

11<sup>th</sup> June 2024

The CEO  
Northern Beaches Council  
PO Box 82  
MANLY NSW 2095

Dear Sir,

**Statement of Environmental Effects  
Modification of Land and Environment Court Issued Consent  
East Coast Property Development Pty Ltd ATF East Coast Property  
Development Unit Trust v Northern Beaches Council  
Seniors Housing  
4 Alexander Street, Collaroy**

**1.0 Introduction**

On 15<sup>th</sup> June 2022 the Land and Environment Court of New South Wales (the Court) granted development consent (2022 NSWLEC 1305) for the demolition of the existing dwelling and the construction of a seniors housing development incorporating 5 x 3 bedroom in-fill self-care housing units and car parking for 9 vehicles on the subject site (DA2021/1805). An application seeking to modify this consent (Mod2023/0416) has recently been approved by way of section 34 agreement.

We have again been engaged to prepare an application to modify the consent pursuant to Section 4.55(8) of the Environmental Planning and Assessment Act 1979 (the Act). Specifically, the modifications seek variations to the following development standards contained within State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (SEPP HSPD):

- Clause 41(1), Schedule 3, Clause 16(c)
- Clause 41(1), Schedule 3, Clause 16(d)
- Clause 41(1), Schedule 3, Clause 7(3)

This submission is accompanied by an access report, dated 6<sup>th</sup> June 2024, prepared by Jensen Hughes supporting the variations to the development standards proposed with this submission accompanied by the prerequisite clause 4.6 variation requests. Such requests are well-founded.

The modifications do not result in any external changes to the building or its environmental consequences.

To that extent Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of section 4.55(8) of the Act.

## **2.0 Detail of Modifications Sought**

The proposed modifications are detailed within the accompanying access report, dated 6<sup>th</sup> June 2024, prepared by Jensen Hughes. The variations can be summarised as follows:

- Clause 41(1), Schedule 3, Clause 16(c) - Kitchen design
- Clause 41(1), Schedule 3, Clause 16(d) - Use of “D” pull cupboard handles
- Clause 41(1), Schedule 3, Clause 7(3) - Doorway circulation

### **Modification to conditions**

The application also seeks the modification/ deletion of the following conditions:

#### **Condition 1 - Approved Plans and Supporting Documentation**

This condition is to be amended to reflect the modified access report, dated 6<sup>th</sup> June 2024, prepared by Jensen Hughes.

#### **Condition 23 – Requirements for Seniors Housing or Housing for Persons with a Disability**

This condition is to be amended to read as follows:

23. *Requirements for Seniors Housing or Housing for Persons with a Disability*

*Other than the variations approved by this consent pursuant to clause 4.6 WLEP relating to Clauses 16(c), 16(d) and 7(3) of Schedule 3 (SEPP Housing), the development ~~is for the purposes of Seniors Housing or Housing for Persons with a Disability and~~ is required to comply with all the standards specified in Schedule 3 - “Standards concerning accessibility and useability for hostels and self-contained dwellings”.*

*Details demonstrating compliance with the above requirement are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.*

*Reason: To ensure public safety and equitable access for seniors or people with a disability.*

**3.0 Section 4.55(2) and 4.55(8) of the Environmental Planning and Assessment Act 1979**

We regard the modifications sought as being minor in nature and not giving rise to any adverse environmental consequences. Accordingly, the modified development is “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and is appropriately dealt with by way of Section 4.55(1A) and 4.55(8) of the Act.

**8.0 Conclusion**

This submission is accompanied by an access report, dated 6<sup>th</sup> June 2024, prepared by Jensen Hughes supporting the variations to the development standards proposed with this submission accompanied by the prerequisite clause 4.6 variation requests. Such requests are well-founded.

The modifications do not result in any external changes to the building or its environmental consequences.

We regard the modifications sought as being minor in nature and not giving rise to any adverse environmental consequences. Accordingly, the modified development is “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and is appropriately dealt with by way of Section 4.55(1A) and 4.55(8) of the Act.

Having given due consideration to the relevant considerations pursuant to s4.15(1) of the Act it is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

Yours sincerely

**BOSTON BLYTH FLEMING PTY LIMITED**

A handwritten signature in black ink, appearing to read 'Greg Boston', is written over a faint, illegible printed name.

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Director**