

Our ref: SSD: 45121248

Mr Stephen Barry  
Planning Director – Independent Planning Commission  
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Sydney NSW 2000

Via email: [tahlia.sexton@ipcn.nsw.gov.au](mailto:tahlia.sexton@ipcn.nsw.gov.au)

1 February 2024

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**Subject:** Neringah Seniors Housing & Hospital (SSD 45121248) – Response to Request for Comment  
- Recommended Conditions of Consent

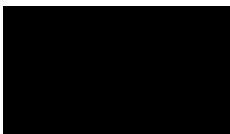
Dear Mr Barry

I refer to your letter dated 24 January 2024, seeking the Departments advice on the proposed conditions of consent for the Neringah Seniors Housing and Hospital (project) for consideration of the NSW Independent Planning Commission (Commission), should it approve the project. The Commission also requested further information relating to the footing of the proposed fence on the northern boundary with 14 Neringah Avenue South.

As requested by the Commission, the Department has considered workability, enforceability and any potential unintended consequences of the proposed conditions and has provided a response to the conditions and further information in **Attachment A**.

Please do not hesitate to contact Caleb Ball, Senior Planning Officer on 9274 6186 should you require any further information or clarification in relation to these matters.

Yours sincerely,



A/Director

State Significant Acceleration

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## ATTACHMENT A

Proposed Condition	Summary of the Commission's comments	Department's Response to IPC comments and/or proposed changes
A8	Amend Planning Secretary's resolution on matters	The Department notes this is a standard condition although supports the amendment of Condition A8.
B1(e)	Design Amendments	The Department assessed cross ventilation in detail in <b>Section 6.5</b> of its assessment report and concluded the proposal provides good levels of natural ventilation and met the intent of the Apartment Design Guide (ADG), despite technically not achieving the 60% requirement. In particular, the Department was satisfied the notches, or deep recesses in the building façade, provide four units within the centre of the façade with a dual aspect which improves ventilation to the apartments consistent with the intent of the ADG. Therefore, the Department is satisfied the current design would not require any design amendments, and considers this additional condition is not needed.
B32	Engineering Plans: Further detail has been included more than normal	The Department agrees with the recommended change to require stormwater infrastructure and services to be designed and constructed in accordance with the Australian Standards, relevant guidelines and Councils requirements.
B35	Groundwater Impact Assessment	The Department is supportive of the amendment to Condition B35 to include an approval role for the former DPE Water Division and now Department of Climate Change, Energy, the Environment and Water (DCCEEW).
B43	Electric Vehicle Charging Points	The NCC currently requires all new buildings to be EV ready and under Condition A11, the Applicant would be required to construct the development in accordance with the relevant requirements of the NCC. Therefore, the Department is supportive of the amendments to B43.

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<b>B43</b>	Ventilation / Fire safety with EV in basement	Condition A11 requires all new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC including fire safety. Condition F1 also requires the Applicant to provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue in accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>C7(b)</b>	Protection of Public Infrastructure and Street Trees – pre-dilapidation report	The dilapidation report referred to in Condition C7(b) is the same dilapidation report required under Conditions C14-C19.
<b>D25</b>	Tree protection	The Department notes D25 incorrectly references the Construction Site Management Plan and therefore supports amending the condition to reference the Construction Environmental Management Plan.
<b>D52</b>	Survey and inspection of waste collection	The Department does not consider D52 is required as the Applicant will engage a private contractor to manage all waste collection. The Department recommends the exclusion of Council's proposed condition.
<b>E42</b>	Mechanism for ensuring compliance with accessibility requirements	The Department supports amending Condition E43 to provide a mechanism for approval to the satisfaction of the Principal Certifier.
<b>E63</b>	Easement for waste collection	The Department recommends the exclusion of Council's proposed condition. The Applicant identified they would be seeking a private contractor to manage all waste material and therefore the Department considers an easement for Council's access is not required.
<b>F25</b>	Hours of Operation including the salon,	The Department understands the salon, pharmacy and centre for positive aging would be owned and operated by HammondCare and no specific hours of operation were proposed for the ancillary uses. The Department

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pharmacy and centre for  
positive aging

notes the ancillary uses would not be accessible to the public and are unlikely to be disruptive or cause excessive noise. The Department therefore does not consider it necessary to specify specific hours of operation for these ancillary uses.

The Department has no comment on the Commission's other proposed changes to the Departments recommended conditions of consent.

### **Request for additional information**

1. Landscape Plan LAQ-DG-86-# Revision P4 shows the footing of the proposed fence on the northern boundary with 14 Neringah Avenue South encroaching outside of the Site boundary. Please provide further information regarding:
  - a. if landowners consent for these works has been obtained; or
  - b. if amendments to the proposed fence are required via a condition of consent (and provide a recommended condition of such).

The Department's acknowledges that the landscape plan shows a minor encroachment outside of the site boundary and landowners' consent has not been provided for additional work on the adjoining property. Therefore, the Department recommends a condition requiring a plan amendment to ensure no works occur on the neighbouring property.

*B1 (g) The landscape plan LAQ-DG-86 Rev 4 is to be amended to clearly remove any works on the adjoining property of 14 Neringah Avenue South.*