

4.56 MODIFICATION

Address: No. 54 Bardo Road, Newport

Proposal: Seniors Housing

OCTOBER 2021

No. 138 Woorarra Avenue
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18 October 2021



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Northern Beaches Council
PO Box 82
MANLY NSW 1655

STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 4.56 MODIFICATION TO DA2020/1172 NO. 54 BARDO ROAD, NEWPORT

Dear Sir/Madam,

Application is made, pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979 (EPAA), for modification of the consent issued by the NSW Land and Environment Court.

This modification seeks approval for amendments to the basement location, landscaping, minor modifications to the internal layouts of units, amended roof forms and external finishes.

Approval is also sought for the modification of Condition No. 32 of development consent.

The Statement of Environmental Effects has been prepared with reference to the following documentation:

- Architectural Plans + Schedule of Amendments
- BASIX Certificate
- Landscape Plan
- Accessibility Cover Letter (ABE Consulting)
- Accessibility Cover Letter (Lindsay Perry Access)
- National Construction Code Report
- Traffic Statement
- Stormwater Concept Plan

Background

Applicant: BPG Holdings (No. 5) Pty Ltd
C/- dmpps
No. 138 Woorarra Avenue
ELANORA HEIGHTS NSW 2101

Site: Lot 42 Section 2 DP 4689
No. 54 Bardo Road, Newport

Local Government Area:	Northern Beaches Council
Approved Development:	Demolition works and construction of a seniors housing development to accommodate six units including associated car parking and landscape works
Reference:	Development Application No. DA2020/1172 Refusal issued 7 April 2021 Land and Environment Court Appeal No. 2020/349112 Consent issued 18 June 2021

Proposed Modification

Section 4.56(1) of the EPAA enables Council to consider modifications to development consents granted by the Court. Council can modify the consent in this manner if:

- (a) *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*
- (b) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, and*
 - (ii) *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*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

All proposed modifications have been clearly bubbled on the architectural plans and are detailed in the attached schedule of amendments, prepared by the project architect.

The modification also seeks to amend Condition No. 32 of the development consent which relates to the construction of a pedestrian refuge, which is sought to be removed and to alternatively provide kerb ramps to enable safe road crossing.

Impact of Proposed Modifications

Landscaped area

As a result of the amended basement location, there are changes to landscaped area calculations. See attached modified landscape plans.

The proposed modifications will continue to allow for compliance with the minimum 30% landscaped area prescribed by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

It is further noted that Condition No. 10 of the development consent states:

10. On Slab Landscape Works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall also be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn*
- ii) 600mm for shrubs*
- iii) 1m for small trees*

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

For all new residential works with two or more dwellings and mixed use developments the maintenance activity schedule shall incorporate an on-going maintenance plan that shall be submitted to the Certifying Authority outlining a program to monitor and replenish soil levels as a result of soil shrinkage over time.

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

All landscaping that is now to be located atop the basement structure along the western boundary will have a soil depth which is consistent with the requirements of this condition.

Deep Soil Zones

As a result of shifting the basement, the percentage of the site's area available for deep soil has increased.

20.12% of the site area is now available as deep soil, with more than two thirds of the deep soil zone being located at the rear of the site. See architectural plans which display these calculations.

Building Height

The proposed modifications result in minor amendments to the roof forms of the development, however, these continue to comply with the maximum 8 metre maximum building height prescribed by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, with various sections and elevations demonstrating compliance.

External Finishes

Modifications to the external finishes are generally consistent with those approved, however, the location of finishes has been amended to include timber cladding at the rear of the single storey building. The removal of privacy screens on the balcony of Unit No. 101 will not result in overlooking into habitable rooms of the adjoining property, but will assist in providing additional passive surveillance to the street and front setback.

See attached architectural plans which include external materials and finishes.

Accessibility and Traffic Impacts

The proposed modification seeks to remove the requirement for a suggested pedestrian refuge island between the driveway No. 54 and 56 Bardo Road, and alternatively seeks construction of kerb ramps adjacent the roundabout at the King Street intersection.

Bardo Road is not wide enough to accommodate a pedestrian refuge island. A Traffic Statement has been prepared in support of this modification and concludes as follows:

According to the survey plan (appendix A) Bardo Road width between kerbs is 8.1m while the minimum requirements to provide a pedestrian refuge according to TfNSW is 10.4m as per technical direction TDT 2001/01 (appendix B). Consequently, pedestrian refuge island can't be provided in Bardo Road.

A kerb ramp will be constructed at the King Street intersection in lieu of the pedestrian refuge to provide an access pathway for residents.

The pedestrian refuge island was included as a condition of development consent to provide a convenient and safe pedestrian access to the designated bus stops for the seniors and people with disabilities.

See attached access cover letter prepared by ABE Consulting report which demonstrates the alternative proposition has the continued ability to comply with the accessibility requirements of the SEPP. This correspondence suggests:

ABE Consulting note that the existing pedestrian footpath provided on the same side as the subject site for residents of the area can be used for access to the bus stop on Gladstone St as per SEPP (HSPD) 2004 (underlined below).

(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like...

Kerb ramps (Pg. 2 extract) will need to be constructed at the King St intersection in lieu of the pedestrian refuge.

Threshold Test

The proposal remains substantially the same development as that approved by Development Application No. DA2020/1172 Demolition works and construction of a seniors housing development to accommodate six units including associated car parking and landscape works.

Conclusion

The proposed modifications will have a negligible environmental impact.

The development to which the consent as modified relates is otherwise substantially the same development as that for which the consent was originally granted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel', with a long horizontal line extending to the right.

Daniel McNamara
Director