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Modification Report

Section 4.55(2) Modification

Seniors Living and Mixed Use Development

5 Skyline Place, Frenchs Forest



Prepared for Platino Properties Pty Ltd
Submitted to Northern Beaches Council

REV 2019/014
Modification No. 2
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Table of Contents

1	Introduction	5
2	The site and locality	7
2.1	Site description	7
2.2	Surrounding Locality	8
3	Application history.....	9
3.1	MOD 2019/0654.....	9
4	Proposed modification to the Development Consent	10
4.1	Proposed modifications to development consent.....	13
4.1.1	Condition 1 Approved Plans and Documentation.....	13
5	Statutory Planning Framework	15
5.1	Environmental Planning and Assessment Act 1979.....	15
5.1.1	Section 4.55(2) of the EP&A Act.....	15
5.1.2	Section 4.55(3) of the EP&A Act.....	16
5.1.3	Section 4.15(1)(a) Planning Instruments.....	17
5.2	State Environmental Planning Policies	17
5.2.1	State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.....	18
5.3	Warringah Local Environmental Plan 2011.....	18
5.3.1	Zoning.....	18
5.3.2	Floor Space Ratio (FSR)	20
5.3.3	Height	20
5.3.4	Heritage.....	20
5.4	Warringah Development Control Plan 2011	20
5.5	Environmental Planning and Assessment Regulations	21
6	Environmental Planning Assessment	22
6.1	Built Form	22
6.2	Access	23
6.3	Traffic and Movement.....	23
6.4	Landscaping	23
6.5	Bushfire.....	24
6.6	Suitability of the site for the development.....	24
6.7	Submissions	24
6.8	Public interest.....	24
7	Conclusion	25

Figures

Figure 1: Site location with site outlined in red (Base source: Sixmaps)	7
Figure 2: Site zoning with site outlined in blue (Source: WLEP)	20
Figure 3: Approved north elevation (Source: NBC)	22
Figure 4: Proposed north elevation (Source: PA Studio)	22

Tables

Table 1: Proposed modifications table.....	12
Table 2: Response to section 4.55(2) Provisions.....	16
Table 3: Section 4.15(1) Assessment.....	17
Table 4: Projected future traffic generation comparison of approved and proposed scheme.....	23

Appendices

Appendix 1	REV 2019/014 Consent (as amended)
Appendix 2	Amended Architectural Plans
Appendix 3	Revised Design Verification Statement
Appendix 4	Access Report
Appendix 5	Traffic and Parking Assessment Report
Appendix 6	Bushfire Protection Letter
Appendix 7	BASIX Certificate
Appendix 8	NATHERs Certificate
Appendix 9	BASIX/NATHERs Stamped Plans
Appendix 10	Revised Landscape Drawings
Appendix 11	ADG Assessment
Appendix 12	Supplementary Geotechnical Letter
Appendix 13	Owners Consent

1 Introduction

This Modification Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan), on behalf of *Platino Properties Pty Ltd* (the Applicant), to accompany a section 4.55(2) application to modify REV 2019/014 (the Development Consent) for a seniors living and mixed use development at 5 Skyline Place, Frenchs Forest.

The development consent has previously been modified on one occasion. This modification was approved on 27 August 2020 to facilitate:

- the reduction in the amount of commercial/retail floorspace from 2,219m² to 1,758m²;
- provision of two additional lifts, one in each lift core, for use by residents, commercial tenants and visitors;
- reconfiguration of level 1 to provide for kitchen, dining, common area, bathrooms, and recreational facility rooms and 2 additional seniors living apartments;
- reconfiguration of level 2 to provide for 5 additional seniors living apartments and courtyard areas; and
- provision of additional communal open space through the extension of north facing common space on Level 1 and internal and outdoor space on the rooftop including community gardens.

The proposed modifications under this application include:

- increase the overall building height to the top of the lift overruns by 510mm with a commensurate increase of 510mm at roof level and associated changes at each level, resulting in a maximum building height of RL 176.51/25.11m;
- consolidate several apartments internally to provide apartment sizes reflective of customer requests on Levels 1, 3 and 4, resulting in a net reduction of 3 apartments;
- minor design amendments at ground and lower ground level resulting from refinements to the residential lobbies, garbage rooms and facilities as well as to accommodate external undercover walkways;
- minor amendments to the landscaping scheme to provide better accessibility and retain some existing vegetation initially approved for removal;
- increase non-residential floorspace by 65m² from 1,758m² to 1,823m²; and
- revise the car parking layout at basement level to improve efficiency, resulting in an increase of 9 car parking spaces.

This report should be read in conjunction with the following documents:

- REV 2019/014 Consent (as modified)
- Amended Architectural Plans prepared by PA Studio Architects
- Revised Design Verification Statement prepared by PA Studio Architects
- Access Report prepared by Code Performance
- Traffic and Parking Assessment Report prepared by Varga Traffic Planning
- Bushfire Report prepared by Australian Bushfire Protection Planners (ABPP)
- BASIX Certificate prepared by Greenworld Architectural Drafting
- NATHERs Certificate prepared by Greenworld Architectural Drafting
- Revised Landscape Drawings prepared by Space Landscape Designs
- ADG Assessment prepared by PA Studio Architects

- Supplementary Geotechnical Letter prepared by Douglas Partners

It is considered that the proposed modification to REV 2019/014 is acceptable as:

- it is minor in nature and will result in substantially the same development as the development for which consent was originally granted;
- it will not result in any additional environmental impacts;
- it will facilitate provision of apartment types to meet future residents' requests and demands; and
- it provides additional weather protection by adjusting the ground floor façade to accommodate larger undercover walkways.

This report concludes that the proposal is substantially the same development and will not result in any significant environment impacts. Accordingly, we recommend that the proposed modification be approved.

2 The site and locality

2.1 Site description

The subject site is located at 5 Skyline Place, Frenchs Forest. The legal description of the site is Lot 101 in DP 1209504. The site location is shown in Figure 1 below.



Figure 1: Site location with site outlined in red (Base source: Sixmaps)

The site is bound by Frenchs Forest Road East to the north, Skyline Place to the east and existing warehouse development to the west and south. The site is accessible by vehicle from a T-way intersection on Frenchs Forest Road East and Skyline Place. Roadworks to Frenchs Forest Road associated with the Northern Beaches Hospital have recently been completed.

The site is currently under development following the approval of REV 2019/014 with works to date including demolition of the former building on site and excavation of the land to facilitate the basement carpark

There are a number of large established trees along the north and east boundaries of the site.

The adjacent property to the west, 79 Frenchs Forest Road, is traversed by high voltage power lines in an easement granted to Energy Australia.

The site includes a Bushfire Vegetation Buffer on its south western corner. The site is not flood affected and there are no heritage items located on the site.

2.2 Surrounding Locality

The site is located within the Frenchs Forest Business Park. The Business Park comprises warehouses and commercial/retail buildings ranging from single, three to five storeys.

To the north of the site, beyond Frenchs Forest Road East, is land comprising low density residential dwellings. The dwellings are typically 1-2 storey detached dwellings.

To the immediate east of the site are commercial premises and large format warehousing ranging between 2 to 4 storey in height within the business park. The business park has also seen an increase in medical related services, such as imaging, pharmaceutical and research uses that complement the hospital precinct.

To the north-east are the Skyline neighbourhood shops offering a variety of convenience shops including small-scale supermarket, chemist, post-office and bakery. A number of medical suites also front Frenchs Forest Road. The site is also within a 1 kilometre (to the west) of Forest Way Shopping Centre a strategic centre with full line supermarkets, convenience shopping, post office, banking, cafes and restaurants.

The Northern Beaches Hospital Precinct is situated approximately 240 metres to west of the site, beyond Wakehurst Parkway, within the broader Frenchs Forest Health and Education Precinct. The uses and character of this area are expected to transition into a variety of new housing and employment opportunities to support the ongoing operation of the new hospital, consistent with the North District Plan, Northern Beaches Hospital Precinct Structure Plan (November 2016) and the recently exhibited draft Frenchs Forest Place Strategy.

3 Application history

On 13 June 2018, the Applicant lodged a DA (2018/0995) seeking consent for subdivision of land into 2 allotments, demolition of existing structures, and construction of a mixed use development containing 78 Seniors Housing units, and commercial space.

On 18 December 2018, the Sydney North Planning Panel (SNPP) determined to refuse consent for the DA.

On 29 March 2019, the Applicant lodged a request to review the determination under section 8.2 of the EP&A Act (REV 2019/014) with relevant amendments.

On 18 June 2019, the SNPP considered the section 8.2 review request and approved the DA. The approved works comprise:

- subdivision of land into 2 allotments;
- demolition of existing structures; and
- construction of a mixed use development containing 78 Seniors Housing units, and commercial space

A copy of the original Development Consent is provided at Appendix 1.

3.1 MOD 2019/0654

A modification to the consent under REV 2019/014 was approved by the SNPP on 26 August 2020. The modification was approved for:

- the reduction in the amount of commercial/retail floorspace from 2,219m² to 1,758m²;
- provision of two additional lifts, one in each lift core, for use by residents, commercial tenants and visitors;
- reconfiguration of level 1 to provide for kitchen, dining, common area, bathrooms, and recreational facility rooms and 2 additional seniors living apartments;
- reconfiguration of level 2 to provide for 5 additional seniors living apartments and courtyard areas; and
- provision of additional communal open space through the extension of north facing common space on Level 1 and internal and outdoor space on the rooftop including community gardens.

4 Proposed modification to the Development Consent

The proposed modifications include:

- **Increase the overall building height to the top of the lift overruns by 510mm with a commensurate increase of 510mm at roof level and associated changes at each level, resulting in a maximum building height of RL 176.51/25.11m**

Detailed refinement of the structural design has resulted in a minor shift in RLs. Specifically, the minor increase in overall building height results from:

- increases to balcony set-downs - an increase in the floor to floor levels of 60mm to accommodate greater balcony setdowns and falls to provide improved waterproofing detail
- increase in slab to slab height on upper level(s) - further detailed structural design development has necessitated an increased balcony concrete slab thickness to provide for the transfer structure on the upper levels to accommodate the approved building setbacks, maintain 2.7m apartment ceilings and to comply with Australian Standards
- **Consolidate several apartments internally to provide larger apartments on Levels 1, 3 and 4, resulting in a net reduction of 3 apartments**

Some apartments have been amalgamated to respond to specific customer accessibility requirements, amenity and consumer preferences. This amalgamation has led to a reduction of 3 apartments from the number approved, resulting in the provision of a total 52 independent living units.

No change is proposed to the approved amount of residential floorspace.

The revised floor plans are included in the architectural package provided at Appendix 2.

- **Minor design amendments at ground and lower ground level resulting from refinements to the residential lobbies, garbage rooms and facilities as well as to accommodate external undercover walkways**
- **Increase non-residential floorspace by 65m² from 1,758m² to 1,823m²**

This increase results in a total Gross Floor Area (GFA) of 9,135m². This 65m² increase is wholly limited to the non-residential components of the development.

- **Minor amendments to the landscaping scheme to provide better accessibility and retain some existing vegetation initially approved for removal;**

Detailed design development of the landscaping scheme has resulted in minor changes to facilitate improved accessibility and reduced environmental impacts, specifically:

- stairs on northern side of building which provide access from Frenchs Forest Road East to the development have been narrowed to enable the retention of 3 trees initially proposed and approved for removal (Trees 36-38)

- a new staircase and ramp is proposed on the eastern elevation between Skyline Place and the lower ground level of the development as a result of stepping down the planter boxes on this elevation to mitigate the gradient between the road and the lower ground level
- level and design changes of the community gardens provided at lower ground level due to changes to design of OSD tank located in basement below
- **Revise the car parking layout at-grade and on basement levels to improve efficiency, resulting in an increase of 9 car parking spaces providing a total of 142 spaces.**

A summary of the proposed modifications is outlined in Table 1 below.

Level	Modification
Basement	<ul style="list-style-type: none"> Minor reconfiguration of both basement level parking areas providing an additional 6 car parking spaces
Lower Ground	<ul style="list-style-type: none"> Minor design changes to community gardens Minor reduction in width of access stairs connecting development to Frenchs Forest Road East, north of the development Addition of stairs to eastern elevation providing access between Skyline Place and the lower ground level of the development
Ground	<ul style="list-style-type: none"> Minor increase in non-residential GFA of 65m² (resulting in overall increase of non-residential floorspace from 1,758m² to 1,823m²) Deletion of the 2 at-grade parallel car parking spaces to provide 5 x 90° angle car parking spaces
Level 1	<ul style="list-style-type: none"> Apartment consolidation of 3 apartments to provide 1 x 2 bed + media room apartment and 1 x 3 bed apartment
Level 2	<ul style="list-style-type: none"> N/A
Level 3	<ul style="list-style-type: none"> Apartment consolidation of 2 apartments to provide 1 x 3 bed apartment
Level 4	<ul style="list-style-type: none"> Apartment consolidation of 2 apartments to provide 1 x 2 bed + study + media room apartment
Façade/external design	Modification
Building height increase	<ul style="list-style-type: none"> A maximum height increase of 510mm from 24.6m to 25.11m/ RL 176 to RL 176.51
Ground floor tenancy façade	<ul style="list-style-type: none"> Redesign of the tenancy façade which will facilitate a wider footpath for pedestrian movement

Table 1: Proposed modifications table

4.1 Proposed modifications to development consent

The words proposed to be inserted are shown in ***bold italics*** and words proposed to be deleted are shown in ~~***bold italics***~~.

4.1.1 Condition 1 Approved Plans and Documentation

It is recommended that Condition 1 be amended as follows:

1. *Approved Plans and Supporting Documentation*

The development must be carried out in compliance (except as amended by any other condition of consent with the following:

a) *Approved Plans*

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA301 - Basement and Lower Floor Plan (Issue E F)	10/06/2020 20/08/21	PA Studio
DA302 - Ground Floor Plan I (Issue E F)	10/06/2020 20/08/21	PA Studio
DA303 - Levels 1 & 2 Floor Plans (Issue E F)	10/06/2020 20/08/21	PA Studio
DA304 - Levels 3 & 4 Floor Plans (Issue E F)	10/06/2020 20.08.21	PA Studio
DA305 - Levels 5 & Roof Plans (Issue E F)	10/06/2020 20.08.21	PA Studio
DA401 - Sections (Issue E F)	10/06/2020 20.08.21	PA Studio
DA501 - North Elevation (Issue E F)	10/06/2020 20.08.21	PA Studio
DA502 - West Elevation (Issue E F)	10/06/2020 20.08.21	PA Studio
DA503 - South Elevation (Issue E F)	10/06/2020 20.08.21	PA Studio
DA504 - East Elevation (Issue E F)	10/06/2020 20.08.21	PA Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic and Parking Assessment Report	30/06/2020 13/09/2021	Varga Traffic Planning

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Master Plan 1.0 – Issue F	29/09/21	Scape Landscape Designs
Landscape Plan West – L-101 Issue E F	29/06/2020 29/09/21	Scape Landscape Designs
Landscape Plan – L-102 External Communal Area Issue F	29/06/2020 29/09/21	Scape Landscape Designs

Planting Landscape Plan East – L-201 Issue C F	23/07/2020 29.09.21	Scape Landscape Designs
Landscape Plan Rooftop – 1.4 Issue C F	29/06/2020 29.09.21	Scape Landscape Designs
Landscape Planting Plan Level 1 – L- 5 100 Issue B	01/07/2020 29.09.21	Scape Landscape Designs
Landscape Plan Level 2 – L-200 Issue A B	01/07/2020 29.09.21	Scape Landscape Designs

5 Statutory Planning Framework

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act sets out the statutory planning framework for NSW. The Act aims to promote the orderly and economic use and development of land, facilitate ecologically sustainable development and integrate economic, environmental and social considerations as part of the decision-making processes for environmental planning and assessment matters.

5.1.1 Section 4.55(2) of the EP&A Act

Section 4.55(2) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(2) Provision	Response
(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The proposed modification is substantially the same development as the development for which consent was originally granted, i.e, a seniors living and mixed use development. While there is a minor height increase proposed and change to internal layouts, the development as modified would only result in a minor increase of 65m² to the approved gross floor area, limited to the non-residential component of the development at lower ground and ground level.</p> <p>The built forms presentation to the streetscape remains unchanged and the overall appearance of the development also remains largely unchanged from that approved by the Panel.</p> <p>Furthermore, the external changes to the commercial tenancy façade on ground floor and minor landscaping changes sought as part of this modification are minor in nature and result in a positive outcome for residents and visitors through provision of a wider walkway and better accessibility.</p> <p>On this basis, the proposal would result in development that is substantially the same as the originally approved development.</p>
(b) <i>it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that</i>	<p>The proposed development is Integrated Development for the purposes of section 4.46 of the EP&A Act as it requires approval in accordance with section 100B of the Rural Fires Act 1997 (Fire Act).</p>

Section 4.55(2) Provision	Response
<i>Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	The NSW Rural Fire Service issued its Bushfire Safety Authority and General Terms of Approval for the original DA on 3 August 2018. Advice has been provided by a specialist bushfire consultant that the proposed amendments do not change in any way the requirements for bushfire protection as detailed in the ABPP Bushfire Protection Letter – 30.06.2021 and should therefore not require referral to the NSW Rural Fire Service or the issue of a new Bushfire Safety Authority.
(c) <i>it has notified the application in accordance with:</i> i. <i>the regulations, if the regulations so require, or</i> ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i>	Council will notify the modification application in accordance with the regulations.
(d) <i>it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	Consideration will be given to any submissions (if required) to the application should Council deem it necessary to advertise and/or notify the proposal in accordance with its notification requirements.

Table 2: Response to section 4.55(2) Provisions

5.1.2 Section 4.55(3) of the EP&A Act

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section of the report provides an assessment against the statutory environmental planning instruments relevant to the development. The section also includes discussion and evaluation of the key issues and matters for consideration under section 4.15(1) of the EP&A Act.

5.1.3 Section 4.15(1)(a) Planning Instruments

This section provides an assessment against section 4.15(1) of the EP&A Act.

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	The relevant environmental planning instruments are addressed at Section 5.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The relevant proposed environmental planning instruments are addressed at Section 5.
(iii) any development control plan, and	The Warringah Development Control Plan 2011 is addressed at Section 5.4.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	No planning agreements apply to the site.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are addressed in Sections 5.5.
(v) (Repealed)	N/A
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the proposal are addressed in Section 6.
(c) the suitability of the site for the development,	Site suitability is addressed at Section 6.6.
(d) any submissions made in accordance with this Act or the regulations,	Any submissions made on this subject development application will be duly considered and addressed by Keylan. In addition, Northern Beaches Council will consider any public submissions relating to the proposal during its assessment.
(e) the public interest.	Public interest is addressed at Section 6.8.

Table 3: Section 4.15(1) Assessment

5.2 State Environmental Planning Policies

The original Statement of Environmental Effects and Section 8.2 Review for the Development addressed the proposal's compliance against relevant planning instruments, including:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *Draft State Environmental Planning Policy (Environment)*
- *Draft Remediation of Land State Environmental Planning Policy*

The proposed modification will not affect the consistency of the proposed development with the relevant planning instruments listed above. Notwithstanding, an assessment against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* is provided below given the proposed apartment consolidation as well as a revised ADG assessment provided at Appendix 11.

5.2.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The amended scheme will continue to generally satisfy the principles of SEPP 65. The proposed modified scheme, as outlined in this application, generally meet the guidance and targets of the ADG, particularly regarding solar access, cross ventilation and south facing units. The ADG assessment provided at Appendix 11 further details how the proposed amendments continue to meet the recommendations as outlined in the guidelines.

The modification includes the consolidation of apartments to provide apartment sizes to suit future resident needs, increasing residential amenity and exceeding apartment dimension requirements under the ADG.

A Design Verification Statement (DVS) has been prepared in support of the modification application, in accordance with clause 115(3) of the *Environmental Planning and Assessment Regulation 2000* and is provided at Appendix 3. As detailed in the DVS, there is no change to the number of south facing units or subsequent solar access, and a minor increase to the number of apartments which are naturally cross ventilated.

5.3 Warringah Local Environmental Plan 2011

A detailed assessment of the proposal against the relevant provisions of the *Warringah Local Environmental Plan 2011* (WLEP 2011) was undertaken in the original SEE and the Section 8.2 Review Report. Given the minor nature of the proposed modification and that it results in substantially the same development as approved, the outcomes of this assessment are not changed. Notwithstanding, an overview of the relevant provisions of the WLEP is provided in the sections below.

5.3.1 Zoning

Under the WLEP, the subject site is zoned B7 Business Park (Figure 2). The objectives of the B7 zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

- *To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

A detailed assessment of the proposal against the relevant provisions of the WLEP 2011 was undertaken in the original SEE and the Section 8.2 Review Report. Given the minor nature of the proposed modification and that it results in substantially the same development as approved, the outcomes of this assessment are not changed.

Furthermore, we note that the SNPP, in approving the original DA, stated the following:

The original Panel's reason 4 was that the proposed development is inconsistent with the desired future character established by the objectives of the B7 Business Park zone under the Warringah Local Environmental Plan 2011, and in relation to the Warringah Development Control Plan as well as the Sydney North District Plan, which references the importance of the retention of employment zones and uses.

....

The review Panel considers that such inconsistency is to be expected given that the Warringah LEP prohibits residential development in the B7 zone yet the overriding SEPP (HSPD) permits it and, in the interests of its overall aim of encouraging seniors housing, specifies that its aims will be achieved by "setting aside local planning controls that would prevent the development of seniors housing that meets the development criteria and standards specified in this Policy (SEPP cl 2(2)).

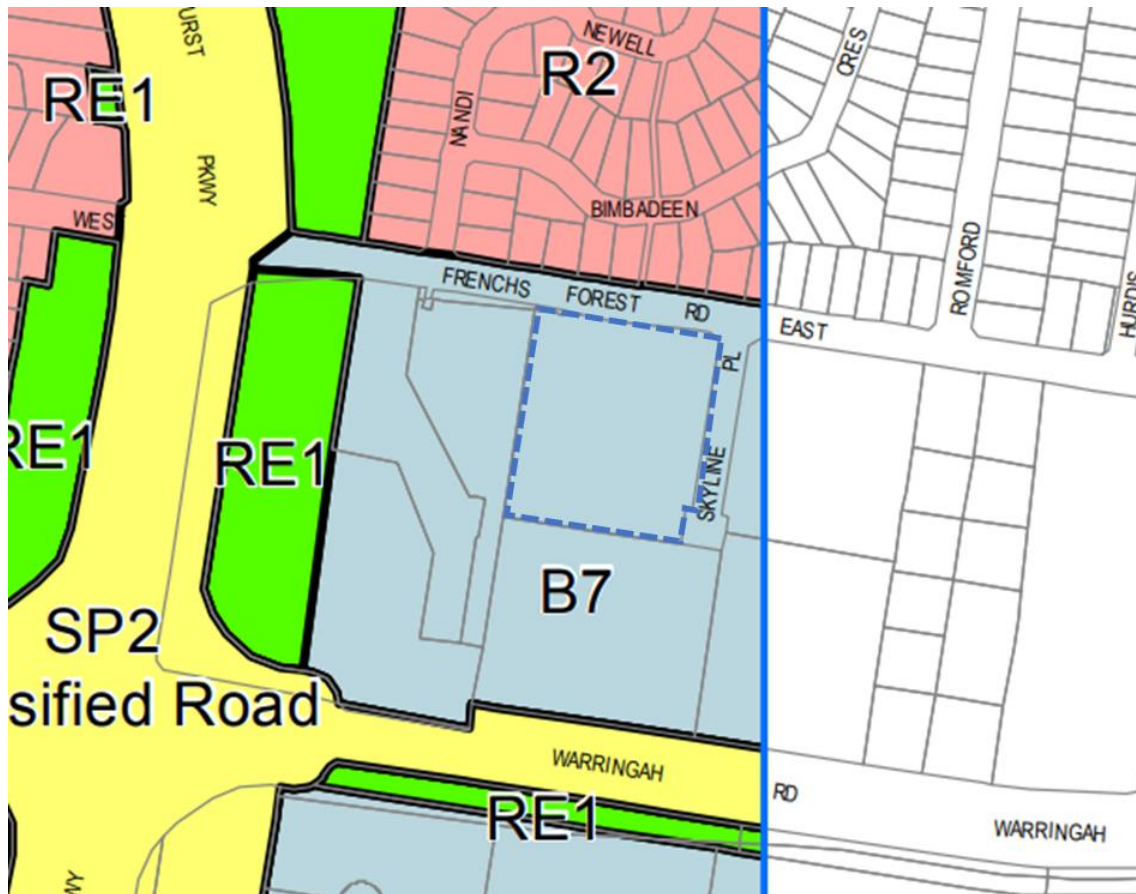


Figure 2: Site zoning with site outlined in blue (Source: WLEP)

5.3.2 Floor Space Ratio (FSR)

There is no FSR provision applicable to the site. The minor increase to the GFA (65m²) does not alter the existing FSR on the site.

5.3.3 Height

There is no maximum height of building provision applicable to the site. As discussed in Section 4, the proposal seeks to increase the maximum height of the building, with a maximum increase of 510mm, as a result of lift overrun and required level changes from the detailed structural design and construction planning phase. Notwithstanding, given there is no height provision applicable to the site under the WLEP, the height increase is to be assessed on merit.

5.3.4 Heritage

There are no known heritage items within the vicinity of the site.

5.4 Warringah Development Control Plan 2011

As the proposed modifications relate largely to internal reconfigurations and minor façade refinements, they will not affect the development's compliance with the Warringah DCP including:

- Part B – Built Form Controls

- Part C – Siting Factors
- Part D – Design
- Part E – The Natural Environment

5.5 Environmental Planning and Assessment Regulations

There are no known matters prescribed by the *Environmental Planning and Assessment Regulation 2000* that are relevant to the consideration of this application. The proposal will remain compliant with the BCA.

6 Environmental Planning Assessment

The modification is consistent with the conclusion of the SEE submitted with the original DA and the subsequent Section 8.2 Review.

Notwithstanding, Section 4.15(1) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built) and social and economic impacts. These are discussed in detail below.

6.1 Built Form

The proposed modifications result in minor changes to the external built form and do not result in any additional residential floorspace. This is limited to the proposed height increase and façade changes at ground level relating to the commercial tenancy. As detailed in Section 4, these amendments are a result of detailed design during the construction phase where increases to balcony set-downs and increased slab to slab heights have been required.

The proposed height increase facilitates the lift over-run and communal rooftop area. The maximum increase of 510mm from 24.6m to 25.11m is minor in nature and will not result in any additional visual impacts.

As detailed in the accompanying Design Verification Statement at Appendix 3, the minor nature of the height increase will not alter the relationship of the building within its context or the neighbourhood character. The figures below show the extent of the height increase at the northern elevation demonstrating that it will be barely perceptible and will have no significant visual or amenity impacts to nearby receivers.



Figure 3: Approved north elevation (Source: NBC)



Figure 4: Proposed north elevation (Source: PA Studio)

The proposal also results in amendments to the façade of the ground floor tenancies at the northern and eastern elevations by shifting the alignment of the glass line to align with column changes within basement levels. These façade changes have been undertaken to facilitate the extension of undercover walkways to provide increased amenity and accessibility to future residents and visitors. These minor amendments result in the provision of an additional 65m² of non-residential GFA.

6.2 Access

An updated Access Report demonstrating compliance and consistency with the originally submitted report has been prepared by Code Performance is provided at Appendix 4. The report demonstrates that subject to the minor design modifications, the proposal can readily comply with the relevant BCA standards.

6.3 Traffic and Movement

A revised Traffic and Parking Assessment report prepared by Varga Traffic Planning is included at Appendix 5. The proposed modification results in an overall net increase of 9 car parking spaces as a result of the reconfiguration of the at-grade car parking spaces and the basement car parking levels to facilitate a more circuitous arrangement. Despite the net increase in car parking spaces to provide a total of 142 spaces, the proposal is expected to result in a reduction in net vehicle trips per day as presented in Table 4 below. The reductions in net vehicle trips are due to the consolidation of apartments which has resulted in fewer apartments provided in the overall scheme.

Scheme	AM Vehicle Trips	PM Vehicle Trips
Approved s4.55	41 vph	52 vph
Proposed s4.55	40 vph	51 vph
Total	-1 vph	-1 vph

Table 4: Projected future traffic generation comparison of approved and proposed scheme

6.4 Landscaping

Minor amendments are proposed to the approved landscaping scheme as a result of detailed design development. The revised landscape drawings are provided at Appendix 10. These changes are limited to:

- Minor reduction in the width of the access staircase connecting the development to Frenchs Forest Road East on the northern elevation enabling the retention of 3 trees initially approved for removal
- New staircase, ramp and tiered planter boxes on the eastern elevation between the development and Skyline Place to mitigate the slope between the road and the lower ground level of the building
- Redesign of the community gardens located on lower ground level as a result of design changes to the OSD tank located in the basement below

These changes do not alter the final landscaping values which remain consistent with what has been approved. The landscaped area remains at 1,623m² (34.1% of site area) and the deep soil zone provision remains at 1,281m² (26.91% of site area). There are also no landscaping changes to Levels 1, 2 or the external rooftop providing community gardens. These are included in the landscaping drawings at Appendix 10 given the resultant level changes and apartment consolidation as detailed in Section 6.1.

6.5 Bushfire

As assessed under the original DA and discussed in Table 2, the site is identified as bushfire prone land under the Warringah LEP. A bushfire protection letter prepared by ABPP addressing the proposed modifications is included at Appendix 6.

The letter provided by ABPP confirms that there will be no changes to bushfire protection measures as a result of the proposed modifications. Given that the proposed amendments to the approval are within the existing building footprint, there is no reason to alter the existing bushfire protection measures and therefore the modification should not require referral to the NSW RFS.

6.6 Suitability of the site for the development

The site remains suitable for the proposed development for the reasons outlined in the SEE and Section 8.2 Review submitted with the original DA.

6.7 Submissions

The proposed development will be notified in accordance with Council's notification policy. Northern Beaches Council will consider any submissions received prior to the determination of the application.

6.8 Public interest

The proposal continues to be in the public interest as the modification will continue to facilitate the delivery of an innovative seniors housing development which meets a significant shortfall of such housing in the Northern Beaches LGA.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.

7 Conclusion

The modification proposes refinements to the design approved under REV 2019/014 (as amended) resulting in a minor height increase, consolidation of apartments, façade changes to ground floor tenancies and the reconfiguration of basement levels and existing parking arrangements resulting in additional car parking spaces.

Following a detailed consideration of the proposal in its legislative and physical context, it is determined that the modification is warranted on the basis that:

- The proposal is suitable for the site and the area, after consideration against Section 4.15(1) of the EP&A Act.
- The proposal complies with the relevant objectives of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, the Warringah LEP 2011 and Warringah DCP 2011;
- The proposal provides an additional 65m² of non-residential GFA, increasing the size of potential services on the site;
- The proposal does not result in any additional residential floorspace;
- The proposed will have no significant impacts on the amenity of the area;
- The proposed amendments to the landscaping scheme do not alter the provided landscape area values, including the size of the deep soil zone;
- The proposal will enhance the characteristics of the Frenchs Forest locality of which it is part;
- The proposed use is suited to the site and area;
- The proposal will not result in any significant environmental impacts or adverse impacts on the amenity of surrounding land; and
- Granting consent is considered to be in the public interest.

Consequently, approval of this modification application is recommended.