

30 September 2024

Mr Daniel Miliken  
Manager Development Assessment  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

**ATTN: Northern Beaches Council Development Assessment**

Dear Mr Miliken,

**RE: S4.56 MODIFICATION APPLICATION – DA2018/1654 AT 181 FOREST WAY, BELROSE**

This Statement of Environmental Effects (SEE) has been prepared by Mecone Group Pty Limited (**Mecone**) on behalf of Regis Aged Care Pty Ltd (**Regis**) to support a Section 4.56 Modification Application (**DA**) to Northern Beaches Council (**Council**) for changes to development consent DA2018/1654 at 181 Forest Way, Belrose (the **site**).

This Section 4.56 modification application seeks to modify existing development consent DA2018/1654 granted by the Land & Environmental Court (L&EC) on 22 October 2020 for:

*An aged care facility comprising 100 rooms including dementia ward, a café, staff areas, a kitchen and basement car parking.*

The need to modify the consent has arisen from a planning panel directive dated 28 April 2023 as well as detailed design refinements which better reflect the safe and effective operation of the site by Regis. This DA seeks consent for:

*Amendments to ground level parking, rationalization of floorplans and layouts, design refinements to outdoor recreation areas, creation of new sub-terrace generator room, installation of rooftop PV panels and administrative amendments to conditions of consent*

This application is made pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and has been prepared in accordance with the Approved Form as required by Section 99 of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**).

This Section 4.56 modification demonstrates that the development that is ‘*substantially the same*’ as the original DA, as discussed in **Section 4**.

This application should be read in conjunction with the information annexed to this report as outlined below.

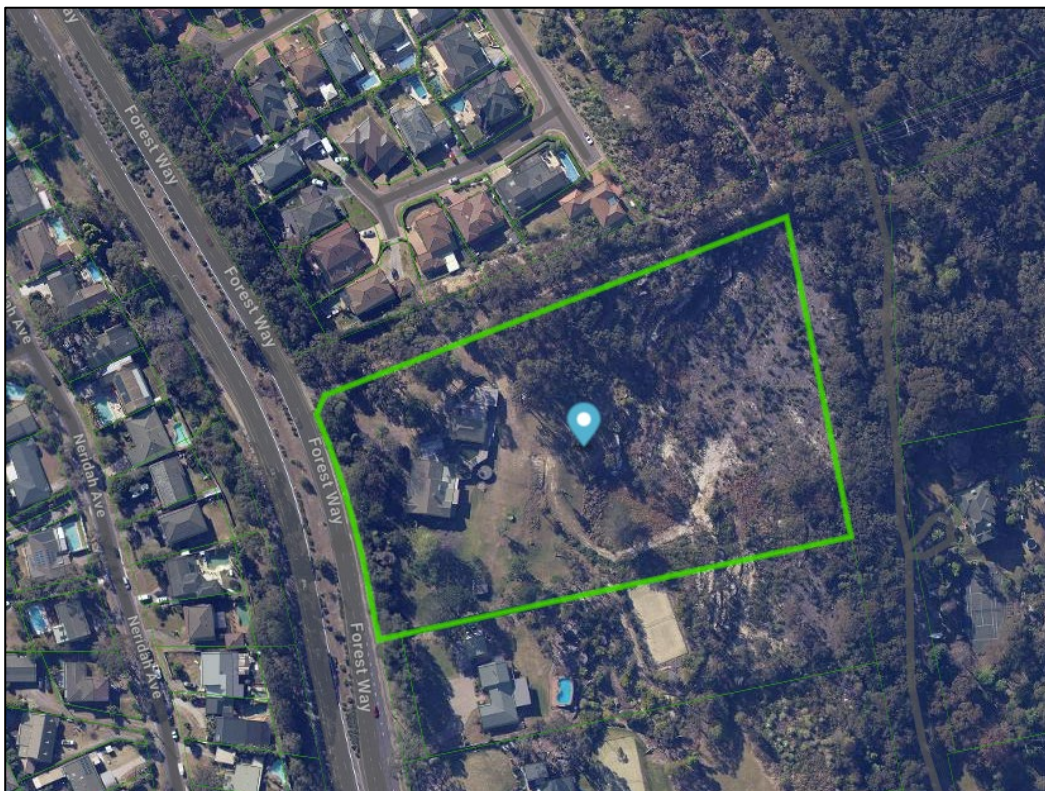
- **Appendix 1** – Architectural Plans dated May 2024
- **Appendix 2** – Landscape Plans dated 22 December 2023
- **Appendix 3** – Confirmation regarding WELS Rating dated March 2024
- **Appendix 4** – Transport Assessment dated March 2024
- **Appendix 5** – BCA Report dated March 2024
- **Appendix 6** – Acoustic Report dated March 2024
- **Appendix 7** – Access Statement dated March 2024
- **Appendix 8** – Detailed Design Report dated October 2023
- **Appendix 9** – Biodiversity Management Plan dated May 2024
- **Appendix 10** – Civil Stormwater Section 4.56 Amendment Letter dated May 2024
- **Appendix 11** – Civil Plans dated October 2023
- **Appendix 12** – General Principles of Development Control, dated May 2024

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## 1 THE SITE

The site is located at 181 Forest Way, Belrose within the Northern Beaches Council Local Government Area (LGA) (see **Figure 1**). The site is legally defined as Lot 3 DP 805710 and is approximately 2.117 ha in size.

The site has a 91m frontage to Forest Way, comprising the site's western boundary.



**Figure 1.** Subject Site  
Source: Mecone MOSAIC

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## 2 BACKGROUND

On 22 October 2020, Consent Orders for DA2018/1654 were issued by the Land and Environment Court (LEC) by way of an agreement between parties under Section 34 of the *Land and Environment Court Act 1979* in the form of a deferred commencement consent, requiring approval for the development to be connected to a sewer main.

The issued deferred consent is for “an aged care facility comprising 100 rooms including dementia ward, a café, staff areas, a kitchen and basement car parking”.

On 28 April 2023, Mod2022/0289 was granted by Northern Beaches Council. The modifications included minor refinement of internal layouts, back-of-house and parking facilities within the basement.

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## 3 PROPOSED MODIFICATIONS

This proposal is for minor administrative and physical amendments which have arisen from design development following the granting of development consent for **Mod2022/0289**. The need for amendments to the approved design primarily respond to Regis’ operational needs and practices, and other design refinements. No significant physical departure from the original DA is proposed.



The proposal includes:

- Physical amendments including:
  - Rectifying stamped architectural plans to reflect approved car parking conditions,
  - Rationalisation to floorplates and rooms involving:
    - Lower ground floor,
    - Ground floor,
    - First floor, and
    - Second floor
  - Design refinements to outdoor recreation areas:
    - Dementia garden, and
    - Ground floor courtyard,
  - Creation of new sub-terrace generator room, and
  - Installation of rooftop PV panels and other plant,
- Administrative amendments including:
  - Amendment to Condition 2A: *Modification of Consent - Approved Plans and supporting Documentation*
  - Amendment to Condition 22: *Engage a Project Ecologist*
  - Correction of Condition 49: *Certification for the Installation of Stormwater Quality System*
  - Deletion of Condition 56: *Installation of Water Efficient Fittings*
  - Deletion of Condition 67: *Basement Servicing – Internal Signals*

A summary of the quantitative proposed physical changes is provided in the table below.

<b>Table 1 – Summary of Proposed Physical Amendments</b>			
<b>Item</b>	<b>Approved</b>	<b>Proposed</b>	<b>Change</b>
<b>Site Area</b>	21,170m <sup>2</sup>	No change	<b>No change</b>
<b>Bedrooms</b>	103	97	<b>- 6</b>
<b>Beds</b>	105	99	<b>- 6</b>
<b>Parking</b>	45	No change	<b>No change</b>
<b>Gross Floor Area</b>	6,701.55m <sup>2</sup>	6,651.48m <sup>2</sup>	<b>- 50.7m<sup>2</sup></b>

### 3.1 Parking and Vehicle Access Amendments

Minor amendments are proposed to vehicle access and parking provisions previously approved, including:

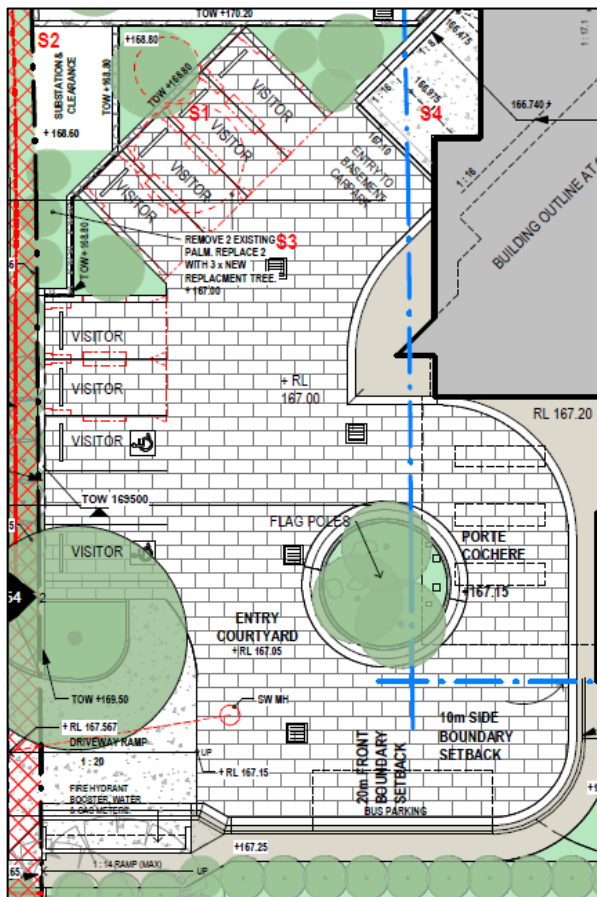
- Amendment to ground level parking spaces responding to Condition 11A,
- Extended reinforced turf road surface to the southern emergency access.

As indicated in **Figure 3** below, the proposal will remove four visitor car parking spaces adjacent to the eastern side of the ramp to the basement. This amendment to the ground level parking is a direct response to Condition 11A of the determination made on 28 April 2023. Condition 11A states:

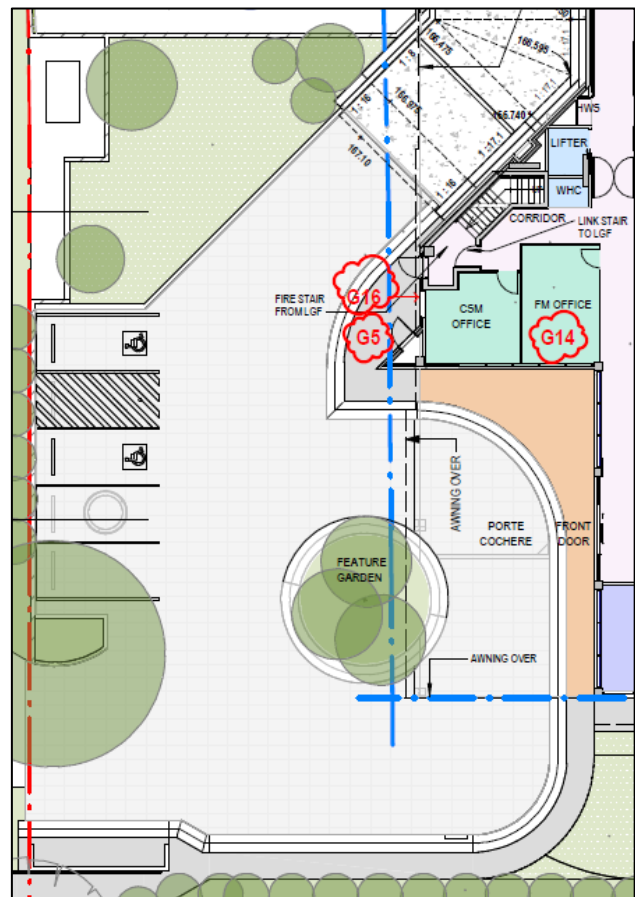
*The four car spaces (and the aprons which adjoin these car spaces) shown adjacent to the eastern side of the ramp to the basement are to be deleted from the plans (including but not limited to architectural, landscape and stormwater).*

As such, the removal of the car spaces aligns the proposed modification to the conditions of consent as well as the planning panel directive. There is no other change to car parking on site.

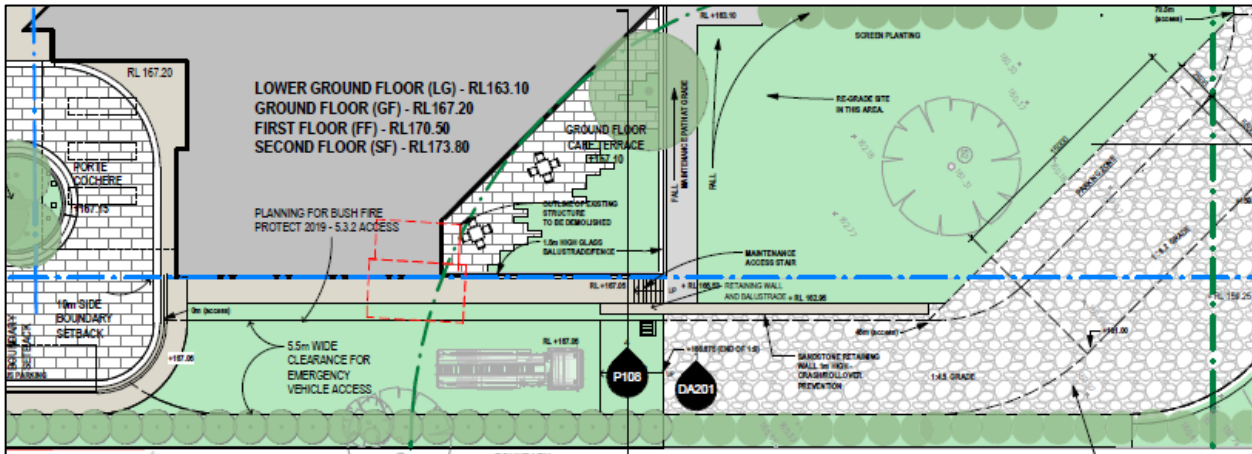
It is proposed that the emergency vehicular access to the south of the site will have an extended area of reinforced turf road surface further west into the clear emergency access point. As seen in **Figure 5**, this is a minor amendment to ensure ease of access for emergency vehicles.



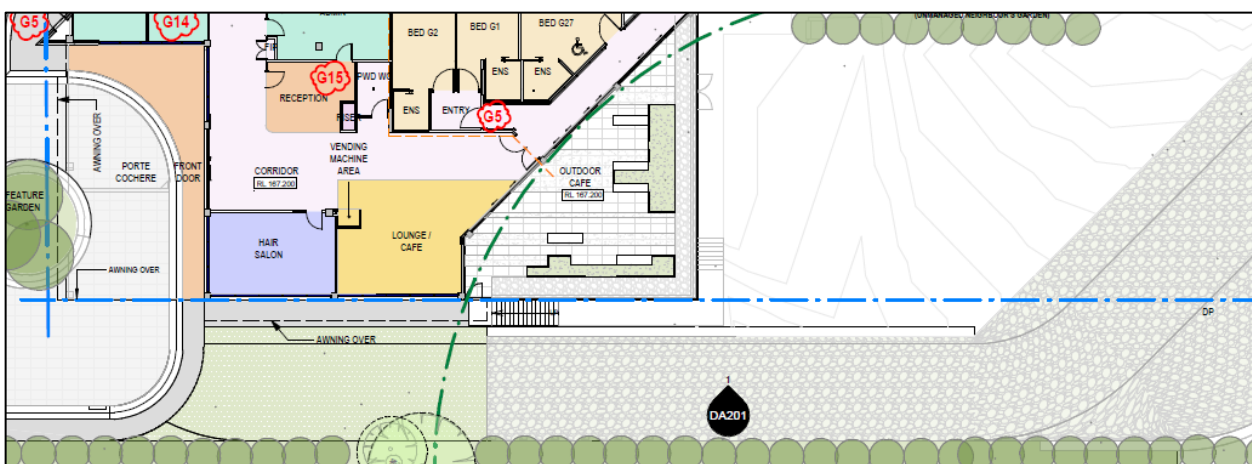
**Figure 2.** Stamped Plans – Entry Courtyard  
 Source: Morrison Design Partnership Pty Ltd



**Figure 3.** Proposed Plans – Entry Courtyard  
 Source: Morrison Design Partnership Pty Ltd



**Figure 4. Stamped Plans – Emergency Vehicle Access**  
 Source: Morrison Design Partnership Pty Ltd



**Figure 5. Proposed Plans – Emergency Vehicle Access**  
 Source: Morrison Design Partnership Pty Ltd

### 3.2 Roof Amendments

The proposed roof amendments include the following:

- Increasing the height of acoustic screen and installation of additional acoustic screening,
- Alteration to roof plant area,
- Installation of rooftop photovoltaic panels,

It is proposed for the approved acoustic screening on the rooftop is proposed to be extended by 0.98m alongside the installation of further acoustic screening on the second floor rooftops as shown in **Figure 11**. This adjustment in height and installation of acoustic screening is to better protect the acoustic amenity of neighbouring residents and to comply with the requirements of mechanical noise emissions - refer to **Appendix 6**. The height increase is necessary for the intended efficient operations of the approved scheme without causing decreased acoustic amenity for the residents and surrounding sites.

A summary of the revised acoustic screening is identified in **Table 2** below.

Table 2 – Summary of Proposed Acoustic Screening		
Acoustic Screen	Approved Height	Proposed Height
Roof Top	1.6m	2.58m
Second Floor (North)	Nil	2.48m
Second Floor (South)	Nil	2.6m

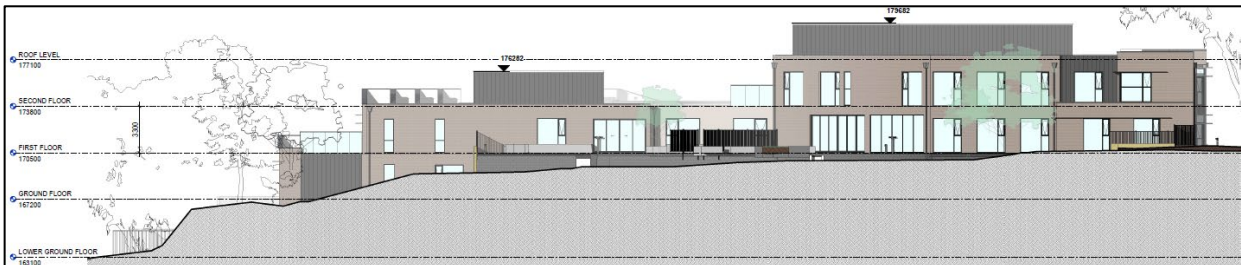


This modification seeks an increased the area of enclosure to mechanical and hydraulic plant area on the rooftop (refer to **Figure 11**) in response to the spatial requirements for the efficient operation and maintenance of the proposed plant.

Alongside the expanded rooftop plant area, it is proposed that rooftop photovoltaic panels (PV panels) are to be installed, these will sit below the maximum height of roof plant screening. Refer to **Figure 11**



**Figure 6.** Stamped Plans – North Elevations  
Source: Morrison Design Partnership Pty Ltd



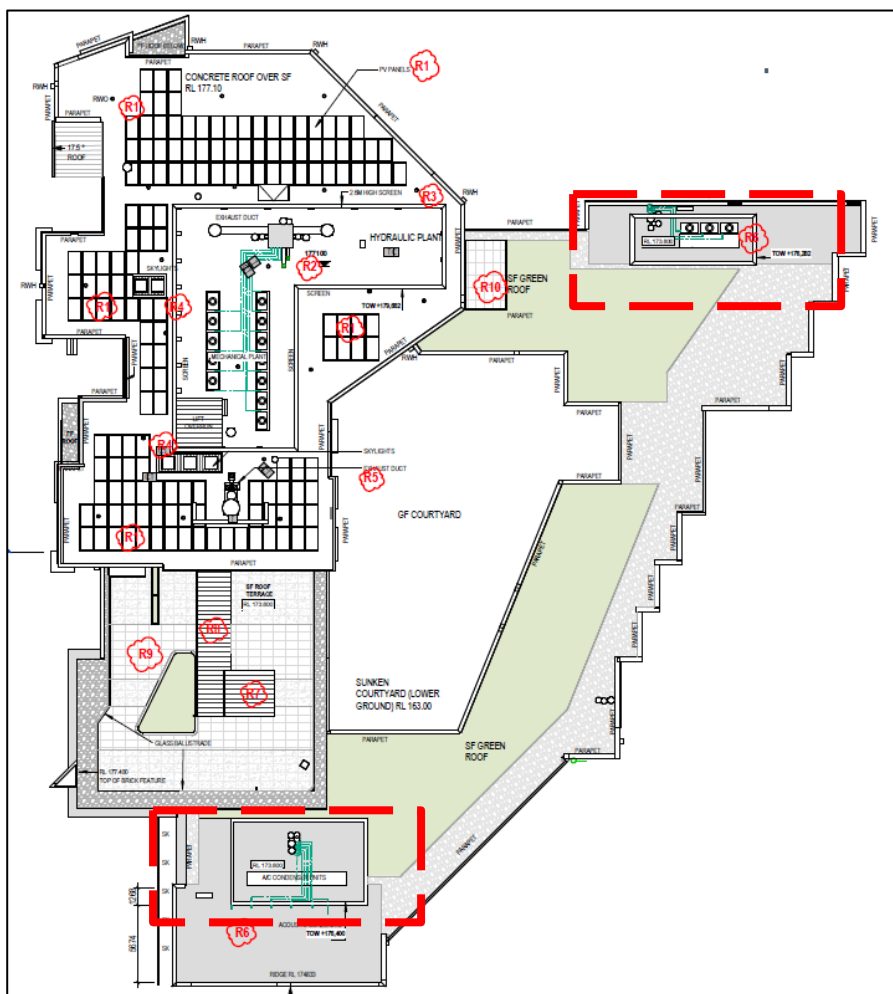
**Figure 7.** Proposed Plans – North Elevations  
Source: Morrison Design Partnership Pty Ltd



**Figure 8.** Stamped Plans – West Elevations  
Source: Morrison Design Partnership Pty Ltd



**Figure 9.** Proposed Plans – West Elevations  
Source: Morrison Design Partnership Pty Ltd



**Figure 10.** Proposed Plans – Roof Plan – Amendments Highlighted  
Source: Morrison Design Partnership Pty Ltd (Amended by Mecone)

### 3.3 Floorplan Amendments

Minor amendments to the site’s floorplan and associated dementia gardens have been undertaken across all levels of the site, resulting in the overall decrease of bedrooms and beds on site by 6, as demonstrated in **Table 3** below. The proposed floorplan and garden amendments do not substantially change the approved development and will not result in any additional environmental impacts.

**Table 3 – Bed and Bedroom Changes**

	Bedroom Changes		Bed Changes	
	Approved	Proposed	Approved	Proposed
<b>Lower Ground</b>	18	16 (-2)	18	16 (-2)
<b>Ground</b>	28	27 (-1)	29	28 (-1)
<b>First</b>	41	39 (-2)	42	40 (-2)
<b>Second</b>	16	15 (-1)	16	15(-1)
<b>Total</b>	<b>103</b>	<b>97 (-6)</b>	<b>105</b>	<b>99 (-6)</b>

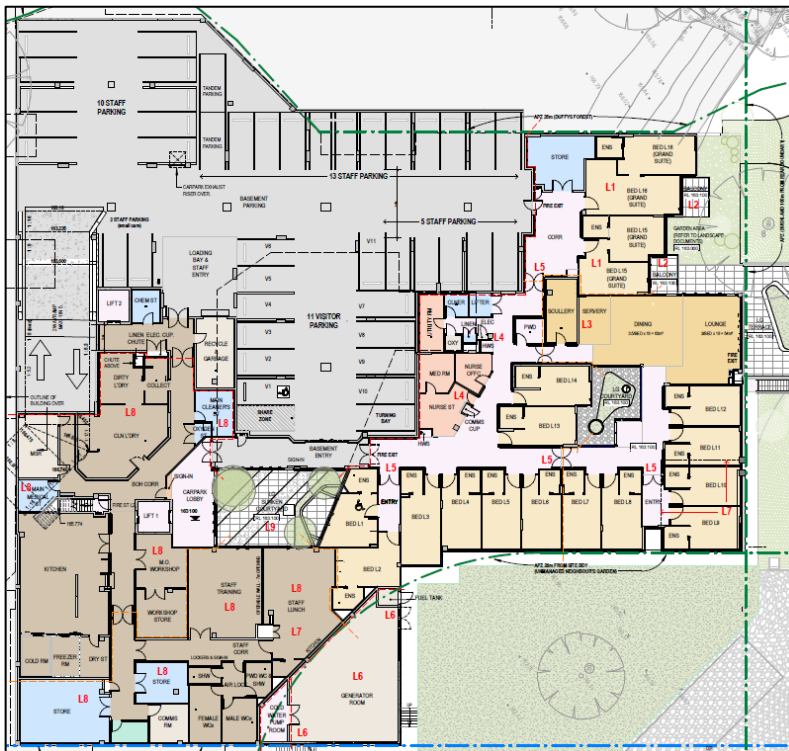
#### Lower Ground Floor

- Removal of 2x bedrooms, by amalgamating two bedrooms in north-eastern corner,
- Inclusion of 2x private balcony for north-eastern corner bedrooms,
- Redesign of courtyard, large terrace and sunken courtyard,
- Addition of generator room, main medical storage room, main cleaners’ storage room; and
- Addition of a cold room, freezer room and dry storage room.



**Figure 11. Stamped Plans – Lower Ground Floor**

Source: Morrison Design Partnership Pty Ltd



**Figure 12. Proposed Plans – Lower Ground Floor**

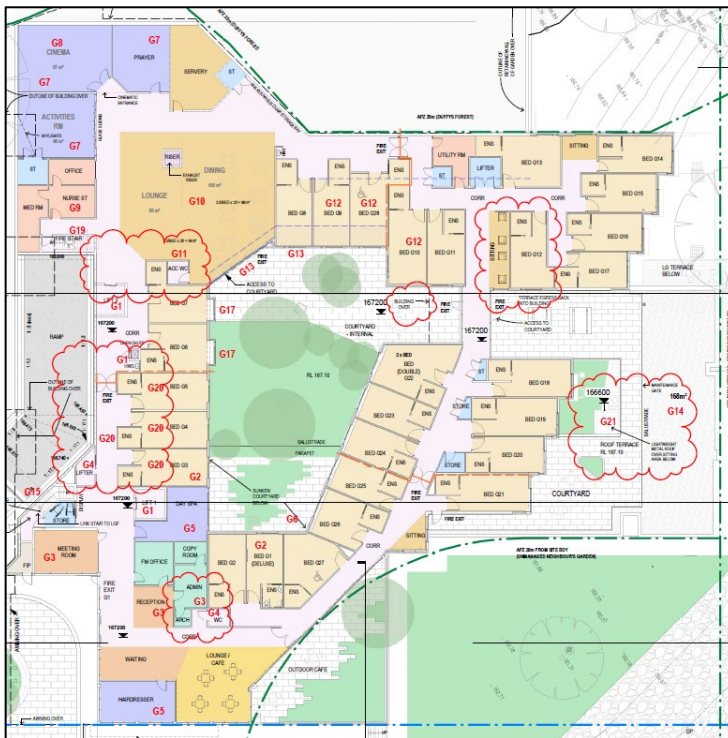
Source: Morrison Design Partnership Pty Ltd

**Ground Floor**

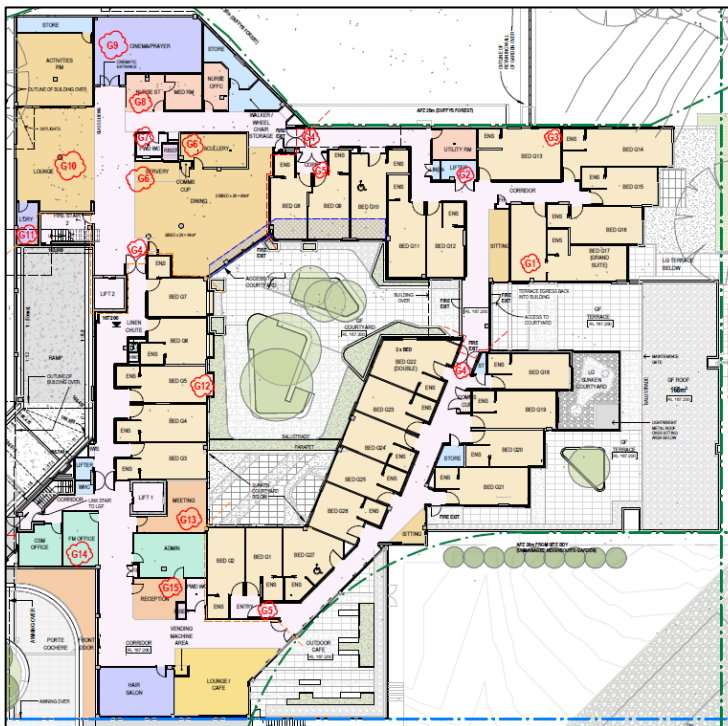
- Redesign of prayer and cinema rooms, admin office spaces, meeting rooms, and dining area,
- Reduction of 1x bedroom by amalgamation of bedrooms in north-eastern corner; and



- Redesign of courtyard and outdoor café.



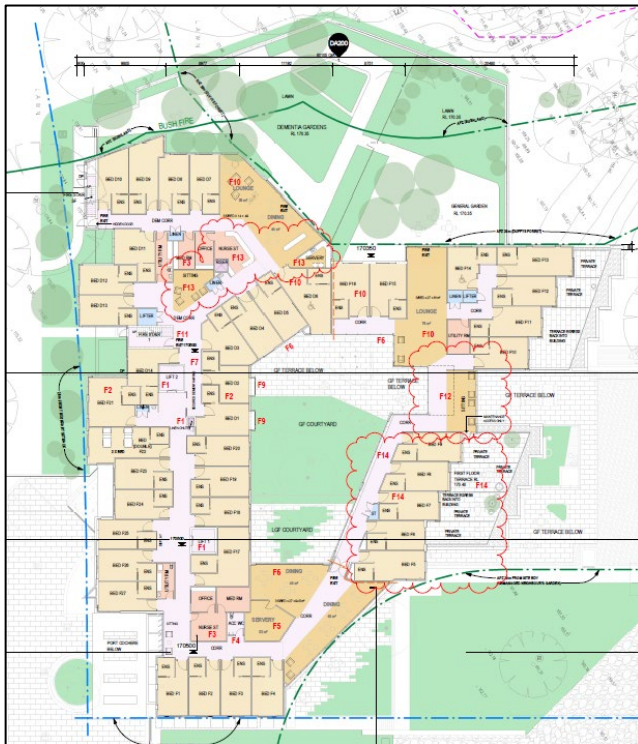
**Figure 13. Stamped Plans – Ground Floor**  
 Source: Morrison Design Partnership Pty Ltd



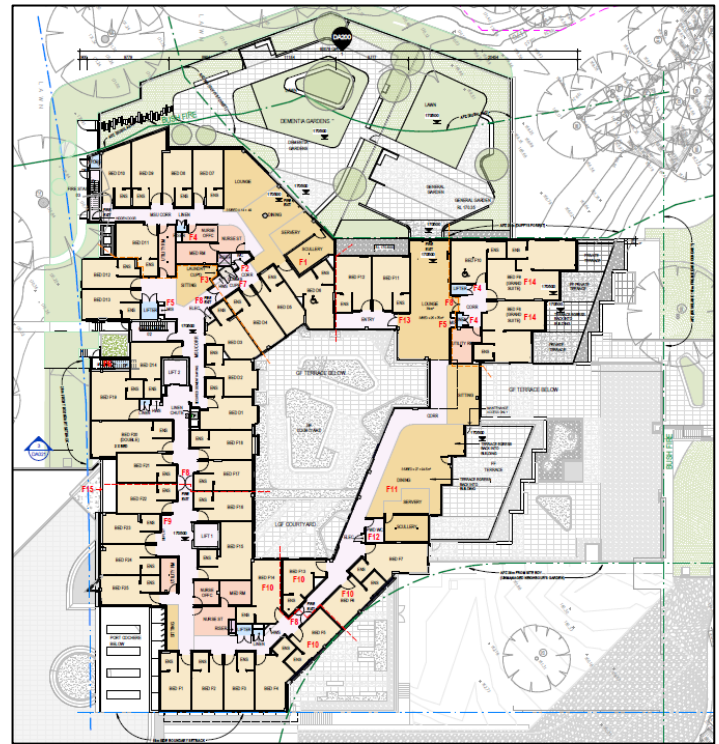
**Figure 14. Proposed Plans – Ground Floor**  
 Source: Morrison Design Partnership Pty Ltd

### First Floor

- Relocation of dining/servery area to have direct access to east facing terrace,
- Reduction of 2x bedrooms, by amalgamating two bedrooms in northeastern corner; and
- Inclusion of 2x private balcony for northeastern corner bedrooms.



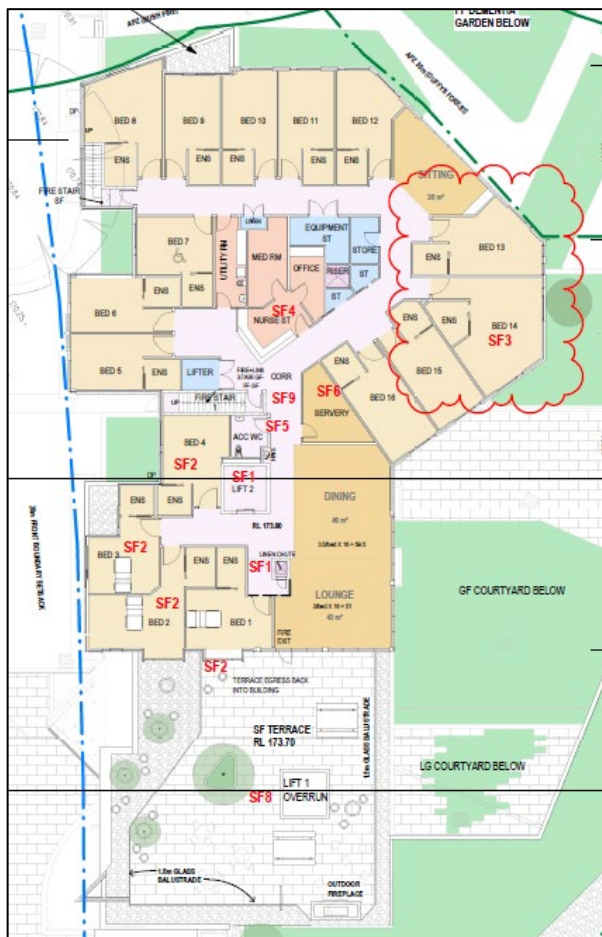
**Figure 15. Stamped Plans – First Floor**  
 Source: Morrison Design Partnership Pty Ltd



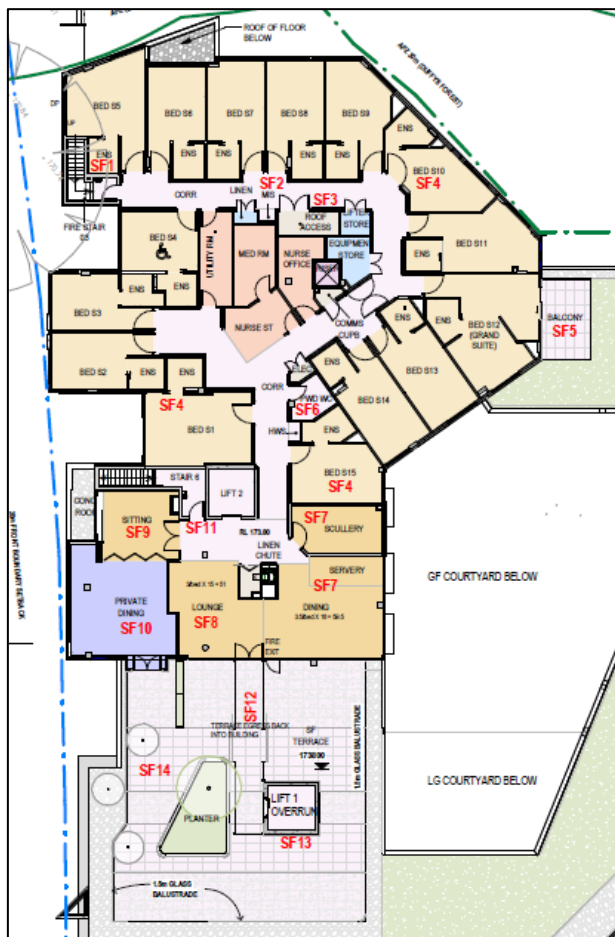
**Figure 16. Proposed Plans – First Floor**  
 Source: Morrison Design Partnership Pty Ltd

## Second Floor

- Relocation and redesign of dining, sitting space, including new private dining space,
- Inclusion of 1x private balcony for eastern bedroom,
- Redesign of terrace space; and
- Loss of 1x bedroom due to redesign of dining, sitting spaces.



**Figure 17. Stamped Plans – Second Floor**  
Source: Morrison Design Partnership Pty Ltd



**Figure 18. Proposed Plans – Second Floor**  
Source: Morrison Design Partnership Pty Ltd

The proposed generator room and attached cold water pump room are necessary in order to reflect the required servicing and infrastructure needed to support the safe and efficient operation of the site. Both will be located underneath the existing ground floor café terrace to the south of the site, as seen in **Figure 13**. The location of the generator room will not result in increased bulk or scale, since they utilise space within the approved development form which was previously unused.

The internal amendments, specifically, the amalgamation of rooms and associated GFA amendments facilitating the proposed *grand suites* result in an overall decrease of 50.7m<sup>2</sup> GFA across the site.

### 3.4 Lift Amendments

Lift 1 to the south of the site is proposed to extend up to service the terrace at second floor level. This ensures that the second floor can be serviced by 2 lifts rather than 1 and safeguards the operation of the facility should one lift break down or require maintenance work.

The approved development included a significant lift overrun within the terrace, the extension of Lift 1 has been designed to have minimal environmental impact, being west facing with a lightweight weatherproof structure providing access to the second-floor lounge and dining area. The proposed lift extension will be largely within the maximum height of buildings plane (noting that the approved lift overrun exceeded this) and will not result in any adverse environmental impacts, as shown in **Figure 21**.



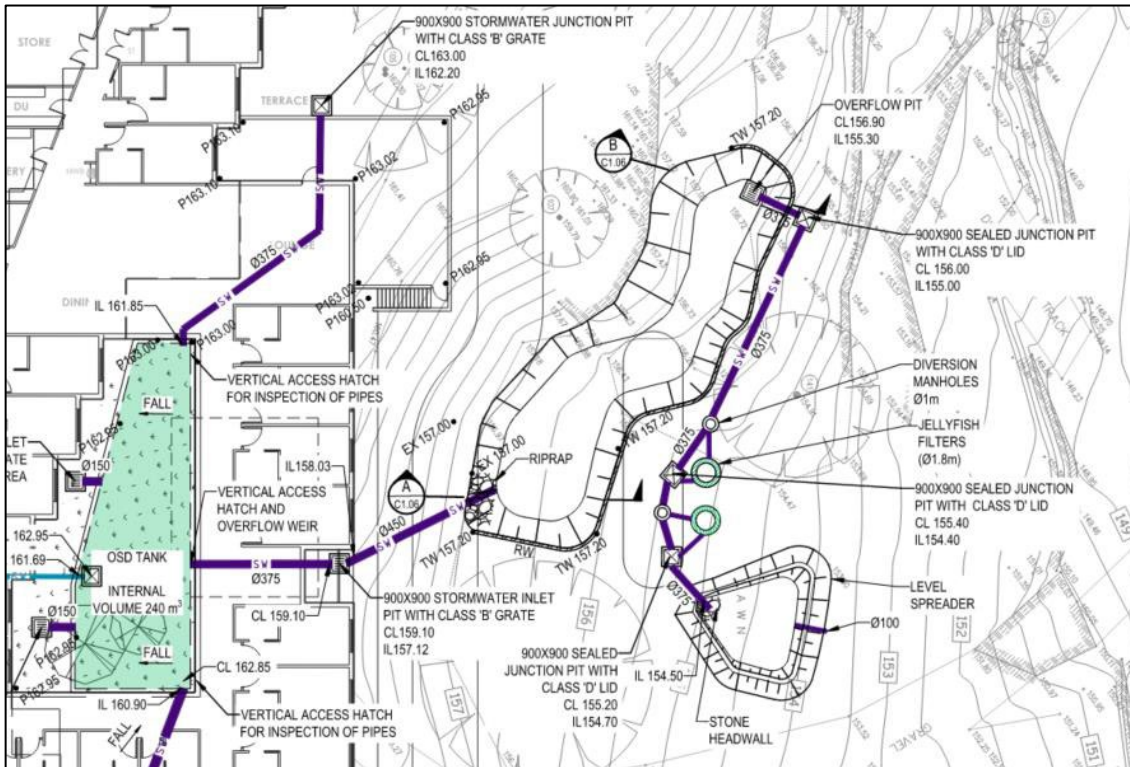
**Figure 19. Stamped Plans – East Elevation**  
 Source: Morrison Design Partnership Pty Ltd



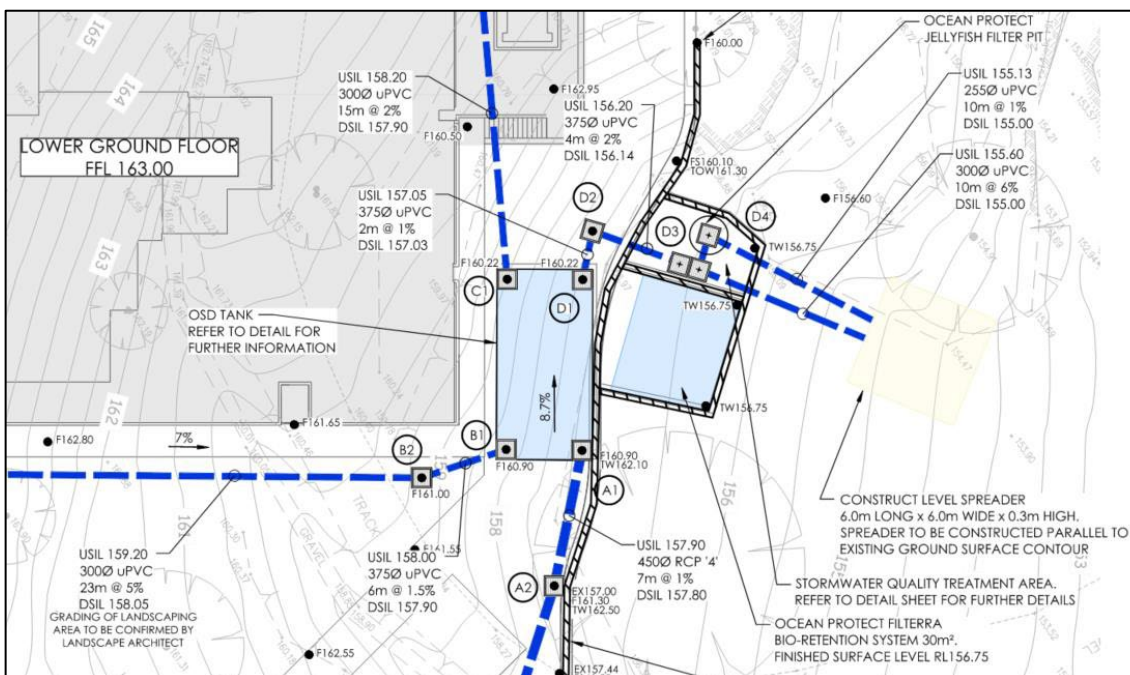
**Figure 20. Proposed Plans – East Elevation**  
 Source: Morrison Design Partnership Pty Ltd

### 3.5 Stormwater Amendments

The proposal includes minor amendments to the civil stormwater management plan, including the relocation of the OSD from the building’s internal courtyard to outside the building’s footprint as indicated in **Figure 22** and **Figure 23**, as well as the amendments and the substitution of the WSUD stormwater quality treatment devices. As stated in the Civil Stormwater Amendment Letter (refer to **Appendix 10**), the amendments do not alter the intent of the approved site stormwater management strategy and will still meet Council’s requirements as expressed in Condition 16.



**Figure 21.** Approved OSD and WSUD Stormwater Management Layout  
 Source: ENTEC Consultants Pty Ltd



**Figure 22.** Proposed layout to OSD and WSUD Stormwater Management Layout  
 Source: ENTEC Consultants Pty Ltd

### 3.2 PROPOSED AMENDMENTS TO CONSENT CONDITIONS

A number of administrative amendments to the consent are required to facilitate the proposed changes described above, and to ensure the efficient future operation of the site. Amendments are sought to Conditions 2A, 22, 49, 56 and 67.



The proposed amendments to the wording of conditions are to be amended as follows (new in ***bold/italic***, deletions in ~~strike through~~).

### 3.2.1 Condition 2A: Modification of Consent - Approved Plans and Supporting Documentation

Condition 2A, and is proposed to be amended as follows:

*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
DA050 Revision R <b>DA050 Revision Y</b>	23/03/23 <b>20/05/2024</b>	Morrison Design Partnership Pty Ltd
DA054 Revision D <b>DA054 Revision F</b>	05/04/22 <b>30/04/2024</b>	Morrison Design Partnership Pty Ltd
DA101 Revision G <b>DA101 Revision H</b>	25/08/22 <b>05/03/2024</b>	Morrison Design Partnership Pty Ltd
DA102 Revision Q <b>DA102 Revision S</b>	25/08/22 <b>20/05/2024</b>	Morrison Design Partnership Pty Ltd
DA103 Revision Q <b>DA103 Revision R</b>	25/08/22 <b>05/03/2024</b>	Morrison Design Partnership Pty Ltd
DA104 Revision P <b>DA104 Revision Q</b>	25/08/22 <b>05/03/2024</b>	Morrison Design Partnership Pty Ltd
DA105 Revision F <b>DA105 Revision H</b>	25/08/22 <b>20/05/2024</b>	Morrison Design Partnership Pty Ltd
DA200 Revision G <b>DA200 Revision I</b>	05/04/22 <b>30/04/2024</b>	Morrison Design Partnership Pty Ltd
DA201 Revision G <b>DA201 Revision I</b>	05/04/22 <b>30/04/2024</b>	Morrison Design Partnership Pty Ltd
DA300 Revision H <b>DA300 Revision I</b>	27/10/22 <b>05/03/2024</b>	Morrison Design Partnership Pty Ltd

b) *Any plans and / or documentation submitted to satisfy the Conditions of this consent.*

*Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.*

The amendments to Condition 2A are to facilitate the physical amendments included within this proposal as discussed in Section 3.1 above.

### 3.2.2 Condition 22: Engage a Project Ecologist

The proposed modification seeks to amend **Condition 22: Engage a Project Ecologist** as to update the condition to reflect the better resolved Biodiversity Management Plan by Cumberland Ecology, see **Appendix 9**. The updated Biodiversity Management Plan (BMP) has been amended to include reference to the *'bushfire management plan'* within *Section 5.5.2 Logs, Bushrock and Other Woody Material*. This minor amendment seeks to ensure that compliance with the BMP does not cause the operation of the site to conflict with the bushfire management plan.

Additionally, the proposal includes altered wording to Condition 22 as to stage the engagement of the project ecologist as to address the project's budget constraints. The input from the project ecologist will coincide with the issuing of the occupation certificate as to ensure compliance.

As such, the updated wording for Condition 22 would be as follows:



A Project Ecologist is to be employed for the duration of the approved works, and for a 5-year period post construction, to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports and plans:

- Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019)
- **Biodiversity Management Plan (Cumberland Ecology 26 November 2019-10 May 2024)**

The Project Ecologist must be an accredited assessor under the NSW Biodiversity Conservation Act 2016.

The project ecologist is to provide an engagement letter **for the period of construction**, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

**The project ecologist is to provide an engagement letter for the 5-year period post construction, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Occupation Certificate.**

The Project Ecologist must also provide details and certify engagement of a bush regeneration company to complete on-ground works.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environmental LEP/DCP controls.

### 3.2.3 Condition 49: Certification for the Installation of Stormwater Quality System

The proposed modification seeks to amend **Condition 49: Certification for the Installation of Stormwater Quality System** to resolve a minor administrative typographical error which incorrectly references the approved stormwater report.

The proposed wording of Condition 49 is as follows:

*A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the Stormwater Management Report and Plan prepared by **Acor Consultants** dated ~~and the~~ September 2018 and Council's Water Management Policy*

### 3.2.4 Condition 56: Installation of Water Efficient Fittings

The proposed modification seeks to delete **Condition 56: Installation of Water Efficient Fittings** to better reflect the intended water services installed.

Condition 56 states:

*The following Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed:*

- a) 4 star dual-flush toilets
- b) 3 star showerheads
- c) 4 star taps (for all taps other than bath outlets and garden taps)
- d) 3 star urinals
- e) 3.5 star washing machines
- f) 4 star dishwashers

*A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate demonstrating compliance with this condition.*

*Reason: To conserve potable water.*

However, the site is to be equipped with larger scale commercial sized washing machines. As stated in **Appendix 3**, the Water Efficiency Labelling and Standards (WELS) scheme do not register commercial dishwashers, only domestic models and clothes washing machines. Compliance with Condition 56 is



therefore considered to be unreasonable given the nature of the development – which is a commercially run seniors living development.

The proposed commercial sized washing machines will still meet the intent of Condition 56 as operators are able to set the water levels appropriately to reduce the ongoing excessive usage of potable water.

### **3.2.5 Condition 67: Basement Servicing – Internal Signals**

The proposed modification seeks to delete **Condition 67: Basement Servicing – Internal Signals** in order to ensure the safe and efficient operation of the basement carparking space, and access to the site.

Condition 67 states:

*The applicant shall install electronic signals within the basement which are to be operative when service vehicles are accessing the basement for waste collection and/or removalist services. The applicant must engage a qualified practitioner to prepare suitable documentation demonstrating the operation of the signals and the means for Council or Removalists to activate the system. The documentation must be submitted to and approved by Council prior to the issue of any occupation certificate.*

*Reason: To ensure Council and any service vehicles have the means to access the basement under the control of the signals, prior to the site becoming operational.*

The proposed ramp access provides sufficient clear width for a B99 vehicle to pass a typical passenger vehicle at all times. The largest vehicle expected to access the basement would be a 6.4m long SRV which would be able to pass a typical passenger vehicle for all but 6m of the 70m path of travel from Forest Way to the basement loading dock. Given the low frequency of SRV's attending the site, and the good sight lines to the 6m portion where a passenger vehicle could not pass, a convex mirror is the preferred solution for traffic management. This is further discussed in **Appendix 4**.

Owing to the amount of time that vehicles are anticipated to be stationed within the loading dock, a traffic signal would likely result in vehicles queueing at ground level which could result in queues backing onto Forest Way, and staff and emergency personal unable to access the site.





## 4 PLANNING ASSESSMENT

This modification is sought in relation to Section 4.56(1) of the Act, which 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 Court and subject to and in accordance with the regulation, modify the development consent 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, or*
  - 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 submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(Our emphasis)

### 4.1 Substantially the Same Development

The proposed modifications are minor in nature and arise from detailed design development and operational needs, to ensure the efficient use of the site. The modification is substantially the same as the originally approved development as it:

- Does not result in any change of use or intensification of use – noting a reduction of 6 rooms and 6 beds on the site.
- Does not substantially alter the exterior built form noting acoustic requirements for plant screening are required by condition.
- Does not diminish the architectural quality of the proposed development.
- Does not propose changes which would have a detrimental impact on neighbouring properties.

### 4.3 State Environmental Planning Policies (SEPPs)

The following SEPPs are relevant to the site:

- SEPP (Housing for Seniors or People with a Disability) 2004 consolidated into the new SEPP(Housing) 2021.
- SEPP (Infrastructure) 2007 consolidated into the new SEPP (Transport and Infrastructure) 2021.
- SEPP 44 (Koala Habitat Protection) consolidated into the new SEPP (Biodiversity and Conservation) 2021.
- SEPP 55 (Remediation of Land) consolidated into the new SEPP (Resilience and Hazards) 2021.

The proposed modifications will not affect any of the relevant SEPPs applicable to the site and will subsequently maintain the approved scheme’s compliance with the relevant controls and regulations.



#### 4.4 Warringah Local Environmental Plan 2000

The proposed modification has been considered in terms of the relevant provisions of Warringah Local Environmental Plan 2000 (the LEP) below:

- **Locality B2 Oxford Falls Valley – Built Form Controls**
  - **Building height** – 8.5m - minor increase of 0.98m to approved building height, however, does not significantly depart from the approved height variation. The height increase is to better facilitate mitigation measures for the expanded roof plant.
  - **Front building setback** – No changes to the front setback are proposed.
  - **Rear and side building setback** – No changes to side and rear setbacks are proposed.
  - **Landscaped open space** – No changes to landscaped area.
  - **National Park setback** – No changes to the setback from National Park boundaries
  
- **Clause 29 – Standards which, if met, seniors housing cannot be refused**
  - **Building height** – 8m - Slight increase of 0.98m to approved building height, however, does not significantly depart from the approved height variation. The height increase is to better facilitate mitigation measures for the expanded roof plant.
  - **Density and scale** – The proposed modification slightly decreases the GFA on site, remains compliant.
  - **Landscaped area** – Landscaping on site is not reduced.
  - **Parking** – 1 parking space per 10 beds - There is no increase in beds on site, therefore there is no increased requirement for parking. The existing parking on site is still compliant despite a minor decrease in response to Condition 11a.
  - **Landscaped areas** – The requirement for deep soil area is calculated based on the size of the site which remains unchanged, no reduction of landscaped area is proposed.
  
- **General Principles of Development Control**
  - The proposed modification does not impact the ongoing compliance of the scheme against the General Principles of Development Control (**Attachment 12**).

#### 4.5 Warringah Development Control Plan 2000

The proposed modifications do not change the development's consistency with any relevant controls in the Warringah Development Control Plan 2000 (the DCP).

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## 5 ENVIRONMENTAL ASSESSMENT

The likely impacts of the proposed development have been identified through the consideration of:

- The applicable environmental planning instruments and local policies,
- The existing context and surrounding development,
- Site constraints identified via aerial imagery and desktop review,
- Topography of the site and surrounding properties,
- The potential for acoustic or visual impacts of the proposed development,
- The traffic generation of the proposed development,
- The waste generation of the proposed development,
- The potential social impact, and
- The potential economic benefits.

### 5.1 Built Form

The proposed modification does not significantly alter the previously approved built form. Only minimal increases to height are proposed – which are limited to a lift overrun and plant screening to meet the



acoustic requirements of operating the site– both of which would have limited visibility from the surrounding public domain.

### **5.2 BCA**

The proposed alterations will not affect the ability to comply with the Building Code of Australia (BCA) standards. Refer to **Appendix 5**.

### **5.3 Traffic & Parking**

The proposed deletion of Condition 67 has merit given the size and nature of the approved facility. The design of car parking and loading zone on site makes provision for a typical passenger vehicle to pass by at all times. In addition, the largest truck that will access the basement, small rigid vehicle (SRV), has the ability to pass a passenger vehicle for nearly the entire length of its approx. 70m journey on site.

Only during a very small section of the ramp, approximately 6m in length, would a passenger vehicle be required to give way to an SRV.

Given the low frequency of SRVs accessing the basement alongside the good sight lines available to drivers, the condition is unnecessary. The electronic signal required by Condition 67 would result in vehicle queuing at the ground floor which will result in congestion and safety issues and has the potential to create confusion amongst drivers resulting in unsafe scenarios. Instead, a convex mirror can be located to improve driver visibility. Refer to **Appendix 4**.

### **5.4 Site Suitability**

The proposed modifications do not change the suitability of the site for the proposed development. As such, the site remains suitable for the development as amended.

### **5.5 Public Interest**

The proposed development as modified is consistent with the relevant planning framework.

The proposed development will not adversely impact the surrounding properties, public domain and will not significantly alter the overall approved envelope, use or built form. It is therefore considered to be within the public interest.



## 6 SECTION 4.15(1) COMPLIANCE

The table below provides an assessment of the proposal against the provisions under Section 4.15(1) of the EP&A Act 1979.

<b>Table 4 – Section 4.15 Assessment Summary</b>		
<b>Clause No.</b>	<b>Clause</b>	<b>Assessment</b>
(1)	Matters for consideration – general	
(a)(i)	The provision of: Any environmental planning instrument, and	<b>Complies</b>
(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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	<b>Not Applicable</b>
(iii)	Any development control plan, and	
(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 Section 7.4, and	<b>Not Applicable</b>
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	<b>Not Applicable</b>
(v)	(Repealed)	
(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,	<b>Complies</b>
(c)	The suitability of the site for the development,	<b>Complies</b>
(d)	Any submissions made in accordance with this Act or the regulations,	For consideration following notification of the development.
(e)	The public interest.	The proposed modifications are principally design and administrative refinements which ensure the efficient operation of the site and raise no matters of broader public interest.



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## 7 CONCLUSION

As detailed in this request the proposed changes are consistent with the requirements under Section 4.56 of the Act. Specifically,

- The development as proposed to be modified remains substantially the same development as that for which consent was originally granted.
- The proposal is consistent with relevant SEPPs, LEP and DCP provisions.
- The proposed modifications are consistent with applicable statutory planning controls and will not result in any adverse environmental impacts.

We therefore conclude that the proposed modification should be approved.

Should you have any questions or wish to discuss any of this information in further detail, please do not hesitate to contact me on 02 8667 8668.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gemma Bassett'.

Gemma Bassett

**Associate**