

30 August 2017

General Manager
Northern Beaches Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099

**Re: Construction of a Residential Care Facility, 22 Homestead Avenue, Collaroy
Section 96(1A) application for modification (Development Application 2015/0931)**

This letter is written on behalf of The Salvation Army NSW (**TSA**). It describes a s. 96(1A) application for modification of the consent for Development Application (**DA**) 2015/0931 which approved the construction of a residential care facility (**RCF**) at 22 Homestead Avenue, Collaroy (**the site**).

The Section 96 proposal seeks consent to make several minor modifications to the approved Architectural and Landscape Plans (louvre changes, brickwork changes, deletion of the maintenance shed, provision of additional toilets, minor change to the fire stairs, additional pathway and landscaping improvements).

This letter identifies the consent and describes and assesses the Section 96 proposal. It is accompanied by the following documents:

- Completed Section 96 application form and the application fee
- Additional Landscape Plan, by Taylor Brammer (LA01 Rev P1, 04.05.2017)
- Modified Architectural Plans, by integrated DESIGN group highlighting the proposed modifications in red clouds (CC0102_J, CC1100_H, CC1101_F, CC2000_E, CC2001_D, CC2002_D and CC9600_D, 4/8/17).

THE CONSENT

Application Reference	DA 2015/0931
Address	Lot 2 DP 604850, 22 Homestead Avenue, Collaroy 2097
Development	Construction of a Residential Care Facility
Date from which consent operates	27 January 2016

PROPOSED MODIFICATIONS TO THE APPROVED PLANS

The Section 96 proposed seeks consent to refine the approved design to:

1. Install privacy louvres where warranted
2. Remove external battens where they serve no utility or reduce solar access

3. Make minor changes to the finishes schedule (maintaining the approved brick and rendered finish character)
4. Address internal planning refinements and structural advice
5. Provide an improved landscaped recreation area to the south of the approved building (noting that the approved landscape design provided limited planting and other landscape elements).

Table 1 lists the proposed modifications illustrated on the attached Architectural Plans and additional Landscape Plan.

Table 1: Schedule of modifications (listed by plan)

Drawing	Modification
Architectural Plans by integrated DESIGN group	
CC0102_J – Site Plan	<ul style="list-style-type: none"> • New concrete fire egress path • Removal of new maintenance workshop
CC1100_H – Ground Floor Plan	<ul style="list-style-type: none"> • New privacy louvres to windows • Remove external window battens • New staff toilet • New concrete egress path around building • Minor internal changes to change room dimensions • Reduction of corridor window due to structural design
CC1101_F – First Floor Plan	<ul style="list-style-type: none"> • New privacy louvres to windows • Remove external window battens • New staff toilet • Minor internal changes to change room dimensions
CC2000_D – Courtyard Elevations	<ul style="list-style-type: none"> • New privacy louvres to windows • Remove external window battens • New staff toilet
CC2001_D – South & West Elevations	<ul style="list-style-type: none"> • New privacy louvres to windows • Remove external window battens • Reduction of corridor window due to structural design • Remove external battens from between columns • Remove sun shading louvres from southern windows
CC2002_E – North & East Elevations	<ul style="list-style-type: none"> • New privacy louvres to windows (replaced with fire screen as required) • Remove external window battens change to sandstone cladding (refer to amended finishes schedule) • New sandstone cladding (refer to amended finishes schedule) • Change to specified bricks
CC9600_D – Finishes Schedule	<ul style="list-style-type: none"> • Minor changes to brick selections and finishes • Removal of new maintenance workshop
Additional Landscape Plan, by Taylor Brammer	
LA01 – Landscape Plan (Rev P1)	<ul style="list-style-type: none"> • Additional planting, new pond, chicken coop, wooden bridge, seating, potential artwork and other additional landscape items.

PROPOSED MODIFICATIONS TO THE CONDITIONS

The proposed modifications to the Architectural Plans and the additional Landscape Plans listed above necessitate modifications to Condition 1 in the Notice of Determination for DA 2015/0931 as set out below (showing deleted words in ~~strike through~~ and new words in **red**):

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
DA 0100 Issue H Location Plan	2/9/15	Integrated Design Group
DA CC 0102 Issue H I Site Plan	2/9/15 4/8/17	Integrated Design Group
DA 1001 Issue I Basement Plan	2/9/15	Integrated Design Group
DA 1102 Issue B Roof Plan	2/9/15	Integrated Design Group
DA 1001 Issue E CC 1101_F First Floor Plan	2/9/15 4/8/17	Integrated Design Group
DA 1103 Issue A CC 1100_H Ground Floor Plan Workshop	2/9/15 4/8/17	Integrated Design Group
DA CC 2000 Issue E E North and East Elevations	2/9/15 4/8/17	Integrated Design Group
DA CC 2001 Issue E D South and West Elevations	2/9/15 4/8/17	Integrated Design Group
DA CC 2002 Issue E D Courtyard Elevations	2/9/15 4/8/17	Integrated Design Group
DA 3000 Issue F Overall Sections A, B & C	10/9/15	Integrated Design Group
DA CC 9600 Issue B D Finishes Schedules	2/9/15 4/8/17	Integrated Design Group
DA 9201 Issue D Photomontage	9/9/15	Integrated Design Group

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d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared
LA06 B Landscape Details	17/9/15	TaylorBrammer
LA02 B Landscape Masterplan	17/9/15	TaylorBrammer
LA05 B Outdoor Electrical Lighting Plan	17/9/15	TaylorBrammer
LA03 B Planting Plan 1	17/9/15	TaylorBrammer
LA04 B Planting Plan 2	17/9/15	TaylorBrammer
LA01 B Tree Retention and Removal Plan	17/9/15	TaylorBrammer
LA01 Rev P1 Landscape Plan	04/05/17	TaylorBrammer

SECTION 96(1A) CONSIDERATIONS

Section 96(1A) of the EP&A Act relates to modifications involving minimal environmental impact. It states that 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, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application, and*
- (d) *it has considered any submissions made concerning the proposed modification*

Subsections (1), (2) and (5) do not apply to such a modification.

In accordance with these tests, the Section 96 proposal will have minimal environmental impact as:

- There is no change proposed to the content or form of the approved development therefore there will be no change to the development in terms of visual impact, overshadowing, traffic/parking, bushfire protection, ecology
- The privacy screen changes will not affect the privacy enjoyed by any nearby residents or future residents within the development.
- The design quality of the development is maintained
- Improved communal open space would be provided for residents on the site.

The modified development would also be substantially the same as “*the development for which consent was originally granted and before that consent as originally granted was modified*” as the Section 96 proposal retains the original form and content of development.

MINIMAL ENVIRONMENTAL EFFECTS

Pursuant to Section 96(3):

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

As there is no change to the form, content or impact of the development; the Section 96 proposal would have a minimal environmental effect. The main environmental effect is a positive one, as the quality of the communal open space provided for residents would be significantly improved.

CONCLUSION

As the Section 96 proposal satisfies the tests listed at s. 96(1A) of the EP&A Act, it is worthy of consent. Please feel free to contact the undersigned should you require any additional information.

Yours sincerely



Sandra Robinson BTP (Hons) MPIA
Director