.

Pursuant to the above resolution, this application may be determined under delegated authority by Council.

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

HISTORY

Application history

Type	Application	Description	Decision	Date
DA	DA4843/96	Construct a retirement village, hostel, clubhouse and on-site car parking" comprising 313 dwellings and community facilities under State Environmental Planning Policy 5 'Housing for Older People or People with a Disability' (SEPP 5).	Approved	18 March 2001
CC	00/1345	Entry Road and Hostel	Approved	14 February 2001
CC	2001/599	Drainage	Approved	17 February 2001
DA	DA0807/01	Erection of 220 dwellings, community facilities, ancillary buildings, car parking, landscaping and	Approved by NSW Land and Environment Court	21 May 2002

		associated works		
DA	DA1426/06	SEPP Seniors Living for the construction of 58 units on the 'East Bank'	Dismissed by NSW Land and Environment Court	28 February 2008
DA	DA0725/08	46 self-contained seniors housing dwellings to be constructed within the area known as the 'East Bank'	Approved by NSW Land and Environment Court	26 May 2009
MOD	MOD0116/11	Modification of Court Consent DA0725/08 proposing amendment to footpath levels.	Approved	20 October 2011
DA	DA0403/20	Alterations and additions to the existing community facility	Approved	25 February 2021
MOD	eMOD0193/24	Modification of Court Consent DA0807/01, proposing the conversion of five existing apartments into eight studios with communal living and dining spaces, plus conversion of garages into dementia day respite areas.	Approved by Sydney North Planning Panel	1 August 2025

Current Development Application History

Date	Action
16 April 2026	Application lodged.
20 April 20256	The application was notified to neighbouring property owners for a period of 14 days. No submissions were received.

Land and Environment Court appeal history

Not applicable for the current application.

THE SITE



Figure 1: aerial photograph of subject site, as coloured in red and surrounding development

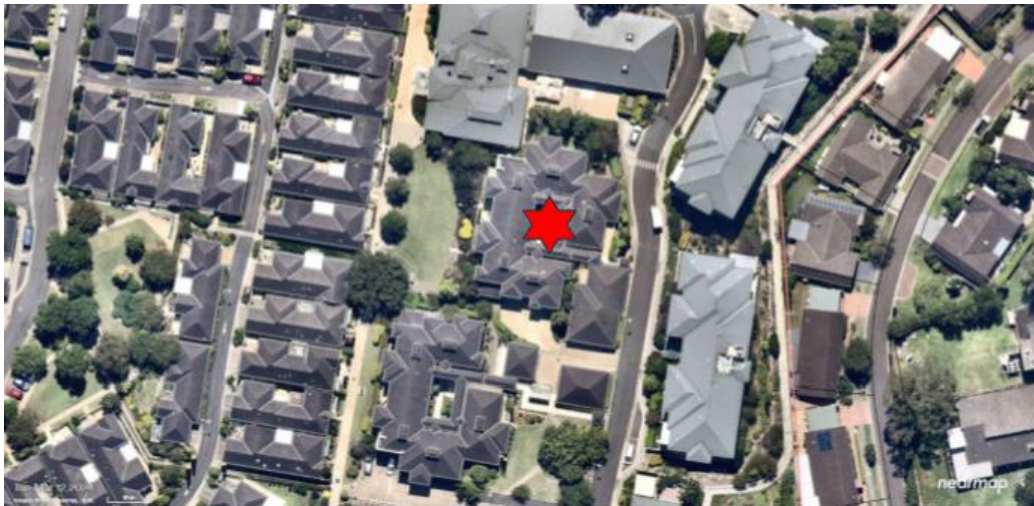


Figure 2: aerial photograph showing location of Unit 1 / 1 Sir Neville McNamara Drive indicated by red star symbol

Site description

The site, as shown within **Figure 1**, is legally described as Lot 1 in DP 858405 and is known as No. 440 Bobbin Head, North Turramurra.

The site is a large irregular battle-axe shaped allotment which has a total area of approximately 11.87 hectares, with a primary street frontage to Bobbin Head Road. Vehicular and pedestrian access are along a private road known as Sir Frederick Scherger Drive, which is approximately 180 metres long and 14 metres wide, located to the site's northern side boundary off Bobbin Head Road.

The subject site is an existing Retirement Village known as "The Landings at North Turramurra" and comprises of a diverse mix of residential accommodation, including villas, apartments and villa apartments.

An electrical transmission line traverses the south-western corner of the property. In addition, a bushland regeneration and propagation area is situated within the south-western corner of the site.

Unit 1, being the building the subject of this application, is located between Sir Neville McNamara Drive to the east and The Boulevard to the west, it is south-west of the Community Facilities Building and is surrounded by dwellings.

Unit 1 has garages and pedestrian links accessed from Sir Neville McNamara Drive to the south. There are also pathways situated between the subject building and the adjacent 'Club House', which is situated to the north.

Accessed off Sir Neville McNamara Drive, an ambulance parking space is located adjacent to Unit 1 and the Community Building.

Constraint:	Application:
Visual character study category	Not categorised on map
Easements/rights of way	Easement for transmissions line 45.72 metres wide vide M563878
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes – Heritage Item “I491” “Flowton” Lady Davidson Private Hospital Administration Block at No. 434 Bobbin Head Road, North Turramurra
Bush fire prone land	Yes
Natural Resources Biodiversity	Yes
Natural Resources Greenweb	Yes
Natural Resources Riparian	Yes
Within 25m of Urban Bushland	Yes
Contaminated land	No
Wahroonga Estate – Clause 6.11, KLEP	N/A

Surrounding development

Adjacent to the west and north of the site, is Ku-ring-gai Chase National Park. To the east of the site, is Lady Davidson Private Hospital and Eden Ridge residential development. The hospital has expansive grounds and is well landscaped, with several established native trees spread across the site.

Ku-ring-gai High School is located on the eastern side of Bobbin Head Road, opposite Lady Davidson Private Hospital.

Public bus stops Nos 579 and 594 provide access to Turramurra Railway Station.

To the north and west of the site, the land being adjacent to Ku-ring-gai Chase National Park is mapped as “Bushfire Prone Land”, as shown within **Figure 3** below.

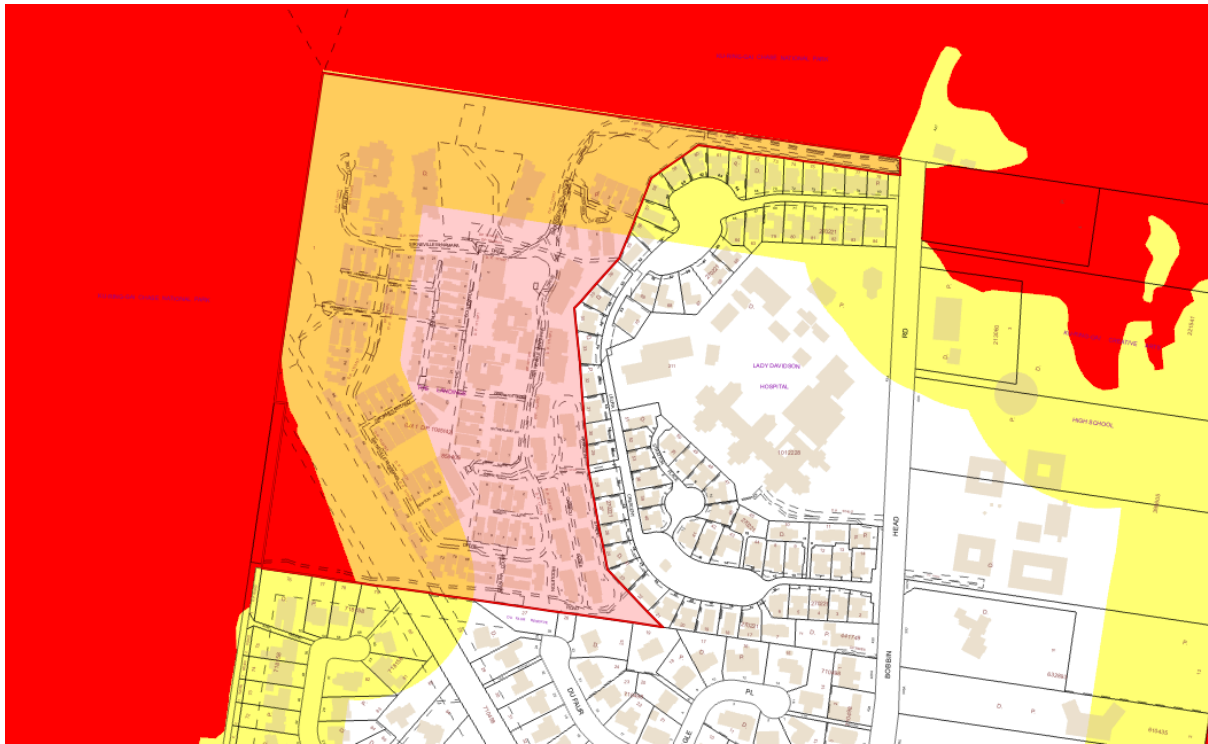


Figure 3: development site mapped as being 'Bushfire Prone Land'

THE PROPOSAL

The proposed modification is confined to the building and garages at No. 1 Sir Neville McNamara Drive (Unit 1), denoted by the star within **Figure 2**. The proposed modification does not include the residences located below Level 1.

The following works are proposed:

Main entry/ frontage to Sir Neville Macnamara Drive

- i. Reconfigure the access ramp, including associated level transition works and compliant pedestrian access to the building entry.
- ii. New fence and gate to the front boundary.
- iii. New fire hydrant infrastructure at the site frontage.
- iv. New fire booster and associated fire service equipment adjacent to the frontage fire infrastructure.
- v. New first indicator panel in the entry.

Central internal circulation core

- i. New lift with lift overruns on the roof level.
- ii. New fire-isolated stairs adjoining the lift core.
- iii. New fire-rated foyer and egress doors.

Level 01 accommodation area

- i. Internal reconfiguration to facilitate a new sole occupancy unit (SOU), increasing the total SOU from 8 to 9.

Level 01 communal/ back-of-house area

- i. Reconfigure store and pan room within the communal and services area.

Level 01 internal courtyard

- i. New communal zen garden, within the internal courtyard area.

Level 01 general

- i. Reconfiguration of the upper-level internal layout including accommodation, communal, service and circulation areas.

External service areas

- i. Air conditioning units with associated screening, located to the northern boundary.

Western connection/ interface

- i. Delete approved bridge link.

Upper level balcony/ edge treatment areas

- i. New glass balustrade.

Upper level balcony/ edge treatment areas

- i. New glass balustrade.

Elevations

- i. Amend building openings, including the addition, modification, and removal of doors and windows.

CONSULTATION

Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. In response, no submissions were received.

External Referrals

Rural Fire Service

In accordance with the provisions of Section 4.14 of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The NSW Rural Fire Service has considered the information submitted and raises no objections. The NSW Rural Fire Service requirements listed in **Condition 1A** remain applicable and valid.

STATUTORY PROVISIONS

Section 4.56 of Environmental Planning and Assessment Act 1979 – modification by consent authorities of consents granted by the Court

Subsection (a): Substantially the same development

Consent authorities may modify a development consent granted by the Land and Environment Court if it is satisfied that the resultant development remains “substantially the same” development as the development for which consent was granted.

The development, as proposed to be modified, remains substantially the same development as that approved under Development Consent DA0807/01. The proposed amendments do not alter the approved land use, building envelope, height or footprint. Accordingly, the overall scale and built form of the development remain consistent with the approved scheme.

The proposed modifications are predominantly limited to internal reconfiguration and operational improvements. External works are minor in nature and relate primarily to ancillary elements, including fencing, landscaping, and service infrastructure upgrades such as lift works and access ramps. These changes will not materially alter the appearance, scale, or character of the development.

The proposal includes a minor increase in gross floor area (GFA) of 6.9m², representing approximately 0.02% of the approved GFA and resulting in a total GFA of approximately 34,268.9m². Given its negligible extent, the increase is considered nominal, with its planning merits assessed elsewhere in this report.

The modification also seeks to increase the number of dementia-specific sole occupancy units from eight (8) to nine (9) through the conversion of existing internal floor space. This represents a minor intensification of the approved development and remains consistent with the primary purpose of the site as a seniors housing and residential care facility. The additional unit is considered appropriate in the context of the overall scale and operation of the development.

Subsection (b): Notify the application in relation to the Regulation

The application was notified in accordance with the provisions. No submissions were received.

The proposal was referred to NSW RFS. In addition, in accordance with Section 107(4) of the Environmental Planning and Assessment Regulation 2021 the proposal was also notified to the Land and Environment Court.

Subsection (c): Notification

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. No submissions were received.

Subsection (d): Submissions

No public submissions were received.

A submission from the NSW Rural Fire Service was received and considered as part of the assessment.

Section 4.56(1A) – Section 4.15 considerations and consideration of reasons for granting of the consent

There were no reasons given by the Court in its granting of the original development consent. Nevertheless, under the provisions of SEPP 5, the type of development proposed was permissible at the time of lodgement of the original development application. The applicant has a proposal seeking approval to carry out alterations and additions by modifying the consent to DA0807/01 that reflects the originally approved use. A merit assessment of the proposal is provided in this report.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)

Development consent for DA0807/01 was granted under SEPP 5. Following the repeal of SEPP 5 and its replacement by SEPP HSPD in 2004, transitional provisions were introduced under Clause 6. Council considers that Clause 6(3) prevents SEPP 5 from applying to any enlargement, expansion or intensification of development approved under the former policy, including the minor increase in gross floor area proposed as part of this modification. Submitted with the previous application was legal advice prepared by Mills Oakley which contended that the transitional provisions of SEPP HSPD continue to apply. The assessment report contained the following commentary about this advice:

*The view expressed by the Mills Oakley advice (**Attachment A6**) is that the repealed HSPD SEPP still applies. However, the site is an ‘environmentally sensitive land’, being cross hatched on the Bush Fire Evacuation Risk Map, which was emphasised by the LEC decision in the refusal of DA1426/06, as provided above.*

It is not clear whether Clause 5(3) of HSPD SEPP applies because Clause 4(6) precludes the application of the SEPP to ‘environmentally sensitive land’ which includes ‘Land shown cross-hatched on the bush fire evacuation risk map’. If it does apply, this would lead to a ‘planning absurdity’, in that further re-development of the land, including significant intensification would be permitted because of a savings and transitional clause, despite the fact that the site is unsuitable for this type of development due to bushfire evacuation risks. Nevertheless, for the sake of abundant caution the provisions of SEPP 2004 are addressed below:

Council maintains its view the HSPD SEPP does not apply to the site, nevertheless, consistent with the approach adopted for the previous application, the provisions of the SEPP are addressed below:

Part 2 – Site related requirements

Clause 27 Bushfire Prone Land

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2”, “Bush fire prone land—vegetation category 3” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.*

The proposal was referred to NSW Rural Fire Service, which upon reviewing the submitted information raised no objections to the application. The NSW Rural Fire Service

requirements listed in **Condition 1A** remain applicable and valid.

Clause 28 Water and Sewer

- (1) The consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*

The site is serviced with water and sewer. The Sydney Water requirements listed in **Condition 1A** remain applicable and valid.

Merit assessment of the proposed modifications:

Part 3 Design requirements

Division 2 Design Principles

33 Neighbourhood amenity and streetscape

The proposed front fence and entry gate, glass balustrades, and door/window openings are consistent with the existing architectural character of The Landings development. Accordingly, the proposed modifications to Unit 1 recognises the desirable elements of the location's existing character and are consistent with Clause 33(a) and (d).

The siting of the proposed window and door openings has been designed to respect the privacy of adjoining properties. The proposed modifications do not increase the building footprint or height of the development and therefore maintain a reasonable level of neighbouring amenity and residential character, consistent with Clause 33(b).

The proposed landscaped areas and zen garden is sympathetic with the surrounding planting within The Landings development and does not require the removal of major existing trees. The landscape design is consistent with Clause 33(e).

34 Visual and acoustic privacy

The siting of the proposed window and door openings has been designed to maintain the privacy of adjoining properties. The proposed SOU is appropriately separated from driveways, parking areas, and pedestrian pathways, ensuring adequate visual and acoustic privacy for both residents and neighbouring properties, consistent with the requirements of Clause 34.

35 Solar access and design for climate

The proposed additional window and door openings will enhance solar access within the development site. The inclusion of glass balustrades to the existing balconies will not minimise solar access into the units. Accordingly, the proposed modifications are consistent with Clause 35.

36 Stormwater

No modifications to the stormwater infrastructure are proposed. The development is consistent with Clause 36.

37 Crime prevention

The proposed modifications encourage crime prevention through the provision of new front fencing and entry gates. The proposed new window openings allow for passive surveillance. The proposal is consistent with Clause 37.

38 Accessibility

Accessibility is improved under the subject application through the provision of a new internal circulation core, centre to the site. Additionally, level transition works are proposed to the entry ramp to provide compliant pedestrian access to the building entry. The proposal is consistent with Clause 38.

39 Waste Management

No changes to the approved waste management are proposed under the subject application. The development site remains consistent with Clause 39.

Part 7 Development standards that cannot be used as grounds to refuse consent

Division 2 Residential care facilities

48 Standards that cannot be used to refuse development consent for residential care facilities

(a) Building height

The proposal does not alter the roof height of Unit 1.

(b) Density and scale

The proposal does not alter the external form of Unit 1.

(c) Landscaped area

A minimum of 25 square metres of landscaped area per residential car facility bed is to be provided, equating to a minimum of 400m² for Unit 1. The proposed modifications retain more than 400m² of soft landscaped area and therefore satisfy this development standard.

(d) Parking

One parking space is required for every 10 beds in the residential care facility, or one parking space for every 15 beds where the facility provides care exclusively for persons with dementia. The proposal increases the number of dementia care units from 8 to 9, resulting in a requirement for one parking space, which is provided.

Appropriate visitor parking spaces are provided within the internal street network.

As there are no changes to staffing levels, no additional staff parking is required on site.

The site will continue to accommodate a dedicated ambulance parking space.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Division 17 Roads and traffic

The site has frontage to a ‘classified road’ being Bobbin Head Road.

Section 2.119 ‘Development with frontage to classified road’

This section is:

- to consider that new development does not compromise the effective and ongoing operation and function of classified roads, and
- to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The proposal itself does not generate additional traffic, the works are not immediately adjacent to Bobbin Head Road, are set back approximately 275 metres from the road and separated by Lady Davidson Private Hospital. As a consequence, the works are unlikely to impact Bobbin Head Road or be impacted by noise from the road.

Section 2.120 ‘Impact of road noise or vibration on non-road development’

This section only applies to the following development:

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

The modification relates to residential accommodation. Bobbin Head Road is located approximately 275 metres east of the proposed works and is separated by Lady Davidson Private Hospital and adjoining residential development. The modification does not alter the previous conclusion that the works are acceptable in terms of the considerations under Section 2.120.

State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 Standards for residential development – BASIX

A BASIX certificate was not submitted because is not applicable to these types of buildings. A residential care building that contains residents who have various care needs, as proposed, is classified as a Class 9c building as defined under the BCA/NCC. Notwithstanding, the applicant has submitted a ‘Sustainable Design Report’ (SDR) that provides a summary of the energy efficiency features and specifications for the proposed development, including design for thermal comfort and energy conservation to improve the thermal performance of the building.

The SDR report has demonstrated the ‘deemed-to-satisfy’ provisions of the NCC. The modelling carried out demonstrates that the proposed design achieves compliance with Performance Requirements for energy efficiency of NCC 2022, which is satisfactory. Recommended **Condition 1A** includes the SDR report.

Ku-ring-gai Local Environmental Plan 2015

Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The proposal is consistent with the Aims for the reasons given within this report.

Zoning and permissibility

The site is zoned C4 Environmental Living. The existing seniors housing use is prohibited in the C4 zone, however the proposed modification retains the approved land use.

Zone objectives

The objectives of this zone seek to provide for low-impact residential development in areas that do not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat, and to minimise direct and indirect risks to life, property and the environment from bushfire events.

- The proposal provides a service to existing residents which is of low impact within the confines of an existing building footprint of Unit 1,
- The works are not located adjacent to any bushland areas consequently there will not be any impacts to the surrounding bushland area,
- In terms of bushfire, NSW RFS have considered the proposed modifications and raise no objections. The conditions listed in **Condition 1A** remain applicable and valid.

The proposed development therefore is not considered to be contrary to the zone objectives.

Development standards

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
CI 4.3 - Height of buildings: Maximum Building Height - 9.5 metres	No change to building height.	YES
CI 4.4 - Floor space ratio (FSR): Maximum Floor Space Ratio - 0.2:1 Note: Subclause 2D Calculation 0.15:1 Gross Floor Area = 18,055 m ²	0.29:1 (34,268.9m ²)	NO

Clause 4.4 Floor space ratio

The proposed lift will create additional gross floor area of approximately 6.9m², contributing to a nominal overall site increase of 0.006%. The site will have an FSR of 0.29:1.

Under the KLEP provisions, the FSR is non-compliant. The proposed FSR increase is minor and is acceptable, in circumstances of the case as the lift services the existing and approved gross floor area without increasing the intensity of the use.

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item and is not within a heritage conservation area, however, it is located within 100 metres of a heritage Item, being “1491” being “Flowton” Lady Davidson Hospital Administration Block. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

Separated by residential development, to the east of Unit 1, the proposed modifications will not create visual impacts to the heritage item because of this significant separation. Consequently, there will not be any impact to the heritage item.

Ku-ring-gai Development Control Plan

Section C

Part 21 – Site design

The proposed work entails modifications to Unit 1. In this regard, the work;

- (i) maintains the site's topography,
- (ii) the works are isolated to a small centrally located area of an already developed building footprint, and
- (iii) does not require additional drainage/stormwater works that runoff into neighbouring properties.

For the above reasons, the proposal is satisfactory in this regard.

Part 21.1 Equitable access

The principal pedestrian entrance, accessible from the eastern elevation, is proposed to be upgraded. A satisfactory Accessibility Review Report has been submitted, demonstrating that equitable access is achieved, which meets the requirements of the Building Code of Australia / National Construction Code (BCA and NCC). The Access Report is included within recommended **Condition 1A**.

22.2 – General vehicle access

Under the subject modification, no additional car parking spaces are proposed for removal.

Part 22.4 Visitor parking

Visitor car parking spaces are available within the internal road network of the site at designated locations, which is satisfactory.

Part 23.3 Sustainability of building materials

A satisfactory Sustainable Design Report has been submitted and listed within recommended **Condition 1A**. The proposal will reuse and repurpose existing building material, reducing the amount of raw material required. The existing brick veneer structure will be retained, and the existing garage will be reused adaptively.

Part 23.7 General acoustic privacy

The proposal details new:

- air conditioning units and associated screens to the northern boundary
- mechanical plant on the upper external service level, associated with the lift overrun

Control 6 in Part 23.7 of the DCP states that noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to be audible within any habitable room in any residential premises before 7am and after 10pm.

The objectives of this provision include:

- 1 *To ensure high standards of acoustic privacy for all occupants of the development.*
- 2 *To minimise the impact of the development on the acoustic privacy of neighbouring developments.*
- 3 *To ensure housing adjoining main roads is designed and constructed to minimise the impact of external noise and facilitate comfortable living conditions for residents.*
- 4 *To ensure measures to address acoustic privacy have regard to the existing or desired future character of the street.*

The following conditions ensure reasonable acoustic amenity to the development site and adjoining development is maintained: **Conditions 1A (Acoustic Report), 12, 30, 31, 38.**

23.8 General visual privacy

The siting of the proposed window and door openings has been designed to maintain the privacy of adjoining properties. The proposal is consistent with Part 23.8 of the DCP.

Part 24 – Water management

The existing stormwater drainage system will not significantly increase, as the surface area of the roof is not changing and the surface area of the accessible ramp is minor. The proposed development meets the requirements of the DCP.

Ku-ring-gai Contributions Plan 2023

The estimated cost of works under eMOD0193/24 was \$3,140,416.40, which should have attracted a s7.12 payment of \$31,404.16. Condition 15 incorrectly stated that in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contribution Plan 2023, a payment of \$34,404.16 based on the development costs of \$3,440,416.00 is required. This error shall be rectified under the subject application.

Under the subject application, the development cost has increased to \$3,229,925.00. The modified development attracts a Section 7.12 contribution of \$32,299.25 which is required to be paid prior to the issue of any Construction Certificate, as contained in the recommended **Condition 15 (Amended – eMOD0042/26).**

REGULATION 2021

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The partial demolition will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works. Please refer to **Condition 6**.

SIGNIFICANT LIKELY IMPACTS

The significant likely impacts of the development have been considered within this report and are deemed to be acceptable, subject to conditions.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

CONCLUSION

Having regard to the provisions of section 4.15 and 4.56 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory.

RECOMMENDATION

PURSUANT TO SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979:

All the conditions that now apply in the Notice of Determination to DA0807/01, as amended, are detailed below:

The conditions of the consent are set out as follows:

PART A

Conditions of Appeal No: 10973 of 2002 dated 21 May 2001 DA0807/01

1. The conditions contained within "Annexure A" of Appeal No: 10973 of 2002 dated 21 May 2001 as ordered by the Land and Environment Court remain applicable and additional conditions are added by new conditions contained within PART B to reflect the proposed works and current legislation.

PART B

The works described in the modification application known as eMOD0193/24 and modified by eMOD0042/26 shall be carried out in accordance with the conditions below:

1A. Plans and documentation (*Modified – eMOD0042/26*)

The works shall be carried out in accordance with the following plans listed below, as submitted with the modification application eMOD0193/24 and S.4.56 endorsed with Council's stamp except where amended by other conditions of this Modification Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA00.04 Revision A	Rothe Lowman	22/11/2024
DA00.05 Revision A	Rothe Lowman	22/11/2024
DA00.10 Revision A	Rothe Lowman	22/11/2024
DA00.11 Revision A	Rothe Lowman	22/11/2024
DA01.01 Revision A	Rothe Lowman	22/11/2024

DA01.02 Revision A	Rothe Lowman	22/11/2024
DA01.03 Revision A	Rothe Lowman	22/11/2024
DA02.01 Revision A	Rothe Lowman	22/11/2024
DA02.02 Revision A	Rothe Lowman	22/11/2024
DA03.01 Revision A	Rothe Lowman	22/11/2024
DA03.02 Revision A	Rothe Lowman	22/11/2024
DA04.01 Revision A	Rothe Lowman	22/11/2024

Section 4.56 Document(s)	Dated
Accessibility Report prepared by ABE Consulting Ref: 24364	15/11/2024
Acoustic Report prepared by Acoustic Logic Ref: 20241246.1/2611A/R0/GC Revision "0"	26/11/2024
Building Code of Australia Assessment Report prepared by Private Certifiers Australia Ref: "Final V1.0"	15/11/2024
Colours, materials and fittings prepared by Rothe Lowman	-
Construction Management Plan prepared by Access Building & Maintenance	-
NSW RFS letter Ref: DA20250121000264-Original-1	13/02/2025
Sustainability report prepared by ARK Resources Ref: 527DK	21/11/2024
Sydney Water letter Ref: N/A	10/02/2025
Waste Management Plan prepared by Access Building and maintenance	12/11/2024

Except where amended by that work shown in colour or clouded on the s4.56 (eMOD0042/26) plans endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA00.02 (Revision P3)	Rothelowman	26.03.26
DA00.03 (Revision P3)	Rothelowman	26.03.26
DA00.04 (Revision P3)	Rothelowman	26.03.26
DA00.05 (Revision P3)	Rothelowman	26.03.26
DA00.10 (Revision P3)	Rothelowman	26.03.26
DA00.11 (Revision P3)	Rothelowman	26.03.26
DA01.01 (Revision P3)	Rothelowman	26.03.26
DA01.02 (Revision P3)	Rothelowman	26.03.26
DA01.03 (Revision P3)	Rothelowman	26.03.26
DA02.01 (Revision P3)	Rothelowman	26.03.26
DA02.02 (Revision P3)	Rothelowman	26.03.26
DA03.01 (Revision P3)	Rothelowman	26.03.26
DA03.02 (Revision P3)	Rothelowman	26.03.26
DA04.01 (Revision P3)	Rothelowman	26.03.26

Except where amended by the documents submitted with the s4.56 (eMOD0042/26) application, endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Document(s)	Dated
Waste Management Plan prepared by Salt3	8 April 2026
Accessibility Review Report prepared by ABE Consulting	26 March 2026
Sustainable Design Report prepared by Salt3	9 April 2026

Reason: To ensure that the development is in accordance with the Development Consent.

1. Inconsistency between documents (*Added – eMOD0193/24*)

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent under Part B prevail where applicable.

Reason: To ensure that the development is in accordance with the Development Consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

2. Asbestos works (*Added – eMOD0193/24*)

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

Reason: To ensure public safety.

3. Notice of commencement (*Added – eMOD0193/24*)

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

Reason: Statutory requirement.

4. Notification of builder's details (*Added – eMOD0193/24*)

Prior to the commencement of any works, the Principal Certifier shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

5. Structural adequacy (alterations and additions) (*Added – eMOD0193/24*)

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:

6. Statement of compliance with Australian Standards (Added – eMOD0193/24)

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to and approved by the Certifier prior to the commencement of any demolition works.

Reason: To ensure compliance with the Australian Standards.

7. Long service levy (Added – eMOD0193/24)

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at www.longservice.nsw.gov.au.

Reason: Statutory requirement.

8. Access for people with disabilities (residential) (Added – eMOD0193/24)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Dignified and equitable access shall be provided.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act, Disability (Access to Premises) Standards*, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

9. Location of air conditioning condensers (Added – eMOD0193/24)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that architectural plans displaying air conditioning condensers will be supplied with an acoustic enclosure to prevent noise impacts.

Reason: To minimise impact on surrounding properties and to improve the appearance of the approved development.

10. Noise control - air conditioning (Added – eMOD0193/24)

Prior to the issue of any Construction Certificate, written confirmation from an appropriately qualified acoustic consultant shall be submitted to the Certifier demonstrating that any proposed air conditioning systems have been positioned and designed so as to operate -

- (a) during peak time (7.00am to 10pm) - at a noise level that will not exceed 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at any property boundary, and

- (b) during off peak time (10pm to 7am) - at a noise level that will not be audible in habitable rooms of any adjoining residences.

Reason: To protect the amenity of neighbouring residents.

11. Utility provider requirements (Added – eMOD0193/24)

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE, SUBDIVISION WORKS CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR BUILDING WORKS (WHICHEVER COMES FIRST):

12. Infrastructure damage security bond and inspection fee (Added – eMOD0193/24)

To ensure that any damage to Council property as a result of construction activity is rectified in a timely manner:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt by Council of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

(f) In this condition:

"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

13. Construction certificate plans (*Added – eMOD0193/24*)

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1a of this Development Consent, as modified by any conditions of consent under Part B.

Reason: To ensure that the works are carried out in accordance with the Development Consent.

14. Bush fire risk certification (*Added – eMOD0193/24*)

Prior to the issue of any Construction Certificate, the Certifier must be satisfied that the Construction Certificate is in accordance with, and adopts and implements, the requirements in the document prepared by the NSW Rural Fire Service that is listed in Condition 1A of this consent.

Reason: To ensure that the development is in accordance with the Development Consent.

15. Section 7.12 fixed development consent levy contributions (*Modified – eMOD0042/26*)

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, \$32,299.25 based on development costs of \$3,229,925.00, shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

- (a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (b) prior to the issue of the first Construction Certificate where the development is for building

- work; or
- (c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (d) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at www.krg.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Reason: To cater for the increased demand for upgrades in the public domain resulting from cumulative developments in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

16. Prescribed conditions (*Added – eMOD0193/24*)

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or

- (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

Erection of signs (Added – eMOD0193/24)

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Notification of [Home Building Act 1989](#) requirements (Added – eMOD0193/24)

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
 - a) for work that requires a principal contractor to be appointed -
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
 - b) for work to be carried out by an owner-builder -
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.

- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Reason: Statutory requirement.

17. Hours of work (Added – eMOD0193/24)

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Demolition and/or excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No demolition and/or excavation using machinery of any kind is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site), approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

18. Approved plans to be on site (Added – eMOD0193/24)

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifier.

Reason: To ensure that the development is in accordance with the determination.

19. Site notice (Added – eMOD0193/24)

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible

- managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

20. Dust control (*Added – eMOD0193/24*)

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

Reason: To protect the environment and the amenity of surrounding properties.

21. Use of road or footpath (*Added – eMOD0193/24*)

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

Reason: To ensure safety and amenity of the area.

22. Toilet facilities (*Added – eMOD0193/24*)

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
- have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
- be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

23. Construction signage (*Added – eMOD0193/24*)

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

24. Services (*Added – eMOD0193/24*)

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

25. Sydney Water Section 73 Compliance Certificate (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Sydney Water letter referenced within the documents table within Condition 1a.

Reason: Statutory requirement.

26. Maintenance of site (*Added – eMOD0193/24*)

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- all vehicles entering or leaving the site must have their loads covered, and
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

Reason: To ensure the site is appropriately maintained.

27. Control of construction noise (Australian Standard) (Added – eMOD0193/24)

During any excavation, demolition and/or construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines.

Reason: To protect the amenity of neighbouring properties

28. Site fencing (Added – eMOD0193/24)

The site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

If the work involved in the excavation, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

The site shall be secured/locked to prevent access at the end of each day.

Any hoarding, fence or awning is to be removed when the construction work has been completed.

Reason: To ensure public safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

29. Noise control - air conditioning (Added – eMOD0193/24)

Prior to the issue of any Occupation Certificate, acoustic certification prepared by an appropriately qualified acoustic consultant, is to be submitted to the Principal Certifier confirming that any installed air conditioning system/s when in operation either as an individual piece of equipment or in combination do not:

- (a) during peak time (7.00am to 10pm) - exceed more than 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at the boundary of the nearest potentially affected residential occupancy; and
- (b) during off peak time (10pm to 7am) - operate at a noise level that will be audible in habitable rooms of any adjoining residences.

The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residents.

30. Location of air conditioning condensers (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers be supplied with an acoustic enclosure.

Reason: To minimise noise impacts on surrounding properties and to improve the appearance of the approved development.

31. Accessibility (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Access Report and BCA report as contained within Condition 1a.

Reason: To facilitate disabled access.

32. Sydney Water Section 73 Compliance Certificate (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Sydney Water letter referenced within the documents table within Condition 1a.

Reason: Statutory requirement.

33. Fire safety certificate (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

Reason: To ensure suitable fire safety measures are in place.

34. Bush fire risk certification (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all requirements in the document prepared by the NSW Rural Fire Service and listed in Condition 1A of this approval have been complied with.

Reason: To ensure that the development is in accordance with the Development Consent.

35. Construction of food premises (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the food storage and preparation areas for the Respite Area meets the requirements of the Food Act 2003.

If a private certifier is to be used, the final inspection of the food premises fit out must be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.

Reason: To ensure compliance with standards for food premises.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

36. Compliance with bush fire requirements (Added – eMOD0193/24)

All ongoing recommendations identified in the approved document prepared by the NSW Rural Fire Service, and listed in Condition 1a of this approval, must be complied with at all times.

Reason: To ensure the continual implementation of measures to manage bushfire risk.

37. Noise control - air conditioning(Added – eMOD0193/24)

Noise levels associated with air conditioning units installed on the premises must not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of residential occupants and neighbouring properties.

Signed by delegate



Shanika Kappagoda
Executive Assessment Officer
Report Dated: 30/06/2026



Jonathan Goodwill
Team Leader Development Assessment
Date Application Determined: 30/06/2026