

**STATEMENT OF MODIFICATION - APPLICATION TO MODIFY CONSENT UNDER  
S4.56 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT**

**LOCATED AT**

**1955 PITTWATER ROAD, BAYVIEW**

**FOR**

**CAP ONE DEVELOPMENTS PTY LTD**



**Prepared  
May 2024**

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## 1.0 Introduction

This Statement of Modification has been prepared to assist Council in the consideration of an application pursuant to Section 4.56 of the Environmental Planning & Assessment Act 1979 (**EP&A Act**) to modify Development Consent DA2019/0154 (as modified), which approved demolition works and construction of a seniors housing development at **1955 Pittwater Road, Bayview**.

The proposed modifications are detailed in the accompanying architectural plans prepared by A Plus Design Group, Project No A22039, variously revised and dated 19 April 2024. comprising:

Drawing No.		Revision
DA.100	Drawing List	G
DA.101	Site Plan	G
DA.203	Lower Ground Floor Plan	G
DA.204	Ground Floor Plan	D
DA.205	First Floor Plan	D
DA.301	Section AA	F
DA.302	Section BB	F
DA.303	Section CC	B
DA.401	North Elevation	F
DA.402	West Elevation	H
DA.403	South Elevation	E
DA.404	East Elevation	H
DA.405	UNIT 1 Internal Elevations/Sections	A
DA.701	GFA Diagram	D
DA.702	GFA Comparison Diagram	A
DA.903	Lower Ground Comparison Plan	A
DA.905	First Floor Comparison Plan	A
DA.1103	Lower Ground GFA Comparison Diagram	A
DA.1105	First Floor GFA Comparison Diagram	A

The proposed modifications are discussed in further detail in this submission.

## 2.0 Background

Development Application DA2019/0154 for “*Demolition works and construction of a seniors housing development*” was approved in accordance with the Land and Environment Court Judgement dated 16 October 2019 (subsequently modified under Mod2021/0101 dated 12 May 2021, Mod2021/0343 dated 27 July 2021 and Mod2022/0471 dated 13 September 2023). The approved modifications included the relocation of piling and retaining walls and the utilisation of the created void areas for non-habitable storage purposes.

Three Construction Certificates – CC2021/0122 dated 1 February 2021, CC2021/0299 dated 15 March 2021 and CC2024/0094 dated 31 January 2024 were issued, with Notice of Commencement NOC2021/0193 lodged with Council on 5 February 2021 and NOC2024/0146 lodged with Council on 2 February 2024.

The works were commenced and the existing structures within the site have been demolished.

### 3.0 Proposed Modifications

The application involves changes to the form of the approved development, which are detailed in the modified architectural plans prepared by A Plus Design Group, dated 19 April 2024.

The proposed modification seek to undertake internal reconfiguration to Unit 1 and Unit 4 to enhance the amenity of the dwellings, and overall design quality of the development.

The proposed works do not see any change the external configurational the building nought do they result in any change to the building height, setbacks or its contribution to the streetscape with the integrated landscape regime ensuring that the development will sit within a landscaped setting.

Importantly, the previously approved landscaping, drainage design and neighbouring amenity outcomes afforded through approval of the original application including visual privacy, solar access and view sharing are not compromised.

Specifically, the proposed modifications include:

**Lower Ground Floor:** Reconfiguration of Unit 1 to create a new bedroom, WIR and ensuite in the existing storage area, along with a new bathroom and laundry area. The reconfiguration results in a new window servicing the new bathroom, however this window is orientated inwards to the terrace area, not towards any site boundary.

**Ground Floor:** Glazing adjustment on Unit 2 terrace area between the terrace a void area.

**First Floor:** Reconfiguration of Unit 4 to create a larger bathroom and relocate the laundry to the void area.

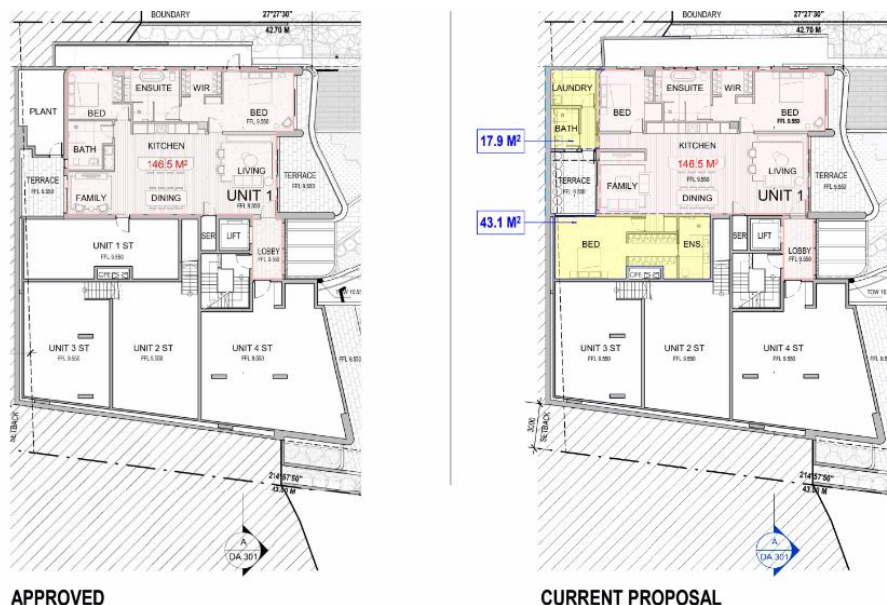


Figure 1: Unit 1 approved and modified floor layout

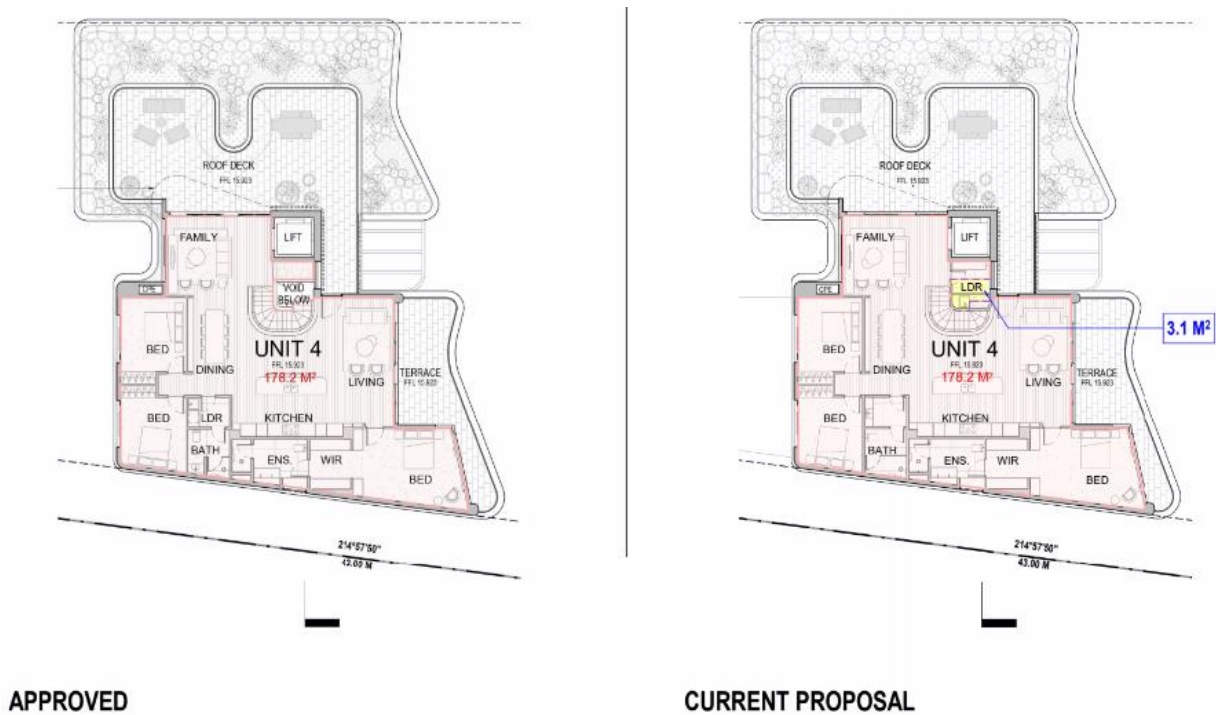


Figure 2: Unit 4 approved and modified floor layout

The reconfiguration of Unit 1 and Unit 4 to create a new bedroom and laundry area are a logical location being the rooms are located in the approved storage and void areas with such location ensuring that there are no adverse streetscape or residential amenity impacts noting that the area in Unit 1 of the development was always trafficable as nominated on the approved plans.

The modifications are contained within the approved building envelope such that the streetscape appearance, car parking, drainage and landscape outcomes as approved are not compromised.

Importantly, the spatial relationship of the proposal to adjoining development is maintained together with a complimentary and compatible streetscape presentation and appropriate residential amenity outcomes.

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 4.56 (1A5(2) of the Act.

The development indices for the site remain consistent with that originally approved, as noted over:

Compliance Table				
Control	Standard	Approved	Proposed	Compliance
<b>Zone</b>	R2 Low Density Residential		The proposed retains the approved land use for construction of a seniors housing development which remains consistent with the objectives of the zone.	<b>Complies</b>
<b>Building Height</b>	8.5m (LEP)		No change	<b>Complies</b>
<b>FSR</b>	(SEPP)	0.495:1 or 641.8m <sup>2</sup>	0.544:1 or 705.9m <sup>2</sup> (additional 64.1m <sup>2</sup> )	<b>Complies – on merit</b>
<b>Front building line</b>	10m	12.8m	No Change	<b>Complies</b>
<b>Setbacks</b>				
<b>Rear</b>	3m	Carpark: 5.5m – 6.5m Lower ground: 5.6m – 8.8m GF: 8.8m – 10.75m FF: 8.9m – 10.7m	No Change	<b>Complies</b>
<b>Side</b>	NW – 3.825m SE – 3.875m	NW – 3m SE – 2.7m		
<b>Landscape Open Space</b>	50% (648.25m <sup>2</sup> )	52% or 675.6m <sup>2</sup>	No change	<b>Complies</b>

## 4.0 Zoning and Development Controls

### 4.1 State Environmental Planning Policy (Housing) 2021

#### **Background**

The original application was assessed under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) came into effect on 31 March 2004 and replaced the previous State Environmental Planning Policy (SEPP) No. 5 – Housing for Older People or People with a Disability.

However, in November 2021, the planning provisions for seniors housing were transferred from the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) (now repealed), to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The modified works will be assessed under the Housing SEPP 2021.

The principal of this policy is to:

- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*

Section 79 and Section 81 of the Housing SEPP allows for the provision of this form of housing on land zoned for urban purposes. The subject land is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and the proposal is therefore considered to be permissible upon this site with the consent of the Council.

The subject application proposes development of the subject site for a purpose defined under the SEPP as being 'in-fill self-care housing';

***in-fill self-care housing means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site—***

- (a) meals,*
- (b) cleaning services,*
- (c) personal care,*
- (d) nursing care.*

The subject application provides for a total of four (4) self-care housing dwellings which satisfy this definition.

In support of the proposal, it is submitted that the majority of older people are similar to the community at large and generally have no immediate need for support services on-site, being able to seek external support services when needed. For this reason, developments such as the proposal do not require the provision of on-site services, instead the policy requires that they be located within easy access to the types of support services and facilities required by older or disabled persons.

The site is located within approximately 140m of the nearest bus stop on Pittwater Road, serviced by regular buses to Mona Vale.

#### **Division 4 – Site Related Requirements**

##### **Section 93 – Location and access to facilities and services— independent living units**

Section 93(1) provides that Council must be satisfied by written evidence that residents of the proposed development will have access (in accordance with subclause 2) to:

*" (a) by a transport service that complies with subsection (2), or (b) on-site."*

In this regard the SEPP defines "access" at Clause 93(2).

The site continues to comply with the requirements of this Clause as detailed below.

The subject site is 1.9km from Mona Vale Commercial Centre, which contains shops, banks and a medical centre. As discussed in the Traffic Impact Statement prepared by Traffix Traffic and Transport Planners, the site is well served by local public transport links, comprising:

##### ***Pittwater Road:-***

##### ***Route 156 – McCarrs Creek to Mona Vale***

It is understood that the gradients and pathways of the routes accessing the bus stops will comply with the requirements of Section 93(3) and (4) of the SEPP as level convenient access is provided to and from the site.

On this basis, it is submitted that the proposed development and the nominated access to public transport satisfy the requirements of the SEPP.

The proposal is therefore considered to continue to satisfy the requirements of Section 93 of the SEPP.

##### **Section 95 – Water & Sewer**

Water and sewer is currently available to the site as evidenced by the existing development on site. The new development will be similarly connected to local water and sewer services.

##### **Section 96 – Bushfire Prone Land**

The subject site is not identified as comprising bushfire prone land on Council's Bushfire Prone Land Map.

Therefore, the provisions of Planning for Bushfire Protection do not apply to the subject application.



## **Division 5 – Design Requirements**

### **Section 97 - Design of In-fill Self Care Housing**

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.

In response to this requirement, it is advised that the proposed minor amendments subject of this modification have been designed having regard to this Guide and it is considered that the proposal achieves an appropriate level of compliance with its requirements and is of a good design.

Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

The modified works are consistent with the following Schedule 8 design principles:

#### **Clause 1 - Neighbourhood amenity and streetscape**

The proposed modifications have no impact upon the neighbourhood amenity & streetscape of the locality. In this regard the modified works make no change to the previously approved front setbacks which were considered to be generally consistent with the setback controls for residential development as outlined in Council's DCP and recently constructed development in the vicinity of the site.

In relation to neighbourhood amenity, it is considered that the proposed modifications will not result in any unreasonable impacts to adjoining properties as there is no change to the height, or bulk and scale of the development, meaning no change to the previously approved impacts of overshadowing or a loss of privacy and will provide for improved levels of amenity for future residents.

In our view the modified proposal will result in dwellings that will be of a form and scale compatible with the existing character of this location.

#### **Clause 2 - Visual and acoustic privacy**

The modified development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. There is no change to the existing building setbacks, with the only new window opening facing inwards to the existing terrace area.

The proposal continues to incorporate significant multi-level planting and canopy trees to screen the dwellings (as identified on the approved Landscape Plans) which augmented with the existing landscaping maintains reasonable levels of privacy.

In terms of internal visual privacy for future occupants the additional window for Unit 1 does not create amenity impacts beyond what was previously approved.

### **Clause 3 - Solar access and design for climate**

The SEPP requires that the design of the proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

The proposed modification works will not cause any solar impact to neighbouring sites as the height and setbacks of the built form remain unchanged.

A Solar Analysis has been prepared by A Plus Design Group, Reference a22039 dated 22 April 2024, which notes that notwithstanding the southern aspect of the proposed bedroom and its associated courtyard, some solar access will be available to the area between 2PM and 3PM on June 21.

The solar analysis also confirms that on the equinox, being 21 March & 21 September, solar access to the rear courtyard and bedroom area will be extended to the period of 1PM – 3PM.

The proposed works will have no impact on the solar access enjoyed by the remainder of the development, with the northern aspect of the site allowing all dwellings to receive good solar access to the northern façade. The main living rooms and outdoor recreation space continue to receive the same solar access as anticipated within the original approval.

As the proposed bedroom and the adjacent terrace on the lower ground floor level are not primary areas of recreation or the areas, the extent of solar access is considered to be appropriate and acceptable this instance.

The new bedroom for Unit 1 will receive appropriate solar access, enhancing the amenity of the future occupants.

It is considered that the proposed development satisfies the requirements of this design element.

### **Clause 4 - Stormwater**

There is no change to the previously approved stormwater management for the site.

### **Clause 5 - Crime Prevention**

The occupants of the modified development will continue to be provided with a secure living environment. Appropriate lighting and security measures have been approved as part of the design with no change to the orientation of the habitable rooms to the street, pedestrian pathway and frontage of the site.

The modified development will continue to provide a secure entry and each dwelling with a secure courtyard and/or terrace area.

### **Clause 6 - Accessibility**

Within the approved Development Application (DA2019/0154) vehicular, pedestrian access and letter box facilities were deemed acceptable and the subject modification provides no changes to the

approved requirements and conditions, retaining convenient access and parking for residents and visitors.

## Clause 7 - Waste Management

The proposed modifications maintain the provision of a bin storage area, which is located within the basement adjacent to the proposed carpark. Waste from the site will be serviced by Council's waste contractor.

## Division 7 – Development Standards

### Section 108 – Non-discretionary development standards for independent living units

Section 108 provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this section.

This clause provides additional standards for self-contained dwellings which is summarised over:

Section 108 (2)	Standard	Proposal	Compliance
	a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	No change to the previously approved building height	Yes
	b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— i. is fully integrated into the design of the roof or contained and suitably screened from view from public places, and ii. is limited to an area of no more than 20% of the surface area of the roof, and iii. does not result in the building having a height of more than 11.5m.	No change to the previously approved building height.	Yes
	c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	There is no LEP density control for the site and thus the FSR is considered on its merits in the report at Section 6.1. The FSR of the modified proposal is 0.544:1 or 705.9m <sup>2</sup> (additional 64.1m <sup>2</sup> ).	Yes – on merit – see discussion below

Section 108 (2)	Standard	Proposal	Compliance
	d) a minimum landscaped area that is the lesser of— (i) 35m <sup>2</sup> per dwelling, or (ii) 30% of the site area,	No change to the previously approved landscaped area.	Yes
	(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	No change to the solar access to the deep soil landscaped areas.	Yes
	(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	No change to the solar access of the Units. Unit 1 new bedroom will receive the required solar access	Yes
	(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15m <sup>2</sup> of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,	There is no change to the Units previously approved private open space/terrace areas.	Yes
	(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m <sup>2</sup> , or (ii) for each dwelling containing 1 bedroom—an area of at least 6m <sup>2</sup> ,	There is no change to the previously approved private open space/terrace areas.	Yes
	(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	The modified proposal continues to provide 6 car parking spaces and one visitor space.	Yes

#### Section 108(2)(c) Bulk and Scale (change in FSR)

The proposed development is considered to achieve a high quality built form and urban design outcome that is consistent with the vision for the site and the surrounding locality. Built form and design

parameters for the modified development have considered the design parameters of the Housing SEPP, PLEP 2014 and NSW Apartment Design Guide.

There is no maximum FSR for the site, under the PLEP 2014. The previous design contained storage areas and void spaces which were logically located inside the existing approved building footprint and voids within the building.

Notwithstanding the development of the storage space within the basement level at the lower ground floor level will see a technical increase in the gross floor area of the building, the works do not see any external change to the building form as perceived from either the street domain or from any of the surrounding properties.

The height, bulk and scale of the approved seniors living, as reflected by floor space, is entirely consistent with the built form characteristics established by development generally within the site's visual catchment. The change in Unit layout of Unit 1 and Unit 4 to utilise the approved storage and void area areas does not, in any significant or readily discernible manner, contribute to the bulk and scale of the development as approved. The bulk and scale of the approved dwellings remain consistent with the bulk and scale of surrounding development and development generally within the site's visual catchment and locality.

The intended outcome for the proposal is to facilitate an improved use of the land by providing for seniors housing that is consistent with the goals and vision of the NSW State Government housing policy while responding to the environmental attributes and the surrounding context.

As the proposal represents a modification to the original consent, the provisions of clause 4.6 of the Pittwater Local Environmental Plan 2014 do not apply and a formal written request under clause 4.6 to vary the standard within the SEPP Instrument is not required.

On this basis, the modified development is consistent with the requirements and has addressed the matters raised in the Housing SEPP.

## **Summary**

The modified proposal is therefore considered to comply with the requirements of the Housing SEPP 2021.

## **4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

All vegetation removal for the site was approved under the previous DA by the Land and Environment Court and subsequent modifications. The development proposal as a part of this application does not seek any amendments to the tree removal or landscaping design previously approved. No further consideration of the SEPP is required.

### **4.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **Chapter 4 – Remediation of Land**

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) relates to provisions for remediation of land. Clause 4.6 requires the consent authority to consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

As part of the original application consent authority was satisfied that the issue of contamination was sufficiently assessed.

The proposed works do not see any further change to the existing approved site conditions and the extent of works below ground level. On this basis, no further investigation is considered necessary to accompany the proposed additional works within Unit 1 or Unit 4.

### **4.4 State Environmental Planning Policy (Sustainable Buildings) 2022**

The proposal continues to meet the relevant water, thermal and energy standards required by SEPP BASIX. An amended BASIX certificate has been submitted with the subject modification application.

## 4.5 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014. The proposed modified development remains permissible with consent and consistent with the objectives of the R2 Low Density Residential zone.



**Fig 3: Extract of Zoning Map of PLEP 2014**

The relevant numerical and performance based controls under PLEP are discussed below:

Clause	Control	Proposed	Compliance
<b>4.3 – Height of Buildings</b>	8.5m Approved: 8.3m (Roof RL 18.48)	No Change	<b>Complies</b>
<b>7.1 – Acid sulfate soils</b>	Class 5	The amended design will not result in further disturbance of acid sulfate soils.	<b>Complies</b>
<b>7.3 – Flood planning</b>	The separate parcel of land known as Lot 1 DP	No Change	<b>Complies</b>

	1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as "Low Risk" Flood Prone Land and as being subject to Tidal Inundation.		
<b>7.6 – Biodiversity</b>	The land is not noted within Council's Biodiversity mapped area.	N/A	<b>N/A</b>
<b>7.7 - Geotechnical Hazard</b>	W Hazard H1	The proposal is supported by an addendum letter from Crozier Geotechnical Consultants, dated 24 April 2024 confirming the amended design is consistent with the original assessment and recommendations.	<b>Complies</b>
<b>7.10 – Essential Services</b>		Essential services will continue to be provided in accordance with the approved development.	<b>Complies</b>

There are no other clauses of PLEP 2014 that are considered to be relevant to the subject modification application.



## **4.6 Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Controls) and Section D4 Church Point and Bayview Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

### **4.6.1 Section A – Shaping Development in Pittwater**

#### **D.4 Church Point and Bayview Locality Statement**

##### *Desired Character*

*The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.*

*Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and*

*upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

*Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.*

*Church Point will remain an important link to the offshore communities.*

It is considered that the modified proposal is consistent with the desired character of the locality by continuing to provide for a new senior housing developments consistent with the low to medium density scale of the area.

The modifications sought are of minimal environmental impact given that the previously approved building height, setbacks and envelope are otherwise unaltered. The proposed floor plan reconfiguration will not be readily discernible as viewed from outside the site with the design quality of the overall development not compromised as consequence of the modifications sought.

The approved residential amenity outcomes in terms of solar access, privacy and view sharing are not compromised with the modifications both quantitatively and qualitatively of minimal environmental impact. The built form will continue to complement the existing surrounding development and the use of earthy tones will harmonise with the bushland/waterside setting of the locality.

#### **4.6.2 Section B General Controls**

The General Controls applicable to the construction or demolition of the existing structures and the construction of a senior's living housing are summarised as:

##### **B3.1 Landslip Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

The site is identified as Landslip Prone on Council's Hazard Mapping. The proposal seeks demolition works and construction of a new senior housing development.

A supporting letter has been prepared by Crozier Geotechnical Consultants, dated 24 April 2024, which concludes that the proposed development, as amended, is suitable for the site. Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

##### **B3.8 Estuarine Hazard – Medium Density Residential**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*  
*Protection of private and public infrastructure and assets. (S)*

The separate parcel of land known as Lot 1 DP 1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as “Low Risk” Flood Prone Land and as being subject to Tidal Inundation. As the works are contained within the parcel of land located on the south-western parcel of land, and wholly within the building footprint no further investigation is deemed necessary.

#### **B3.11 Flood Prone Land**

The controls seek to achieve the outcomes:

*Protection of people. (S)*  
*Protection of the natural environment. (En)*  
*Protection of private and public infrastructure and assets. (S)*

The separate parcel of land known as Lot 1 DP 1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as “Low Risk” Flood Prone Land and as being subject to Tidal Inundation. As the works are contained within the parcel of land located on the south-western parcel of land, and wholly within the building footprint no further investigation is deemed necessary.

#### **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

There is no change to the previously approved landscape design or planting schedule for the site.

#### **B4.15 Saltmarsh Endangered Ecological Community**

The controls seek to achieve the outcomes:

*To conserve and enhance saltmarsh vegetation. (En)*

The works are wholly contained within the site and will not result in adverse impacts to any saltmarsh vegetation.

#### **B4.16 Seagrass Conservation**

The controls seek to achieve the outcomes:

*The conservation of seagrass beds in Pittwater. (En)*  
*The replacement of lost/damaged seagrass beds. (En)*

The works are wholly contained within the site and will not result in adverse impacts to any seagrass beds.

**B4.20 Protection of Estuarine Water Quality**

The controls seek to achieve the outcomes:

*To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)*

*To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)*

*Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)*

*The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)*

*The social and cultural values of estuarine habitats are conserved and enhanced. (S)*

*Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)*

The works are wholly contained within the site, with no change to the approved stormwater management system and will therefore not result in additional adverse impacts to any seagrass beds.

**B5.7 Stormwater Management – On-Site Stormwater Detention**

The controls seek to achieve the outcomes:

*Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)*

There is no change to the previously approved stormwater management system onsite.

**B5.9 Stormwater Management – Water Quality – Other than Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*

*Development is compatible with Water Sensitive Urban Design principles. (En)*

There is no change to the previously approved stormwater management system, or water quality onsite.

**B5.10 Stormwater Discharge into Public Drainage System**

The controls seek to achieve the outcomes:

*All new development is to have no adverse environmental impact at the discharge location. (En, S)*

There is no change to the previously approved water quantity or stormwater management system for the site.

**B6.1 Access Driveways and Works on the Public Road Reserve**

This control seeks to achieve the outcomes:

*Safe and convenient access. (S)*

*Adverse visual impact of driveways is reduced. (En)*

*Pedestrian safety. (S)*

*An effective road drainage system. (En, S)*

*Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The modified design makes no change to the existing driveway from Pittwater Road.

**B6.3 Off-Street Vehicle Parking Requirements**

This control seeks to achieve the outcome:

*An adequate number of parking and service spaces that meets the demands generated by the development.*

*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)*

There is no change to the existing approved parking. Eight car parking spaces and one visitor space within the carpark level will continue to be provided.

**B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*

*Excavation and construction not to have an adverse impact. (En)*

*Excavation operations not to cause damage on the development or adjoining property. (S)*

There is no change to the approved excavation area or depth on the site. All works will be carried out under the supervision of the consulting Structural and Geotechnical Engineers.

**B8.2 Construction & Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

*Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)*

*Reduction of waste throughout all phases of development. (En)*

*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

The amended proposal will not result in additional erosion and sediment management beyond what was approved under the DA. Appropriate measures will be taken to ensure safe and efficient removal of waste will be carried out throughout all phases of development.

#### **4.6.3 Section C Development Type Controls**

The Development Controls applicable to the proposed modified development are summarised as:

##### **C1.1 Landscaping**

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

There is no changed to the previously approved landscaping plans, species selection or plant numbers for the site.

##### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposed works will continue to provide suitable safety and security for the site. Casual surveillance of the driveway entry area will continue to be available from each Unit.

### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (S)*  
*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*  
*Canopy trees take priority over views. (En, S)*

The additional floor area will not give rise to public or private view affect noting that the previous storage and void areas are contained wholly within the building footprint, meaning there is no change to the bulk or scale of the built form or additional protrusion into the existing view lines.

### **C1.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*  
*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*  
*Reduce usage and/dependence for artificial lighting. (En)*

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal, as amended, is accompanied by shadow diagrams which demonstrate that the proposal will not result in any additional overshadowing to neighbouring properties and also retain adequate solar access to Unit 1 bedroom and all unit's private open spaces.

### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*  
*A sense of territory and safety is provided for residents. (S)*

The proposal includes one new window opening servicing the new bedroom for Unit 1. This window opening is orientated inward to the associated terrace area, meaning there is no additional privacy impact to any surrounding site.

Privacy impacts are also sufficiently maintained for the occupants of the site.

Accordingly, the proposal is considered to maintain privacy for occupants of the subject site and neighbouring properties.

### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)*

*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)*

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, and location of the new bedroom for Unit 1 it is considered that there will not be any impact on the surrounding locality in terms of acoustic privacy.

### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

There is no change to the previously approved private open space areas.

### **C1.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access. (S)*

*Housing for older people and people with a disability are accessible, adaptable and safe. (S)*  
*Equitable access in the public domain. (S)*

There is no change to the previously approved adaptable design within the car parking areas or residential units.



**C1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste facilities are accessible and convenient, and integrate with the development. (En)*  
*Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The approved communal bin room located on the carpark level will continue to provide adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

#### 4.6.4 Section D Design Criteria

The **D4 Church Point and Bayview Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a modified development which is compatible with the existing character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The modified proposal maintains existing views and amenity to adjoining properties.
- The modified development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D4 Church Point and Bayview Locality** is provided below:

##### **D4.1 Character as Viewed From a Public Place**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

*To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

*To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

*To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The elevations provided with the DA submission demonstrate that the modified seniors living will be complementary in terms of bulk and scale to the existing surrounding development.

#### **D4.2 Scenic protection - General**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.  
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

It is considered that the modified development is appropriate as the proposal will make no change to the previously approved colours and finishes comprising recessive tones which are compatible with the DCP and the surrounding properties.

#### **D4.3 Building Colours, Materials and Construction**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.  
The development enhances the visual quality and identity of the streetscape. (S)  
To provide attractive building facades which establish identity and contribute to the streetscape.  
To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.  
The colours and materials of the development harmonise with the natural environment. (En, S)  
The visual prominence of the development is minimised. (S)  
Damage to existing native vegetation and habitat is minimised. (En)*

There is no change to the previously approved selection of colours and finishes which are recessive tones and are compatible with the DCP, the existing dwelling and surrounding properties.

#### **D4.5 Front Building Line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)  
Equitable preservation of views and vistas to and/or from public/private places. (S)  
The amenity of residential development adjoining a main road is maintained. (S)  
Vegetation is retained and enhanced to visually reduce the built form. (En)  
Vehicle manoeuvring in a forward direction is facilitated. (S)  
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.  
To encourage attractive street frontages and improve pedestrian amenity.  
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment*

There is no change to the previously approved front setback.

#### **D4.6 Side and rear building line**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- Flexibility in the siting of buildings and access. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- To ensure a landscaped buffer between commercial and residential zones is established.*

##### For residential flat buildings and multi dwelling housing:

Where the wall height is 3 metres or less, the minimum side and rear boundary setback shall be 3 metres.

Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:

$$S = 3 + \frac{H - 2}{4}$$

where

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

There is no change to the previously approved side or rear setbacks.

#### **D4.8 Building Envelope**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

There is no change to the previously approved building envelope.

#### **D4.9      Landscaped Area – General**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*  
*A reasonable level of amenity and solar access is provided and maintained. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*Conservation of natural vegetation and biodiversity. (En)*  
*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*  
*To preserve and enhance the rural and bushland character of the area. (En, S)*  
*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

There is no change to the existing approved landscape area, plants or species types.

#### **D4.13      Construction, retaining walls, terracing and undercroft areas**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*  
*To protect and minimise disturbance to natural landforms.*  
*To encourage building design to respond sensitively to natural topography.*

The modified proposal will continue to satisfactorily responds to the topography of the site. The works will be carried out in accordance with the directions of the consulting Structural and Geotechnical Engineers.

#### **D4.14      Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*  
*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*  
*Maintenance and enhancement of the tree canopy. (En, S)*  
*Colours and materials recede into a well vegetated natural environment. (En, S)*  
*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)*  
*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*  
*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*  
*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*  
*Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road, or public reserve.

As discussed, the modified proposal will not see any substantial to the bulk and scale of the approved development.

The new works are considered appropriate and can be seen to meet the objectives of this control.

## **5.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **5.1 The provisions of any environmental planning instrument**

The Environmental Planning & Assessment Act 1979 provides for the modification of a consent under S4.56 and notes:

*(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with 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 the consent was originally granted and before that consent as originally granted was modified (if at all), and ....*
- (b) 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*
- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last dress known to the consent authority of the object or other person, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Accordingly, for the Council to approve the s4.56 Modification Application, the Council must be 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.

### **Legal Tests**

To assist in the consideration of whether a development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted, Justice Bignold established the following test in the *Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 289 (**Moto**) where His Honours states:

*[54] The relevant satisfaction required by s96(2)(a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.*

*[55] The requisite factual finding obviously requires a comparison between the development, as currently 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 (currently) approved development.*

*[56] The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, 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).*

In my opinion, in terms of both a qualitative and quantitative comparison, the modified development remains substantially the same as that which was approved by DA2019/0154.

The modifications seek to improve the amenity for the occupants of the site, whilst minimising the impact of the development on the streetscape and adjoining properties. The proposed modifications do not alter the description of the development, the characterisation of the development, or any aspect of the proposal that was fundamental to the issuance of the original consent.

The proposed changes are wholly internal in that there is no change the visual appearance of the building when viewed from any of the surrounding neighbouring properties or from the adjacent street domain.

The revised design does not introduce any significant issues for the neighbouring properties in terms of view loss, privacy or solar access.

Consistent with the decision in the matter of *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 43 NSWLR 468, as adopted by Justice Pepper in the matter of *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3)* [2015] NSWLEC 75, the modification power is beneficial and facultative. Further, consistent with the decision of Commissioner Smithson in *Aveo North Shore Retirement Villages Pty Ltd v Northern Beaches Council* [2020] NSWLEC 1035, the beneficial effects of the modification are important not only in an assessment of the impacts under s 4.15 of the EPA Act but also in considering the qualitative assessment.

In my view, this application is substantially the same as the original application when considered in the context of the Bignold J determination in Moto.

**5.2 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

**5.3 Any development control plan**

The development has been designed to comply with the requirements of Council’s Pittwater 21 Development Control Plan.



The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

**5.4 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**

No matters of relevance are raised in regard to the proposed development.

**5.5 Any matter prescribed by the regulations that apply to the land to which the development relates.**

No matters of relevance are raised in regard to the proposed development.

**5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

The proposed modifications will not result in any unreasonable impacts upon the natural or built environment, or the amenity of adjoining properties, beyond that which is reasonably anticipated under the provisions of PLEP 2014 and P21 DCP.

**5.7 The suitability of the site for the development**

The subject land is currently R2 Low Density under the provisions of PLEP 2014 and is considered suitable for the proposed development.

The subject site does not pose any significant constraint to the proposed development, noting that all hazards/affectations are appropriately managed.

**5.8 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**5.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

**6.0 Conclusion**

The test established in Moto requires both a quantitative and a qualitative assessment.

In terms of the quantitative extent of the changes to the originally approved development, the modifications are contained within the approved building envelope such that the 3-dimensional form, streetscape appearance, car parking, drainage and landscape outcomes as approved are not compromised. Importantly, the spatial relationship of the proposal to adjoining development is maintained together with a complimentary and compatible streetscape presentation and appropriate residential amenity outcomes.

The proposal also satisfies the qualitative assessment required by the Moto test. The modifications will result in a development which remains generally the same as that approved, for the same purpose and with no significant or adverse changes to the physical appearance of the approved development.

Consistent with the Court decision in Moto, Council can be satisfied that the development as modified will remain essentially or materially the same as the approved development, consistent with the provisions of section 4.56 of the EP&A Act.

Council's support of the proposed modifications is sought in this instance. Please contact me on 9999 4922 or 0412 448 088 should you wish to discuss these proposed amendments.

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