

26 August 2024

**MOD2023/0617 –5 SKYLINE PLACE, FRENCHS FOREST
APPLICATION TO MODIFY UNDER SECTION 4.55 OF THE EP&A ACT**

INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany an application to amend Development Consent No. Mod2023/0617 pursuant to Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*.

The subject site is located at 5 Skyline Place, Frenchs Forest. The legal description of the site is Lot 11 DP 1258355.

APPROVED DEVELOPMENT

Consent was granted on 25 July 2024 by the Sydney North Planning Panel for the modification of the previous development consent to provide for the following:

- Relocation of the communal area from the Ground Floor of the western building to the Ground Floor of the central building;
- Deletion of commercial uses at Level 1 of the eastern building and replacement with 8 ILUs;
- revised design of pool and recreation facilities on Level 2;
- revised 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 to improve amenity;
- 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;
- relocated 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.

The Notice of Determination that was issued for the development consent contains typographical errors in the plan numbers of some of the approved landscape drawings. The plans that have been stamped by Northern Beaches Council are the correct drawings (ie: those considered and assessed by Council and the Planning Panel).

The errors in the Notice of Determination are as follows:

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

A copy of the stamped landscape plans is attached for your reference.

LEGISLATIVE CONTEXT

Section 4.55 of the Environmental Planning and Assessment Act 1979 specifies that:

4.55 Modification of consents—generally

*(1) **Modifications involving minor error, misdescription or miscalculation** 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 a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.*

Given that the application is only being submitted to correct minor typographical errors to the listing of some of the landscape drawings in the Notice of Determination, there will be no environmental impacts.

That being the case, we request that Council modify the development consent to correct the errors outlined.

Please contact me should you wish to discuss this matter or if you require any further information.

Yours sincerely



Paula Mottek

Urban Planning Manager

Platino Properties

