



27 November 2017

Our Ref: DB-LS/08-164Z

Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

**RE: Section 96(2) Modification of Development Consent No. DA2009/1693 –
Demolition of existing buildings and associated structures and construction
of 47 self-contained dwellings for older people and people with a disability
(Old Darby and Joan precinct of the RSL War Veterans Retirement Village)**

Dear Sir/Madam,

1. INTRODUCTION

This report accompanies an application (see **Attachment 1**) that seeks to modify development consent DA2009/1693 for the “demolition of existing buildings and associated structures and construction of 47 self-contained dwellings for older people and people with a disability (Old Darby and Joan precinct of the RSL War Veterans Retirement Village)” near the south-eastern corner of the War Veterans site off Veterans Parade, Narrabeen and identified as Lot 1 DP 774980.

RSL LifeCare Ltd, the applicant wishes to modify the above consent granted by Warringah Council on 18 May 2010 and subsequently modified, pursuant to the provisions of Section 96(2) of the *Environmental Planning and Assessment Act, 1979* (“the EP&A Act”).

The original development consent for DA 2009/1693 was granted by the Sydney East Joint Regional Planning Panel on 18 May 2010. This approved the demolition of existing buildings and the construction of 67 self-contained dwellings on the site. A separate application (DA 2014/0714) was granted consent by Warringah Council on 8 September 2014 approving the construction of 18 independent living units over part of the site subject to DA 2009/1693.

The consent for DA 2014/0714 was conditional on the modification of DA 2009/1693 to reflect the changes necessitated by the approval of DA 2014/0714 over part of the site. This was undertaken and approved by council on 1 July 2015 and changed the description of DA 2009/1693 to reference 47 dwellings and added an additional plan that removed reference to the 20 dwellings approved in DA 2014/0714.

The modifications requested with this submission relate to the 47 independent living units approved in DA 2009/1693 (as modified) and relates to minor reconfigurations of the site



layout, changes to the internal floor plans, additional ancillary internal road and access improvements, minor reconfiguration of the proposed garages and car parking and the removal of additional trees.

The proposed amendments to the approved plans will result in a building footprint that is consistent with the current approval and will result in a development that is substantially the same as that approved in DA 2009/1693.

2. APPLICATION BASIS

This application is made pursuant to section 96(2) of the EP&A Act based on the following:

- The proposed modifications will result in minor environmental impacts that can be mitigated. These include additional earthworks and tree removal as a result of the minor reconfigurations to the site layout.
- The proposed modifications are generally consistent with the original development application and the proposal is 'substantially the same development' as the development for which consent was originally granted. The modification proposes the reconfiguration of the approved 47 independent living units on the site generally within the confines of the existing approved development footprint on the site.
- The proposed modifications rely generally on the original statement of environmental effects submitted in DA04/1011, the documentation submitted in support of that application and the consent conditions imposed in its approval (except as modified by this submission).
- The proposed modifications will result in an improved built form, updated internal building layout and modified internal roadways and access improvements.

BBC Consulting Planners has been requested by TSA Management on behalf of RSL Lifecare Ltd to prepare the supporting information for this Section 96(2) Application. This correspondence/submission forms part of the Section 96(2) Application and accompanies the following:

- the completed Northern Beaches Council application form;
- landowners consent;
- the amended site plans, architectural drawings and supporting documentation (in electronic format contained on the enclosed USB drive);
- a cheque for \$8,953.85 being the required application fees in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's fee estimate (EstP2014/1063) issued on 20 November 2017;

Relevant details of the proposed modification of the consent are provided below.

3. LAND TO WHICH THIS 96(2) MODIFICATION RELATES

This application relates to part of the land identified as Lot 1 DP 774980 off Veterans Parade and Lantana Avenue, Narrabeen being the land to which development consent granted in DA

2009/1693 relates. This land is part of the greater RSL Anzac Village development which comprises a number of separate but inter-related precincts. Specifically, this application relates to that part of the site identified as “Old Darby and Joan units” which are being demolished and the site redeveloped with new independent living seniors housing units to be known as Labuan.

4. PREVIOUS CONSENT HISTORY

4.1 Original Consent

On 18 May 2010, development consent was granted to DA 2009/1693 by the Sydney East Joint Regional Planning Panel (JRPP) for the “demolition of existing buildings and associated structures and construction of 67 self-contained dwellings for older people and people with a disability (Old Darby and Joan precinct of the RSL War Veterans Retirement Village)”.

4.2 Development Application DA 2014/0714

On 8 September 2014 a separate development application (DA 2014/0714) was approved by Warringah Council over part of the site of DA 2009/1693. This application resulted in the reconfiguration of 20 of the self-contained dwellings approved in DA 2009/1693. To achieve consistency, the conditions of consent for DA 2014/0714 included the requirement (Condition No. 27) that DA 2009/1693 be modified to reflect the changes resulting from the approval of DA 2014/0714.

4.3 Modification No. 1 (Council Reference: Mod 2015/0056)

This modification was made in response to the requirements of Condition No. 27 of DA 2014/0714. It amended the description of the development and added an additional plan to clarify the effects on DA 2009/1693 by the approval of DA 2014/0714. Mod 2015/0056 was determined by Warringah Council on 1 July 2015.

5. PROPOSED MODIFICATIONS

5.1 Introduction

The proposed modification seeks to amend the configuration and layout of the 47 approved independent living units on the site.

The proposed modifications include:

- Minor modifications to the site layout and building footprints (including site levels);
- Modifications to dwelling floor plans;
- Modifications to garages;
- Additional widening of James Wheeler Street (internal road) to improve accessibility;

- Removal of 15 additional trees
- Amended landscaping plan; and
- Associated amended infrastructure plans (civil works, stormwater etc.).

5.2 Details of Proposed Modifications

Details and reasoning for the various elements of the modifications proposed are detailed as follows:

Revised site layout

Changes are proposed to the overall layout of the development that include the following:

- Removal of “Stage 2” elements of the proposal (being the area now superseded by development consent granted in DA 2014/0714);
- Additional road widening and associated earthworks along James Wheeler Street;
- Minor adjustments to building footprints and internal configuration;
- Relocation of proposed garage adjacent to Dwelling #607;
- Alterations to proposed external bin storage areas; and
- Adjustments to access pathways and associated landscaping.

Adjustments to internal floor plans

The proposal includes updated floor plans for all 47 approved dwellings that will result in revised internal configurations. No changes to the yield or number of bedrooms are proposed. The revised design results in only minor changes to the building footprint on the site. Architectural drawings (see **Attachment 2**) and supporting documentation is provided in support of the proposed modification including an Access Statement of Compliance (**Attachment 6**) and BASIX certification (**Attachment 8**). Included in the architectural drawings is a Comparison Plan showing the comparison between the existing and modified building layout on the site. Also provided (see **Attachment 3**) is a comparison table detailing the differences and changes between the current approved dwelling floor plans and the proposed modification.

Road widening

Additional road widening works are proposed to James Wheeler Street along the western edge of the site to improve vehicular access and circulation. Associated with these works are additional tree removal and earthworks. The road widening is proposed to improve the accessibility of existing and proposed dwellings on the site and provide internal roadways and pathways that comply with the relevant Australian Standards. The proposed widening of James Wheeler Street will also enable vehicles and pedestrians/wheelchairs to safely interact and improve the accessibility of the dwellings by ambulances and service vehicles.

Tree removal

The modified proposal includes the removal of 16 additional trees (beyond those approved for removal in the current consent). Their removal is required due to the proposed road widening and several trees identified within close proximity to the proposed building footprint. Of these 16 additional trees, 6 are identified by council as exempt from permit requirements and a further 2 are identified as exotic species. An addendum to the Arboricultural

Assessment Report approved with the original development application detailing the additional 16 trees and providing the basis for their removal is provided in **Attachment 7B**. The proposed tree removal relies generally on the assessment and recommendations of the original Flora and Fauna Assessment of the site submitted with DA 2009/1693. The landscaping plan (see **Attachment 4**) submitted with this application includes details the planting of new trees on the site that will compensate for those proposed for removal.

Amended landscaping plan

An amended landscaping plan is submitted with the application (see **Attachment 4**) to reflect the proposed changes to the site layout. This landscaping plan is intended to improve and enhance the existing approved landscaping plan for the site and to compensate for the trees proposed for removal.

Associated amended infrastructure plans for civil works and stormwater management

Due to the reconfiguration of the site layout and changes to the development footprint and built form, updated infrastructure plans are submitted with the application for approval. These do not propose additional works beyond standard related and ancillary infrastructure works associated with the current approval. Submitted in support of the proposed modification are updated civil works plans and stormwater concept plans (see **Attachment 5**).

5.2.1 Scope of proposed modification

The proposed modification does not increase the dwelling yield but will result in some changes to the building footprints and paved areas as detailed below.

Component	Current Approval	Proposed Modification
Number of dwellings	47	47
Building footprint	5177m ²	5309m ²
Dwelling mix:		
- 2 bed + study	43	43
- 2 bed	2	2
- 1 bed	2	2

5.2.2 Environmental impacts of proposed modification

Built Form

The built form of the proposed modification remains generally consistent with the original consent and will comprise two storey residential buildings with hipped roofs. Each building will comprise predominantly over/under townhouses grouped in small clusters consistent with the bulk and scale of residential dwellings. The building footprint will increase to accommodate the reconfigured dwelling layout and updated design of the proposal. Part of this increase results in expanded living areas for some units. There will be minor changes to the configuration and location of the dwellings within the site, but no increase to the dwelling yield of number of bedrooms is proposed. Landscaping of the site will be provided and maintained in accordance with the original consent and will not negatively impact on the overall provision of landscaped open space within the wider RSL War Veterans Village site.

Amenity

The revised design, being generally in accordance with the approved development on the site, will not result in any amenity impacts on surrounding land uses. The proposed modification will not result in any material changes to the interaction of the development with existing adjoining dwellings both internally within the wider RSL Anzac Village site or with external dwellings opposite the site on Lantana Avenue. Presentation of the development to Lantana Avenue remains unchanged.

Vegetation

The proposal involves the removal of 15 trees additional to those already approved for removal in the 2009 consent. This has been necessitated due to the reconfigured design and mainly due to the additional road widening works proposed. These trees have been assessed in the addendum to the Arboricultural Impact Assessment Report submitted in support of the 2009 DA. Of these 15 additional trees, 6 are identified by council as exempt from permit requirements and a further 2 are identified as exotic species. The addendum provides the rationale and basis for their removal and is provided in **Attachment 7B**.

Earthworks

Site works and earthworks to facilitate the development will result from the proposed modifications but to no greater extent than assessed under the current approval and consent conditions. Some minor changes to site levels will result from the revised design. The updated and modified infrastructure, civil works and stormwater management works are of no greater extent than that which would need to be undertaken if the development was to be constructed in accordance with the existing approval. The concept civil works and stormwater management plans submitted with this modification are to enable their concept approval to accord with the revised layout, and not with the intention of increasing the impact of the development beyond the parameters of the current approval.

Stormwater

An updated stormwater management concept is included with the modification proposal. This includes appropriate levels of drainage, detention, reuse opportunities and discharge suitable for the site and the development proposed. Details are provided in **Attachment 5**.

Access

Access to the site is to be retained generally in accordance with the current approval. The modification will reconfigure the driveways to better service the revised design and includes the widening of James Wheeler Street to provide improved and more compliant vehicular access within the site.

Bushfire

The site is identified as being bushfire prone with the development requiring approval from the NSW Rural Fire Service as a “special fire protection purpose” under the Rural Fires Act. A bushfire safety authority was issued for the original 2009 DA and relevant conditions of consent imposed. The proposed modification will not change the overall bushfire risk of the development and relies on the essential elements of the Bushfire Protection Assessment prepared by Eco Logical Australia and submitted with the original application (see copy in **Attachment 10**). The part of the site subject to this application is outside the mapped bushfire prone area and is identified in the Bushfire Protection Assessment as having adequate existing bushfire protection with no specific construction standards required. In accordance with regulatory requirements, council will be required to refer this application to modify consent to the NSW Rural Fire Service for comment.

5.3 Proposed Modification of Development Consent Conditions

5.3.1 Condition No. 1

It is requested that Condition No. 1 be amended to recognise and approve the amended architectural plans, landscape plans, civil and stormwater works plans attached in support of this proposal.

Condition No. 1 is requested to be amended to read as follows (additions in bold, deletions struck through):

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:

Architectural Plans – Endorsed with Council's Stamp		
Drawing No.	Dated	Prepared By
DA3.02 – DA3.10, DA3.14, DA3.16 – DA3.19 (Issue A)	11/12/2009	Young Metcalf Architect
DA3.01, DA.12, DA3.13, DA3.15 (Issue B)	11/03/2010 (Amended)	Young Metcalf Architect
DA3.01 Revision 1	25/10/2017	Humel Architects
DA3.02, DA 3.03 Revision 1	08/11/2017	Humel Architects
DA3.04, DA 3.05 Revision 2	14/11/2017	Humel Architects
DA3.07 – DA 3.12 Revision 2	14/11/2017	Humel Architects
DA3.13 – DA 3.17 Revision 1	08/11/2017	Humel Architects
DA3.18, DA3.19 Revision 1	25/10/2017	Humel Architects
SK02.1 – SK02.4 Revision 1	08/11/2017	Humel Architects

Engineering Plans – Endorsed with Council's Stamp		
Drawing No.	Dated	Prepared By
C101 to C109 (Issue B) and Drawings C110 to C117 (Issue C)	September 2009	Warren Smith & Partners Pty Ltd
C1.01, C1.02, C3.01, C4.10, C4.02, C5.01 – C5.05, C5.11, C7.01 – C7.09	October 2017	Warren Smith & Partners Pty Ltd

Landscape Plans – Endorsed with Council's Stamp		
Drawing Number	Dated	Prepared By
LA01	November 2009	Taylor Brammer
01 – 05, Revision B	24 November 2017	Taylor Brammer

5.3.2 Condition No. 6

This condition requires the amendment of the plans to delete visitor parking spaces within the driveways of the dwellings fronting Lantana Avenue. The plans submitted for approval with the proposed modification do not show visitor parking spaces off Lantana Avenue. As a result, this condition will become obsolete and is requested for deletion from the consent in its entirety.

5.3.3 Condition No. 7

This condition relates to Section 94A contributions levied on the development. The proposed modification includes a revised estimated cost of works and as a result, this condition is requested to be updated to reflect this revised estimate.

5.3.4 Condition No. 44

This condition relates to the original integrated development approval granted by the NSW Rural Fire Service and contains reference to the plans originally approved with DA 2009/1693. The proposed modification will supersede these plans. It is requested that this condition be updated in consultation with the NSW Rural Fire Service to reflect the details proposed with this modification.

6. PRESCRIBED FORM

The prescribed requirements for a Section 96(2) application are set out in Clause 115(1) of the *Environmental Planning and Assessment Regulation 2000*. Northern Beaches Council has integrated these requirements into a form for its own administrative purposes. A completed copy of this form accompanies this correspondence.

7. RELEVANT PROVISIONS OF SECTION 96

7.1 Section 96(2) Considerations

Section 96(2) of the *Environmental Planning and Assessment Act 1979* states as follows:

“(2) Other modifications

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 the 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 consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) 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*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

In relation to 96(2)(a), the development as modified will still be substantially the same development as that originally approved (and as previously modified).

In relation to 96(2)(b), Northern Beaches Council will need to consult with the NSW Rural Fire Service in relation to the proposed modification. The original development application was integrated development requiring approval from the NSW Rural Fire Service as a special fire protection purpose. The proposed modification will not change or increase the bushfire risk of the development and relies on the existing bushfire safety authority and conditions of consent imposed by the NSW Rural Fire Service.

In relation to 96(2)(c) and (d), Northern Beaches Council may choose to notify the application and consider any submissions.

7.2 Section 96(3) Considerations

Section 96(3) states as follows:

“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.”

Compared with the approved development, the proposed modification will create similar environmental impacts to those outlined in the Statement of Environmental Effects accompanying the DA to which this application relates. Provided in Section 7 is a brief assessment of the proposed modification pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

8. ENVIRONMENTAL EFFECTS

The relevant matters listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 are addressed below.

8.1 Statutory Planning Considerations

The original development of the site was approved in accordance with the statutory planning instruments and regulations applicable at the time of consent. The proposed modified development is consistent with the relevant planning controls. Compliance with applicable instruments is detailed in the tables below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development is BASIX affected development, seeking consent for the reconfiguration of 47 independent living units (dwellings). BASIX certification documents are submitted in support of the proposal in accordance with the requirements of this SEPP.

State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

Consistent with the SEE lodged with DA2009/1693, while the provisions of this SEPP apply to the land, the permissibility of the proposal is not dependent on it and relies on the provisions of the Warringah Local Environmental Plan 2011. However, in accordance with the provisions of section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the consent authority is required to take into consideration the provisions of any environmental planning instrument relevant to the land.

Also, consistent with the SEE lodged with DA2009/1693, a detailed compliance assessment with the SEPP provisions has not been undertaken. Rather, a general analysis has been undertaken which has determined that the proposed modification fulfils all the relevant requirements of the SEPP and is consistent with the policy in that:

- The supply of independent living units is increased;
- It is consistent with the character of the village and the surrounding area;
- It takes advantage of the existing utility services; and
- It provides well designed units.

State Environmental Planning Policy No. 55 – Remediation of Land

Development consent has previously been granted for the use of the site for seniors housing. The potential for contamination on the site was considered in the assessment of the original development application for the land with a Phase 1 Environmental Site Assessment submitted in support of the proposal. No changes to the approved use of the site are proposed in this application to modify consent. The land is not considered to be contaminated and is suitable for the approved use.

Warringah Local Environmental Plan 2011

Zoning and permissibility	The site is zoned SP1 Special Activities with the purposes shown on the Land Zoning Map being “Seniors Housing and Health Services Facility”. Use of the site for seniors housing is a land use permissible with consent. The approved development and the proposed modifications are generally consistent with the zone objectives and the special land uses contemplated for the site in the LEP.
Heritage	Clause 5.10 contains provisions for the conservation of environmental heritage. The site contains the Anzac War Memorial which is an item listed in Schedule 5 of the LEP (Item No. I30). The heritage impact of the

	development was considered in the original development application. The proposed modification will not directly impact on the heritage values of the listed item and relies on the assessment and conclusions of the Statement of Heritage Impact prepared by Design 5 Architects (December 2009) as submitted with the original application.
Earthworks	The proposed modified layout will result in minor earthworks to enable the construction and servicing of the development. The amended configuration and layout is generally consistent with the current approval having regard for the earthworks required to enable the construction and servicing of the development. Notwithstanding, the proposed amended layout and the earthworks necessitated are considered consistent with the objective of clause 7.2 of the LEP and will not result in any unreasonable environmental impacts.
Development of sloping land	The site is identified on the Landslip Risk Map as within Areas A and D with the provisions of Clause 6.4 applicable. The proposed modification does not substantially change or increase the potential risk of the development from land slip and relies on the findings and recommendations of the Geotechnical Investigation prepared by Jeffery and Katauskas Pty Ltd submitted with the original development application.

Warringah Development Control Plan 2011

Part F Zones and Sensitive Areas F3 SP1 Special Activities	<p>This chapter contains special provisions that apply to SP1 zoned land. It requires development of the land to be generally</p> <p><i>“sympathetic to the scale and amenity of surrounding development, particularly adjacent to residential zones. The natural landscape will be protected and enhanced and development should not create buildings which dominate long distance views of the area.”</i></p> <p>The proposed modification will result in a built form that is consistent with the above requirements and will integrate well with the site and surrounding built environment.</p> <p>This chapter also contains special provisions applicable to the “War Veterans Village” site. Of relevance to the development are the following:</p> <p><i>Future development will respond to the visual prominence of this site by keeping buildings below</i></p>
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	<p><i>the predominant tree line when viewed from the Narrabeen Lagoon viewing catchment. Articulated building forms, landscaping and colours will combine to break up apparent building mass and reduce the impact of new development on long distance views of the locality. Landscaping and the redevelopment of existing buildings so that their visual presence in the Narrabeen Lagoon viewing catchment is reduced will be strongly encouraged.</i></p> <p>The proposed built form is of a modest, low scale and will comply with this requirement and will be appropriately landscaped.</p> <p><i>The scale and height of development along Veterans Parade and Lantana Avenue will be consistent with the adjacent established residential development and buildings are to address the street. New buildings will be grouped in areas that will minimise disturbance of vegetation and landforms. Bushfire hazard reduction measures and stormwater detention required as a result of development will be contained within the site.</i></p> <p>The proposed modified built form is generally consistent with the existing approval. The development has been designed to respond to the topography of the site. Because of this, the upper levels of the buildings adjacent to Lantana Avenue will be at street level, giving the appearance of single storey dwellings addressing the street. This will achieve consistency with the adjacent established residential development.</p>
<p>Part E The Natural Environment Chapter E1 Preservation of Trees or Bushland Vegetation</p>	<p>The provisions of this chapter apply to all land, waterways and bushland covered by the Warringah LEP 2011. It requires council approval for the removal of trees greater than 5 metres in height. The proposed modification seeks approval for the removal of 15 additional trees on the site. Six of these are identified by council as exempt from permit requirements and a further 2 are identified as exotic species. The proposal relies generally on the Ecology Report (prepared by Dragonfly Environmental, November 2009) as submitted in support of the original development application (see copy in Attachment 9). An addendum to the Arboricultural Impact Assessment Report (prepared by Urban Tree Management, 10 November 2009) (see Attachment 7A) is submitted in support of the proposed modification that addresses the 15 additional trees (see Attachment 7B).</p>

8.2 Environmental, Social and Economic Impacts

The proposed modifications will not result in any social or economic impacts that are significantly different from those associated with the original development application (DA 2009/1693, as amended). The proposal seeks approval for the reconfiguration of the site layout and the location and footprint of the approved seniors housing dwellings. There will be no expected increase in the social or economic demands generated by the development.

There will be some minor additional environmental impacts as a result of the proposed modification, primarily due to the alterations to the development footprint and additional road widening proposed. These works will necessitate the removal of 15 additional trees as detailed in **Attachment 7B**.

The environmental impacts of the proposed modification are addressed in greater detail in section 5.2 above. Having regard for economic and social impacts, an overall positive impact is expected as a result of the refinements and improvements to the design of the dwellings on the site and its layout. One of the reasons for the proposed changes is to update the design to meet anticipated market demand and current design standards.

The site is mapped as being bushfire prone and seniors housing is identified as a “special fire protection purpose” under the *Rural Fires Act 1997*. The original development application was integrated development and concurrent approval was obtained from the NSW Rural Fire Service. The modified development proposal seeks to rely on the same assessment criteria and bushfire safety risk management conditions as originally imposed. The modified development is consistent with the previous bushfire risk assessment and will not encroach into the current authorised asset protection zones on the site.

8.3 Suitability of the Site

The proposed modifications will not alter the suitability of the site for the development previously approved.

8.4 Submissions

Any relevant representations will need to be considered by the consent authority.

8.5 Public Interest

The proposed modifications are in the public interest in that the design qualities and functionality of the approved development are to be improved.

9. Conclusion

The proposed modifications will have a minimal environmental impact when considered in association with the assessment of the original application and development consent granted for the site. The development to which the application relates is substantially the same development as the development for which consent was originally granted (and as previously modified).

In considering the proposed modification, it is noted that:

- the proposed modifications are permissible with consent in the zone, and are consistent with the provisions of the relevant planning controls.
- the proposed modifications are consistent and generally in accordance with the current approval for the site and will have no adverse impacts on the built environment.
- the proposed modifications are consistent and generally in accordance with the current approval for the site will not result in an unacceptable or significant adverse impact on the natural environment.
- the proposed modifications will not increase the site's currently approved development yield and will therefore result in no additional or adverse impacts on access or traffic.
- the proposed modifications are consistent and generally in accordance with the current approval for the site and no adjoining properties are expected to be adversely affected by the proposed modifications.

Having regard for the above, the modifications are considered to be in the public interest and will not give rise to any adverse social or economic impacts.

The modifications for which consent is now sought do not alter the original findings made in relation to the original DA (as modified) regarding the reasonableness and appropriateness of the proposal when considered in the light of the matters listed in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

If any further details are required, or if further justification is required in support of the requested modification, please do not hesitate to contact the undersigned.

We trust that you will find the application acceptable and look forward to a prompt and favourable determination.

Yours faithfully,

BBC Consulting Planners,



Dan Brindle
Director

Email dan.brindle@bbcplanners.com.au

ATTACHMENTS

1. Northern Beaches Council application form;
2. Architectural Drawings prepared by Humel Architects;
3. Comparison Table prepared by Humel Architects;



4. Landscape Plans prepared by Taylor Brammer Landscape Architects;
5. Civil Works Plans & Stormwater Concept Design, prepared by Warren Smith & Partners;
6. Access Compliance Report, prepared by Accessible Building Solutions;
- 7A. Arboricultural Impact Assessment, prepared by Urban Tree Management;
- 7B. Arboricultural Impact Assessment Addendum, prepared by Urban Tree Management;
8. BASIX & Energy Efficiency Certification documents;
9. Ecology Report prepared by Dragonfly Environmental;
10. Bushfire Protection Assessment prepared by Eco Logical Australia; and