

Memo

Environment

To:	Tom Prosser , Acting Development Assessment Manager
From:	Jordan Davies, Planner
Date:	4 September 2024
Application Number:	Mod2024/0472
Address:	Lot 11 DP 1258355 , 5 Skyline Place FRENCHS FOREST NSW 2086
Proposed Modification:	Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision

Background

Consent for modification application MOD2023/0617 was granted by the Sydney North Planning Panel on 25 July 2025 for *"Modification of Development Consent DA2021/0212 granted for Demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision"*.

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact. The SEPP Planning Systems does not require S4.55(1) applications to be referred back to the Regional Planning Panel.

The application seeks to modify condition(s) No. 1A - Modification of Consent - Approved Plans and supporting documentation to rectify a mis-description of the Landscape Plan referenced within the condition. The correct plan reference is '2046', however, the consent has referenced '2026' on a number of the landscape plans with the table which lists the approved plans and documents.

The correct set of plans were stamped as part of the determination and this S4.55(1) is only to fix a error in the consent which makes a typographical error.

The below table summarises the changes:

Plan no. referenced in the Notice of Determination dated 27.07.2024	Plan title and date	Correct Plan no.	Plan title and date
2026-04 Rev 1	Overall Site Plan 08/11/2023	2046-04 Rev 1	Overall Site Plan 08/11/2023
2026-06 Rev 1	Landscape S.455 Plan 1 of 2 (Ground floor) 08/11/2023	2046-06 Rev 1	Landscape S.455 Plan 1 of 2 (Ground floor) 08/11/2023
2026-07 Rev 1	Landscape S.455 Plan 2 of 2 (Roof terrace & green roof) 08/11/2023	2046-07 Rev 1	Landscape S.455 Plan 2 of 2 (Roof terrace & green roof) 08/11/2023
2026-08 Rev 1	Elevation A, Elevation B 08/11/2023	2046-08 Rev 1	Elevation A, Elevation B 08/11/2023
2026-09 Rev 1	Sectional Elevation C, NSW RFS Asset Protection Zone Requirements 08/11/2023	2046-09 Rev 1	Sectional Elevation C, NSW RFS Asset Protection Zone Requirements 08/11/2023
2026-10 Rev 1	Landscape Area Plan, Deep Soil Plan 08/11/2023	2046-10 Rev 1	Landscape Area Plan, Deep Soil Plan 08/11/2023
2026-11 Rev 1	Planting S.455 Plan 1 of 2 Ground floor building surrounds	2046-11 Rev 1	Planting S.455 Plan 1 of 2 Ground floor building surrounds

	08/11/2023		08/11/2023
2026-12 Rev 1	Planting S.455 Plan 2 of 2 Buffer zones 08/11/2023	2046-12 Rev 1	Planting S.455 Plan 2 of 2 Buffer zones 08/11/2023
2026-13 Rev 1	Plant Schedule 1 of 2 Ground floor Building Surrounds, Green Roof & Roof Terrace 08/11/2023	2046-13 Rev 1	Plant Schedule 1 of 2 Ground floor Building Surrounds, Green Roof & Roof Terrace 08/11/2023
2026-14 Rev 1	Plant Schedule 2 of 2 Buffer zones 08/11/2023	2046-14 Rev 1	Plant Schedule 2 of 2 Buffer zones 08/11/2023
2026-15 Rev 1	Existing Tree Canopy Cover Diagram Proposed Tree Canopy Cover Diagram 08/11/2023	2046-15 Rev 1	Existing Tree Canopy Cover Diagram Proposed Tree Canopy Cover Diagram 08/11/2023

Consideration of error or mis-description

The application is considered to fall within the scope of a 4.55(1) as it corrects an error that Council has made in referencing the documentation. The amendment to the condition does not change any part of the development and the development remains the same as approved.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2024/0472 for Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision on land at Lot 11 DP 1258355,5 Skyline Place, FRENCHS FOREST, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN#464813 MOD2024/0472	Date of this determination	<ul style="list-style-type: none"> S4.55 (1) to correct an error to Condition 1A in relation to the reference number of the Landscape Plan.
PAN #387614 MOD2023/0617	25 July 2024	<ul style="list-style-type: none"> Relocate the communal area from the Ground Floor of the western building to the Ground Floor of the central building; Delete commercial uses at Level 1 of the eastern building and replace with 8 ILUs (resulting in overall increase of 6 ILU's, as apartment reconfiguration is proposed on other levels); Revise design of pool and recreation facilities on Level 2; Revise landscape design; Minor changes to floor levels at each level to ensure floor to floor heights comply with the National Construction Code 2023 (NCC 2023) resulting in an increase in height to the western building of 0.5m; Minor changes to layout of Independent Living Units and change to unit mix. Minor changes to basement levels, including minor changes to floor levels, location of mechanical plant rooms, the waste collection and storage areas and deletion of garbage lift; Relocate lift shaft in the eastern building to improve entrance and circulation; and Reallocation of a minor area of communal space at Level 7 to apartment floor area in the eastern tower. <p>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Amend Condition No 2 Compliance with Other Department, Authority or Service Requirements Amend Condition 6 Employment Generating Uses Add Condition 9A Northern Beaches Section 7.12 Development Contributions Plan 2022 Amend Condition 10 Amended Landscape Plan Amend Condition 11 Amended Arboricultural Impact Appraisal and Method Statement Amend Condition 34 Project Arborist Amend Condition 58 Required Tree Planting Amend Condition 100 Presentation of Waste Bins for Collection Add Condition 105 Deliveries, waste and recycling collection hours</p>

Modified conditions

A. Amend Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA000	G	Cover Page	PA Studio	31/10/2023
DA201	G	Lower Basement Carpark	PA Studio	31/10/2023
DA202	I	Basement Carpark	PA Studio	31/05/2024
DA203	I	Ground Floor Plan	PA Studio	31/05/2024
DA204	G	Level 1 Floor Plan	PA Studio	31/10/2023
DA205	G	Level 2 Floor Plan	PA Studio	31/10/2023
DA206	G	Level 3 Floor Plan	PA Studio	31/10/2023
DA207	G	Level 4 Floor Plan	PA Studio	31/10/2023
DA208	G	Level 5 Floor Plan	PA Studio	31/10/2023
DA209	G	Level 6 Floor Plan	PA Studio	31/10/2023
DA210	G	Level 7 Floor Plan	PA Studio	31/10/2023
DA2111	G	Roof Plan	PA Studio	31/10/2023
DA301	G	Sections S1 and S2	PA Studio	31/10/2023
DA302	G	Sections S3 and S4	PA Studio	31/10/2023
DA303	G	Sections S5	PA Studio	31/10/2023
DA401	G	East Elevation	PA Studio	31/10/2023
DA402	G	North Elevation	PA Studio	31/10/2023
DA403	G	West Elevation	PA Studio	31/10/2023
DA404	G	South Elevation	PA Studio	31/10/2023
DA218	G	Draft Stratum Subdivision	PA Studio	31/10/2023
2046-01	1	Title sheet: Drawing Register, General Notes & Extent of Works Plan	Paddock Studio	08/11/2023
2046-02	1	Design Statement, Design Principles, Location Plan	Paddock Studio	08/11/2023
2046-04	1	Overall Site Plan	Paddock Studio	08/11/2023
2046-06	1	Landscape S.455 Plan 1 of 2 (Ground floor)	Paddock Studio	08/11/2023
2046-07	1	Landscape S.455 Plan 2 of 2 (Roof terrace & green roof)	Paddock Studio	08/11/2023
2046-08	1	Elevation A, Elevation B	Paddock Studio	08/11/2023

2046-09	1	Sectional Elevation C, NSW RFS Asset Protection Zone Requirements	Paddock Studio	08/11/2023
2046-10	1	Landscape Area Plan, Deep Soil Plan	Paddock Studio	08/11/2023
2046-11	1	Planting S.455 Plan 1 of 2 Ground floor building surrounds	Paddock Studio	08/11/2023
2046-12	1	Planting S.455 Plan 2 of 2 Buffer zones	Paddock Studio	08/11/2023
2046-13	1	Plant Schedule 1 of 2 Ground floor Building Surrounds, Green Roof & Roof Terrace	Paddock Studio	08/11/2023
2046-14	1	Plant Schedule 2 of 2 Buffer zones	Paddock Studio	08/11/2023
2046-15	1	Existing Tree Canopy Cover Diagram Proposed Tree Canopy Cover Diagram	Paddock Studio	08/11/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Bushfire Letter Ref210979C	-	Bushfire Code and Bushfire Hazard Solutions	23/11/2023
BCA Report Ref D2023-054	R00	Technical Inner Sight	5/12/2023
Access Report Ref 21026 - R1.3	R1.3	Code Performance	6/12/2023
BASIX Certificate No 117769M_09	09	Aspire Sustainability Consulting Pty Ltd	7/12/2023
Arboricultural Impact Appraisal and Method Statement	A	Naturally Trees	5/05/2024
Acoustic Addendum Report	0	GHD Pty Ltd	23/02/2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Jordan Davies, Planner

The application is determined on 04/09/2024, under the delegated authority of:



Tom Prosser, Acting Development Assessment Manager