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**SECTION 4.55(2) APPLICATION FOR MODIFICATION OF DA2019/1419  
49 FRENCHS FOREST ROAD EAST, FRENCHS FOREST (LOT 7 DP1020015)**

**1. INTRODUCTION**

Dear Sir/Madam,

Reference is made to the development consent **DA2019/1419** granted on 29 April 2020 for the health services facility being a medical centre with basement parking, signage and landscaping at 49 Frenchs Forest Road East, Frenchs Forest, being legally described as Lot 7 DP1020015 (the Site).

This statement has been prepared in support of a Section 4.55(2) Application submitted to Northern Beaches Council which seeks to modify the development consent **DA2019/1419 (Appendix 1)** which granted consent for:

*Construction of a Health Services Facility, being a Medical Centre (Cancer Treatment Centre) with basement parking, signage and landscaping*

This application is made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on behalf of Ascot Project Management. The application seeks to modify Condition 2 and delete Condition 15 relating to the basement construction requirements based on additional investigations undertaken; amend Condition 23 relating to the requirements for dilapidation reports to only be undertaken on adjoining properties which are within the zone of influence or potentially impacted by the construction; and to provide for a water tank on the roof of the building to deliver essential fire services that comply with fire pressure and BCA requirements which apply to the site because of low water pressure in the area.

The following supporting documentation has been provided as part of this application:

- **Appendix 1** Development Consent **DA2019/1419**
- **Appendix 2** Architectural Elevations
- **Appendix 3** Perspective Drawings
- **Appendix 4** Fire Services Assessment
- **Appendix 5** Geotechnical Letter
- **Appendix 6** Hydrogeological Investigation and Analysis
- **Appendix 7** Preliminary Groundwater Quality Screening
- **Appendix 8** Structural Engineering Statement

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### 2. SITE LOCATION AND CHARACTERISTICS

The site is identified as 49 Frenchs Forest Road East, Frenchs Forest, being legally described as Lot 7 DP1020015.

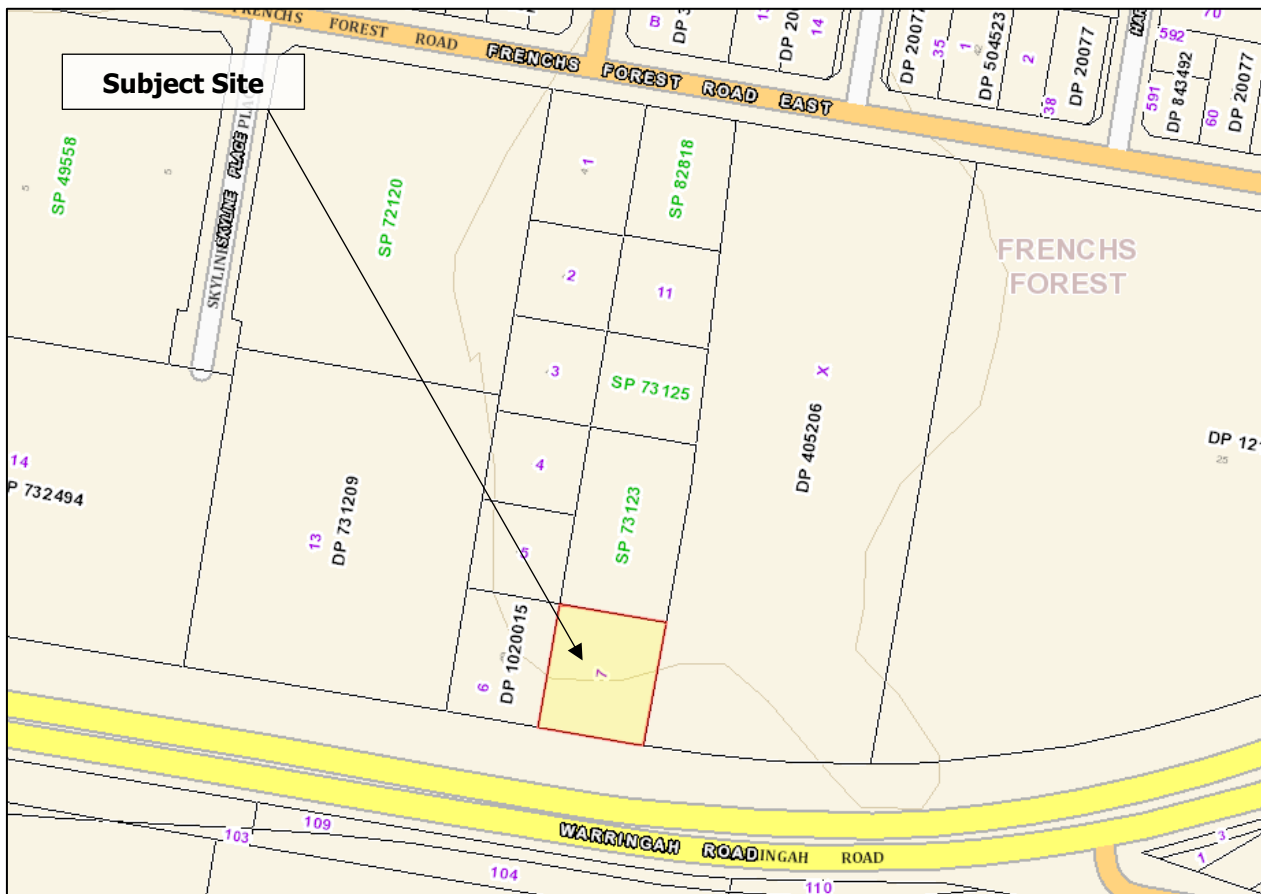
Existing attributes of the site are noted as follows:

- The site is situated within the Forest Central Business Park and affords an approximate area of 1,776m<sup>2</sup>.
- The site exhibits a street frontage to Warringah Road to the south and the dead end of the internal road to the north west.
- The site is currently undeveloped with vegetation identified in the south western corner of the site.
- Current vehicular access to the site is facilitated via the internal road off Frenchs Forest Road East.
- The Forest Central Business Park currently provides facilities for medical and commercial uses across the existing nine buildings within the business park.
- The site affords road linkages to Frenchs Forest Road East, Warringah Road, Wakehurst Parkway and Pittwater Road.
- The site is also serviced by an extensive transport network with bus routes along Frenchs Forest Road East, providing connectivity to the surrounding suburbs, Sydney CBD and the wider region.

Surrounding land uses in the immediate vicinity include:

- North – Forest Central Business Park and Frenchs Forest Road East;
- South – Warringah Road, commercial development and industrial development;
- East – Industrial development, Parkway Hotel and industrial development; and
- West – Industrial development.

The site and the surrounding context are shown in **Figures 1 and 2** below.



**Figure 1 Cadastral Map (SIX Maps 2020)**

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Figure 2 Aerial Map (Google Maps 2020)

### 3. PROPOSED MODIFICATIONS

#### 3.1 Proposed modifications and justification

The modifications sought to development consent **DA2019/1419** relate to the amendment to Conditions 2 and 23, deletion of Condition 15 and addition of a fire service water storage tank on the roof level.

**Condition 2** requires the development to be carried out in compliance with the recommendations and requirements of the Water NSW General Terms of Approval, IDAS11221680 dated 1 April 2020.

Since the issue of the Water NSW GTAs more detailed information has been obtained from the Hydrogeological Investigation and Analysis (**Appendix 6**) carried out on 03/07/20 as part of the construction design and the Preliminary Groundwater Screening (**Appendix 7**) carried out 31/07/20 as part of the construction design. The findings of the two investigations establish that some of the General Terms of Approval are no longer necessary and should be modified and provided to Water NSW for review in light of the additional information.

The Geotechnical Letter (**Appendix 5**) outlines that the General Terms of Approval (GTA) from Water NSW should be revised, or are no longer applicable, given that the proposed development has been confirmed to have minor seepage between 0.04ML per year and 0.9ML per year which is significantly below the threshold of 3ML per year in accordance with the Water NSW published Fact Sheet "Exemptions – Construction Dewatering". As a result of the additional testing, the modification application requests that the application be referred to Water NSW and seeks that Condition 2 be amended to reference the revised recommendations provided by Water NSW following the assessment of the subject application and the obligations in condition 15 deleted to remove the requirement to tank the basement.

**Condition 15** requires the basement area to be permanently tanked and structural details of the tanking to be submitted. It is noted that a Hydrogeological Investigation and Analysis (**Appendix 6**) and Preliminary

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Groundwater Quality Screening (**Appendix 7**) have been prepared by JK Geotechnics and JK Environments to assess the groundwater quantity and quality and undertake detailed hydrogeological investigation of the site.

Based on the results of a seepage analysis, for the measured range of permeability of the weathered sandstone that seepage into the basement for the measured groundwater is expected to be in the order of 0.04ML/year to 0.9ML/year. When the groundwater levels were raised by 1m the estimated seepage into the basement was of about the same order of 0.1ML/year to 1ML/year.

Given that the analysed inflows are 0.04ML/year to 0.9ML/year (equating to approximately 1100L/day to 2500L/day), which is very low, and well below 3ML/year, the threshold prescribed by WaterNSW, the works comply with the WaterNSW exemption from a Construction Dewatering License, as detailed in the WaterNSW Fact Sheet provided in Appendix A of the Hydrogeological Investigation and Analysis.

Accordingly, it is confirmed in the Geotechnical Letter (**Appendix 5**) that a drained basement is suitable for the proposed development and there is no requirement for, or benefit from, a tanked basement. Therefore, it is requested that Condition 15 be deleted to remove the requirement for the basement to be tanked.

**Condition 23** requires dilapidation reports and photographic surveys of all individual lots including the access easement and shared driveway of 49 Frenchs Forest Road East, Frenchs Forest to be provided to the Principal Certifying Authority (PCA) prior to the commencement of any works on site. Based on the requirement of Condition 23, dilapidation reports will need to be provided for all individual lots within the Frenchs Central Business Park, including those that are up to 10 lots (8 Buildings) away from the site. It has been determined that not all properties within the business park will be affected by the development, and as such it is requested that Condition 23 be amended to require dilapidation reports to be prepared only for adjoining lots that are directly affected by the construction as well as the shared driveway of 49 Frenchs Forest Road East, and not all individual lots within the business park. This has been outlined in the Geotechnical Investigation and further confirmed in the Structural Engineering Statement (**Appendix 8**).

### Addition of water tank

As a result of a reduction of water volume in the Sydney Water mains within the locality, the subject modification proposes the addition of an on-site fire service water storage tank on the roof level. This water storage tank is required for fire service purposes due to the low water pressure provided on the site. As demonstrated in the Architectural Elevations (**Appendix 2**), the proposed water storage tank has been positioned on the roof in order to comply with pressure requirements, however, does not exceed the existing approved building height. The tank will be appropriately screened with consistent screening elements already approved on the roof level and will therefore not generate any greater visibility from the public domain. The proposed water tank will be integrated with the roof form of the medical centre and will not detract from the appearance of the roof or the built form generally. This is confirmed in the Perspective Drawings (**Appendix 3**) in which the proposed water tank will not be visible from the public domain on Warringah Road and within the Business Park and hence it will not result in any unacceptable visual or amenity impacts.

The tank does not exceed the existing approved building height and has been designed to be lower than the building height. The proposed water tank has also been incorporated into the building's design and approved roof elements. The tank is non-obtrusive and compliments the already existing building roof line and façade aesthetic features. The addition of this required element does not generate any material visual impact and is well integrated into the design of the building when viewed from street level and other vantage points in the locality, as demonstrated in the perspective view drawings from both Warringah Road and the private Road within the Business Park. The sightline of an adult of average height positioned at either of these two locations is obstructed from viewing the tank by the approved building elements, identified on Elevation Sheet 2, of Drawing DA-201. Hence, the proposed addition of the water storage tank is not anticipated to result in any adverse visual amenity impacts regarding views, visual bulk or privacy.



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### Proposed location of water tank

A Fire Services Assessment (**Appendix 4**) has also been prepared which identifies the need for the water storage tank for fire services purposes and confirms that the water tank has been designed in accordance with the relevant requirements. Several locations for positioning of the tank were explored, including several layouts within the basement carpark levels and underground adjacent the existing OSD. These options were exhausted and found as not viable. It was found that the basement area had insufficient space to incorporate the required tank and maintain the DA required number of car parking spaces.

Additionally, FRNSW require that underground fire water storage tanks have their lowest point at no more than 3m below the suction point at the booster assembly. This is the maximum vertical height that their trucks can suck water from which as such creates a very large tank footprint. Due to the minimum RL of the base of the tank, the required footprint of the tank cannot be accommodated with the constraints of the easements and OSD.

As addressed in the Fire Services Assessment, due to the required size of the water storage tank, the operational requirements of FRNSW and site constraints, the only positioning that aligns with all relevant requirements is the rooftop, which is the only option that provides the fire brigade with a flooded booster assembly connection. As such, the proposed location of the water storage tank is deemed both necessary and appropriate and has been designed to minimise its size and any visual impact from its existence.

### 3.2 Proposed Conditions of Consent

The desired development outcome as outlined above requires the following modifications to development consent **DA2019/1419**.

To reflect the proposed modifications to the relevant conditions, text proposed to be deleted is indicated by 'strikethrough' text and text proposed to be added is indicated by **bold** text as follows:

#### Condition No. 1

*The development must be carried out in compliance (except as amended by any other condition of consent) with the following:*

##### a) *Approved Plans*

<i>Architectural Plans – Endorsed with Council's stamp</i>		
<i>Drawing No.</i>	<i>Dated</i>	<i>Prepared By</i>
<i>DA-011 – Rev. 8</i>	<i>09/12/2019</i>	<i>Team 2 Architects</i>
<i>DA-020, DA-021, DA-050, DA-104, DA-105, DA-106, DA-120, <del>DA-200, and DA-201</del> - Rev. 4</i>	<i>04/12/2019</i>	<i>Team 2 Architects</i>
<b><i>DA-200 and DA0201 – Rev. 6</i></b>	<b><i>12/02/21</i></b>	<b><i>Team 2 Architects</i></b>
<i>DA-099 - Rev. 1</i>	<i>04/12/2019</i>	<i>Team 2 Architects</i>
<i>DA-100, DA-101, DA-102, and DA-103-Rev. 6</i>	<i>04/12/2019</i>	<i>Team 2 Architects</i>
<i>DA-202 - Rev. 3</i>	<i>04/12/2019</i>	<i>Team 2 Architects</i>
<i>DA-300, DA-301, - Rev. 5</i>	<i>09/12/2019</i>	<i>Team 2 Architects</i>

#### Condition No. 2

*The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:*

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<i>Other Department, Authority or Service</i>	<i>EDMS Reference</i>	<i>Dated</i>
<i>Water NSW</i>	<i>IDAS1121680</i> <b>[To be updated in reference new document provided by WaterNSW]</b>	<i>1 April 2020</i>

### Condition No. 15

~~The basement area is to be permanently tanked and the Applicant shall submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.~~

### Condition No. 23

*Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.*

~~○ All the individual Lots including the access easement and~~ **The shared driveway of 49 Frenchs Forest Road East, French Forest and the adjoining lots that are directly affected by the construction works of the subject site**

*The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.*

*In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.*

*Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.*

*Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.*

## 4. STATUTORY PLANNING FRAMEWORK

### 4.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is local development. The modifications sought to the development consent **DA2019/1419** warrants consideration of the provisions of Section 4.55(2) of the EP&A Act. The provisions of Section 4.55 of the EP&A Act provided in **Table 1** below require consideration in this instance.

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Table 1 Section 4.55(2) – (3) Assessment	
Clause	Response
<p><i>(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—</i></p>	
<p><i>(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</i></p>	<p>The medical centre as it relates to <b>DA2019/1419</b> as modified will be substantially the same development.</p> <p>The proposed modification does not involve changes to the use, built form, access or drainage of the development approved <b>DA2019/1419</b>.</p>
<p><i>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) 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</i></p>	<p>It is noted that Condition 15 was imposed in accordance with the general terms of approval issued by Water NSW.</p> <p>Therefore, referral to Water NSW will be required.</p>
<p><i>(c) it has notified the application in accordance with—</i></p> <p><i>(i) the regulations, if the regulations so require, or</i></p> <p><i>(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</i></p>	<p>Pursuant to Clause 119 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&amp;A Regulation), a Section 4.55(2) Modification is to be notified for a minimum of 14 days.</p>
<p><i>(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.</i></p> <p><i>Subsections (1) and (1A) do not apply to such a modification.</i></p>	<p>The applicant is willing to address any submissions should they be received by Council during the notification period.</p>
<p><i>(3) 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 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i></p>	<p>Refer to <b>Section 5</b> of this Section 4.55 Statement.</p>

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### **Section 4.55(2)(B) – Substantially the same**

The scope of a maximum modification of a consent without constituting assessment as a standalone application can be analysed through the ambit of *Michael Standley & Associates Pty Ltd v North Sydney Council [2005] NSWLEC 358*, whereupon Commissioner Mason P. found in relation to modification of development consents that the word “modify” was given the ordinary meaning of “to alter without radical transformation”. Therefore, the extent to which a consent may be modified is that to which the consent, as modified, is as approved without radical transformation or alteration.

The development, as modified, is substantially the same development and will not result in a radical transformation of **DA2019/1419** for the following reasons:

- The modification remains a health services facility development being a medical centre, which retains the approved primary land use for health services facility purposes, and proposes no substantial change to this fundamental element of the approval;
- There are no substantial quantitative changes proposed to the approved building bulk or scale including changes to the height, GFA, or setbacks of the building;
- The function, form, operations, and importantly, public perception of the site, as a health services facility development, being primarily used for medical centre purposes, remains largely unchanged, with the reconfigurations retaining the original intent of the development as approved.
- The design and presentation of the building has not been materially altered or transformed in any respect and any new building elements remain below the approved height of the building and appropriately screened by approved and proposed rooftop elements.

In light of the above, the proposal as amended, is not considered to result in a “radical transformation” of the consent, as currently approved, satisfying the test pursuant to *Michael Standley & Associates Pty Ltd v North Sydney Council [2005] NSWLEC 358*.

Whilst the proposal seeks to amend Conditions 2 and 23, delete Condition 15, and install a fire services water storage tank, these are not considered to be material or essential elements of the approved development which would constitute a radical change to the ultimate development outcome of the Site. This is further analysed in *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280* which applies a quantitative and qualitative test to determine what qualifies a development as being “substantially the same”.

*Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280* provides that a comparison of the development as approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development. The comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted). From both a qualitative and quantitative perspective the proposed development remains substantially the same.

Whilst the proposed modification seeks to amend Conditions 2 and 23, delete Condition 15, and install a fire services water storage tank, the modification is not considered to be substantial or comprise a critical element of the development. Further, from a qualitative perspective, the development retains its identity as a medical centre (cancer treatment centre) as a form of health services facility.

Therefore, the proposal, as amended, will be substantially the same development as approved, and satisfies the requirements for the application to be assessed and approved pursuant to Section 4.55(2B) of the EP&A Act.



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### **Section 4.55(3) – Section 4.15 and Reasons given by the consent authority for the grant of the consent**

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 2** below.

<b>Table 2 Section 4.15(1) Considerations</b>	
<b>Section</b>	<b>Response</b>
Section 4.15(1)(a)(i) any environmental planning instrument, and	Refer to <b>Section 4.3</b> of this Statement.
Section 4.15(1)(a)(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft instruments are applicable to this modification.
Section 4.15(1)(a)(iii) any development control plan, and	The relevant provisions of the Warringah Development Control Plan 2011 (WDCP2011) have been considered under <b>DA2019/1419</b> .  The proposed modifications will not result in any changes to the assessment undertaken against WDCP2011 as part of the original DA.
Section 4.15(1)(a)(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 under section 7.4, and	N/A
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Refer to <b>Section 4.2</b> of this Statement.
Section 4.15(1)(b)-(e)	Refer to <b>Sections 4, 5 and 6</b> of this Statement.

## **4.2 Environmental Planning & Assessment Regulation 2000**

This application has been prepared in accordance with the provisions of the EP&A Regulation. Clause 115 of the EP&A Regulation stipulates how a modification application must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

- Clause 115 – The documentation required for the subject Section 4.55 Modification will be submitted to Northern Beaches Council electronically via the NSW Planning Portal.

Further, the proposed modification does not trigger 'Designated Development' pursuant to Schedule 3 of the EP&A Regulation.

## **4.3 Warringah Local Environmental Plan 2011**

The *Warringah Local Environmental Plan 2011* (WLEP2011) is the primary environmental planning instrument that applies to the site.

The relevant provisions of WLEP2011 as they relate to the subject site are considered below:

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### 4.3.1 Zoning and Permissibility

The site is zoned B7 Business Park under WLEP2011 (**Figure 1**). The objectives of the B7 Business Park zone are as follows:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.

The permissibility of the development was established under the original DA and the use of the development as a medical centre will remain unchanged as approved under **DA2019/1419**.

Given the minor nature of the changes sought under this application, the proposed modification does not result in any of the objectives of the zone being compromised. The development will continue to be capable of achieving these objectives to the same capacity as the approved development under **DA2019/1419**.

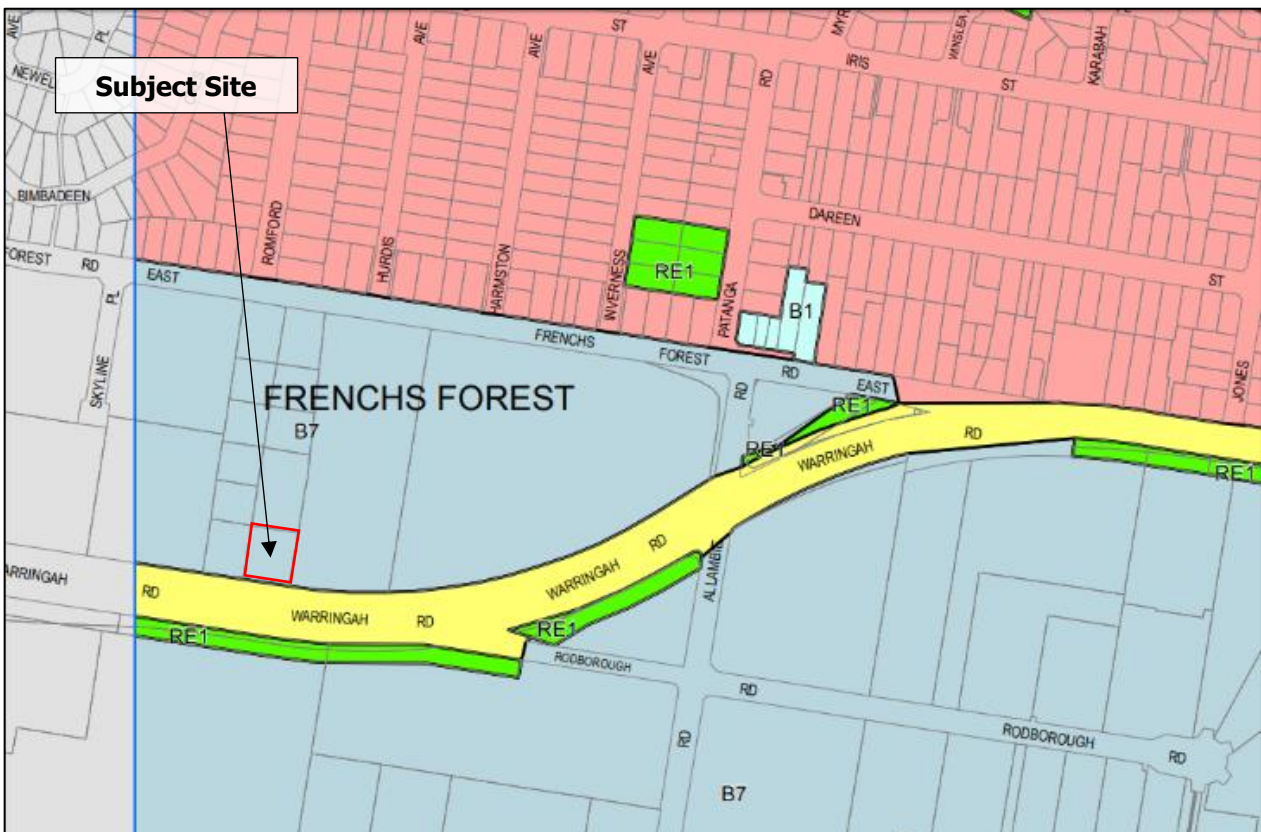


Figure 1 Zoning Map (NSW Legislation 2020)

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### 4.4 Warringah Development Control Plan 2011

An assessment of the proposed subdivision against the relevant sections of the Warringah Development Control Plan 2011 (WDCP2011) is provided in the DCP Compliance Table below.

Table 3 Warringah DCP 2011 - Key Provisions		
Control	Requirements	Comment
<b>Part D – Design</b>		
D6. Access to Sunlight	<ol style="list-style-type: none"><li>1. Development should avoid unreasonable overshadowing any public open space.</li><li>2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</li></ol>	<p>Shadow Diagrams have been submitted as part of the original DA.</p> <p>As demonstrated in the Shadow Diagrams, the addition of a water tank to the roof proposed would not result in unreasonable overshadowing over the adjacent buildings.</p>
D9. Building Bulk	<ol style="list-style-type: none"><li>1. Side and rear setbacks are to be progressively increased as wall height increases.</li><li>2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</li><li>3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:<ul style="list-style-type: none"><li>• The amount of fill is not to exceed one metre in depth.</li><li>• Fill is not to spread beyond the footprint of the building.</li><li>• Excavation of the landform is to be minimised</li></ul></li><li>4. Building height and scale needs to relate to topography and site conditions.</li><li>5. Orientate development to address the street.</li><li>6. Use colour, materials and surface treatment to reduce building bulk.</li><li>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</li><li>8. Articulate walls to reduce building mass.</li></ol>	<p>The proposed four-storey cancer treatment building is considered to be of appropriate bulk and scale. The built form of the facility has been designed to respond to the built form of the existing building to the west. High quality external materials would also be adopted for the proposed facility. The water tank is in keeping with the existing built form originally proposed.</p>
D10. Building Colours and Materials	<ol style="list-style-type: none"><li>1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.</li><li>2. The colours and materials of development on sites adjoining, or in close proximity to, <u>bushland</u> areas, waterways or the beach must blend in to the natural landscape.</li></ol>	<p>The water tank on the roof is proposed to be covered by architectural screening that would present the same muted colour schemes of the building incorporating it into the building and softening its visual impact..</p> <p>The proposed colours and materials of the tank will be compatible with</p>

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	<ol style="list-style-type: none"> <li>3. The colours and materials used for <u>alterations and additions</u> to an existing structure shall complement the existing external building façade.</li> <li>4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.</li> </ol>	<p>the overall external appearance of the building.</p>
<p>D11. Roofs</p>	<ol style="list-style-type: none"> <li>1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.</li> <li>2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.</li> <li>3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.</li> <li>4. Roofs shall incorporate eaves for shading.</li> <li>5. Roofing materials should not cause excessive glare and reflection.</li> <li>6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.</li> </ol>	<p>The proposal would incorporate a flat roof form which is consistent with neighboring buildings.</p> <p>The water tank would not be higher than the Lift tower on the roof and is in keeping with the form of the roof and surrounding buildings.</p>
<p>D12. Glare and Reflection</p>	<ol style="list-style-type: none"> <li>1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours; <ul style="list-style-type: none"> <li>• Minimising the lit area of signage;</li> <li>• Locating the light source away from adjoining properties or boundaries; and</li> <li>• Directing light spill within the site.</li> </ul> </li> <li>2. Any glare from artificial illumination is to be minimised by utilising one or more of the following: <ul style="list-style-type: none"> <li>• Indirect lighting;</li> <li>• Controlling the level of illumination; and</li> <li>• Directing the light source away from view lines.</li> </ul> </li> <li>3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following: <ul style="list-style-type: none"> <li>• Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;</li> <li>• Orienting reflective materials away from properties that may be impacted;</li> <li>• Recessing glass into the façade;</li> <li>• Utilising shading devices;</li> </ul> </li> </ol>	<p>Architectural screening will be used to reduce glare and reflectivity created by an additional roof top water tank.</p>

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	<ul style="list-style-type: none"><li>• Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and</li><li>• Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.</li></ul>	
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### 5. LIKELY IMPACTS OF DEVELOPMENT

The key planning matters for consideration as they relate to the modified proposal remain consistent to the development approved under **DA2019/1419** and are addressed in the ensuing subsections

#### 5.1 LAND USE

The proposed modifications will preserve the use of the site as a medical centre being a form of health services facility, consistent with **DA2019/1419**.

#### 5.2 TRAFFIC AND TRANSPORT

There will be no change to traffic and transport arrangements under the subject application. Suitable access to the site will be available for construction purposes.

#### 5.3 ENGINEERING MATTERS

The proposal does not involve any changes to the civil engineering components of the subject site. The installation of the water storage tank is proposed for fire services purposes. as demonstrated in the Fire Services Letter.

According to the Fire Service letter provided by ACOR Consultants, it was determined that the only suitable location for a required water tank is on the rooftop. This is because it is the only option that provides the fire brigade with a flooded booster assembly connection. Other options were considered, including underground within the basement carpark however, did not meet the operational requirements of the FRNSW and would require major landscaping changes or compromising the required onsite parking (**Appendix 4**).

#### 5.4 LIKELY IMPACTS OF DEVELOPMENT

The likely impacts of development in accordance with the requirements of Section 4.15(1) remain consistent with the development approved under **DA2019/1419** and have been considered above.

### 6. SUITABILITY OF THE SITE FOR DEVELOPMENT

Given the nature of the proposed modification, the proposal is deemed suitable as it does not seek to modify the design of the approved medical centre or give rise to any undesirable environmental or amenity impacts. The proposal does not comprise any changes or additional elements which might cause the development as previously approved under **DA2019/1419** to be deemed unsuitable for the Site.

### 7. CONCLUSION

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- Previously approved development;
- The context of the site and locality;
- The fire service requirements for the approved facility;



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- The additional investigations undertaken on site in relation to the water table and hydrogeology which exists on site and detailed design of the building;
- The relevant heads of consideration under Section 4.55(2) of the EP&A Act; and
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

As detailed throughout this Statement, the proposed modifications will preserve the approved use of the Site and will not substantially change the approved built form. The proposal is therefore considered to represent a development outcome substantially the same as that previously approved under **DA2019/1419**.

In light of the above, the modifications proposed to development consent **DA2019/1419** are considered worthy of support by Northern Beaches Council.

Should you require additional information, please do not hesitate to contact the undersigned.

Yours faithfully,



Andrew Cowan  
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