



4 November 2021

Mr Ray Brownlee
Chief Executive Officer
Northern Beaches Council
1 Belgrave Street
Manly NSW 2095

Dear Mr Brownlee,

SECTION 4.55(1A) MODIFICATION – AMENDMENT TO DA2020/0455

50-52 GOLF AVENUE, MONA VALE NSW 2103

This application has been prepared pursuant to section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent DA2020/0455, relating to 50-52 Golf Avenue, Mona Vale.

The proposed modifications predominantly consist of minor design amendments to accommodate purchaser requests and address Sydney Water access requirements to sewer maintenance structures located on the property.

This application identifies the consent, describes the proposed modifications, and provides a planning assessment of the relevant matters for consideration contained in section 4.55 (1A) of the EP&A Act, and is accompanied by:

- Amended Architectural Plans prepared by PBD Architects (Attachment A); and
- Landscape Architectural Plans prepared by Black Beetle Pty Ltd (Attachment B).

1.0 Consent proposed to be modified

Development consent DA2020/0455 was granted by the Northern Beaches Local Planning Panel on 26 October 2020 for demolition works and the construction of a new residential flat building.

To date, the consent has been modified on two occasions. The first modification (Mod2020/0659) was approved on 6 April 2021 for the following works:

- Updated basement plan to incorporate fire compartments, hydrant pump room and fire tank
- Increased footprint along Golf Avenue and east boundary, parking spaces also rearranged
- Revision of all unit layouts with associated window/skylight movements

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- New window added to Bed 2 of Units G04, 103
- Removed window from Bed 1 of Units G07, 106
- Revised unit 201 windows on northern facade of unit 201 to be sliding doors, full height windows with frosted glass on south elevation
- Inclusion of services area on roof for photovoltaic system
- Updated acoustic metal screen as per DA condition 3
- Updated finishes schedule
- Replaced batten cladding on unit 201 planter box with painted render finish
- Updated deep soil and landscape diagrams
- Updated adaptable unit layouts to new unit layouts
- Revised bin holding area to provide required sprinkler booster.

The second modification (Mod 2021/0291) was approved on 22 June 2021 for the following works:

- Conversion of an approved 4-bedroom apartment into two 3-bedroom apartments
- Addition, deletion and relocation of ancillary features such as windows and skylights
- Minor changes to the external retaining wall and landscaping
- Addition of two car parking spaces and the conversion of two approved parking spaces into one accessible space (net increase of one parking space).

Construction works for the project commenced in June 2021.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The proposed modifications to Development Consent DA2020/0455 under this application comprise the following:

- Revised internal layouts of Units 103, 104 & 201 due to purchaser requests
- Revised balcony planter box of Unit 201 due to purchaser request
- Revised windows on eastern facade of Unit 201 to be four-panel stackable sliding doors due to purchaser request
- Inclusion of stairs, security gates, and safety ladders to meet Sydney Water requirements for access to maintenance structures
- Revised hydrant booster cabinet to accommodate larger booster assembly
- Removed fire compartmentation in basement carpark due to change in fire sprinkler system
- Revised landscape design to address Sydney Water requirements, and Council comments included in the Landscape Referral Response to Mod 2021/0291, dated 31 May 2021
- Amend Condition 47 (in light of the above changes to landscape design).

The proposed modifications are shown on the Amended Architectural Plans appended in **Attachment A** and Amended Landscape Plans appended in **Attachment B** and are described below in more detail.



2.1.1 – Architectural Changes

Summary of changes to architectural design:

- Unit 103 powder room removed and replaced with additional storage room
- Unit 104 powder room removed to provide larger laundry and additional joinery cupboards in kitchen
- Unit 201 planter box extended along southern side of balcony
- Stairs, security gate and safety ladder added for Sydney Water access to maintenance structures located along the western and northern boundaries
- Unit 201 living room cabinet replaced with open shelving accessed from the butler's pantry
- Unit 201 windows along eastern facade changed to four-panel stackable sliding doors
- Unit 201 joinery revised in bedroom 3
- Unit 103 hallway cupboard removed to increase the size of bedroom 2
- Hydrant booster cabinet revised
- Fire compartmentation in basement carpark removed
- Unit 201 laundry and entry windows changed to frosted glazing on elevation to align with approved floorplan.

2.1.2 – Landscaping changes

Summary of changes to landscape design:

- Landscape design updated to reflect latest architectural planter/retaining wall locations / finished levels and architectural footprint
- Adjusted general arrangement of garden and lawn areas of Units G02 and G03
- *Howea forsteriana* substituted in lieu of *Livistonia australis* along northern boundary of Units G04, G05 and G06
- Path added for Sydney Water access to maintenance structures located along the western and northern boundaries
- *Plumeria acutifolia* / *Howea forsteriana* substituted in lieu of *Tristaniaopsis laurina* / *Elaeocarpus reticulatus* along the eastern boundary of Units G01 and G02 to address Council comments regarding canopy impact and root expansion into the adjoining property.



2.2 Modification to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike-through**~~ and words to be inserted are shown in ***bold italics***.

Condition No.1A - Modification of Consent - Approved Plans and supporting

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA100 Lower Ground Floor Plan Issue F <i>Issue G</i>	04.05.21 <i>29.08.21</i>	PBD Architects
DA101, Ground Floor Plan, Issue F <i>Issue G</i>	04.05.21 <i>29.08.21</i>	PBD Architects
DA102, Level 1 Plan, Issue F <i>Issue G</i>	04.05.21 <i>29.10.21</i>	PBD Architects
DA103, Level 2 Plan, Issue F <i>Issue G</i>	04.05.21 <i>29.10.21</i>	PBD Architects
DA200 Elevations - 01 Issue F <i>Issue G</i>	04.05.21 <i>29.10.21</i>	PBD Architects
DA202 Elevations - 03 Issue F <i>Issue G</i>	04.05.21 <i>29.10.21</i>	PBD Architects

Landscape Plans		
Drawing No.	Dated	Prepared By
LA LP 01/ 06 10 Landscape Plan Basement Plan	11.9.20 <i>03.11.21</i>	Black Beetle Landscape Architecture
LA LP 02/ 08 12 Landscape Plan Ground Floor	11.9.20 <i>03.11.21</i>	Black Beetle Landscape Architecture
LA LP 03/ 06 08 Landscape Plan Level 2	11.9.20 <i>17.08.21</i>	Black Beetle Landscape Architecture
LA LP 04/ 03 04 Landscape Plan Schedule	11.9.20 <i>05.08.21</i>	Black Beetle Landscape Architecture



12. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The laundry window and immediately adjoining lobby window of unit B-2.01 shall ~~be fixed with obscure glazing.~~ **comprise frosted glazing.**
- The acoustic metal screen at Level 2, adjacent to unit B-2.01, accessed from fire stair FS-3 shall have a height of 2.1 metres.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Reason for change:

To align consent conditions with changes to architectural plans approved by Mod 2021/0291 on 22 June 2021. We believe this condition was not amended by Mod 2021/0291 due to an oversight.

47. Landscape completion

*Landscaping is to be implemented in accordance with the **revised** Landscape Plans identified as LP01 (issue **06 10**), LP02 (issue **08 12**), LP03 (issue **06 08**), and LP04 (issue **03 04**), prepared by Black Beetle Landscape Architecture and Design, ~~inclusive of the following conditions:~~*

~~**i) all tree planting shall be located at least 3 metres from any building, located at least 2 metres from common boundaries and at least 4 metres from each and all other trees.**~~

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: environmental amenity

Reason for change:

The landscape plans have been amended to address the intended effect of this condition. Specifically, to reduce canopy impact, root expansion and solar impact on adjoining properties. It is noted in Council's Landscape Referral to Mod 2021/029, dated 31 May 2021:



"The modification request to delete the condition relating to locating trees at least 2 metres from common boundary applies to those areas where tree planting is proposed. This does not apply to the landscape areas that are supporting palm planting or Frangipani planting, all which do not provide issues with canopy spread across common boundaries..

Trees required to be planted at least 2 metres from common boundaries, to reduce canopy impact and root expansion into adjoining buildings as well as reduce solar access impact include the following trees as shown on the Landscape Plan: along the western boundary to ground floor apartment G04 that provide sufficient landscape area to achieve the 2 metre setback from the common boundary, and along the south east boundary of ground floor apartments G01 and G02. Nominated tree planting to the courtyards of G01 and G02 are required to be set 2 metre from the common boundary to reduce any canopy impact to adjoining building as well as reduce impact to the proposed site retaining wall."



3.0 Substantially the same development

Section 4.55 (1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the proposed modification is of minimal environmental impact, and 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)"*.

Table 2 provides an assessment of the quantitative modification of the development, setting out a comparison between the original development consent and the proposed modifications.

Table 2: Comparison between the proposed development and modified approval

Element	Approved Development	Proposed Development	Difference
Site Area	2,548.7sqm	2,548.7sqm	Nil
Building Height	RL 21.3	RL 21.3	Nil
Ground level boundary setbacks	Front: 6.5m	Front: 6.5m	Nil
Apartments	15	15	Nil
Apartment mix	1 bedroom: 0 2 bedroom: 0 3 bedroom: 15 4 bedroom: 0	1 bedroom: 0 2 bedroom: 0 3 bedroom: 15 4 bedroom: 0	1 bedroom: Nil 2 bedroom: Nil 3 bedroom: Nil 4 bedroom: Nil
Parking	Car: 34 Bicycle: 5	Car: 34 Bicycle: 5	Nil

A qualitative assessment of the proposed modifications demonstrates that the essential elements of the approved building design will not be significantly altered as a result of the application. In particular:

- It will continue to be a residential development
- It does not result in any changes to the height or built form of the development
- It retains the same materials and finishes
- It will not adversely impact the amenity of surrounding properties or future residents
- The overall quality of the development is consistent with the approved.

In consideration of both the quantitative and qualitative aspects of the development, it has been demonstrated that the proposal retains the overall architectural design ethos, built form, character, and use as originally approved. The proposed changes considered in their totality, and in the context of the scale of the overall development, are of a minor nature reflective of normal development



processes. For these reasons, the consent authority may be satisfied that the modified proposal is of minimal environmental impact and represents substantially the same development for which consent was originally granted.

Thank you in advance for your consideration of this request. If you require any further information, please do not hesitate to contact the undersigned.

Kind regards,

IPM Developments Pty Ltd

C/O Golf Avenue Pty Ltd

A handwritten signature in black ink, appearing to read 'WA', is positioned above the printed name.

Will Allen

Development Manager

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