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31 August 2020

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31 August 2020

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1.0 Introduction

This application has been prepared by Ethos Urban on behalf of Lendlease – Retirement Living (the proponent) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA2018/1332 relating to 207 and 199 Forest Way, Belrose.

As discussed in **Section 4.0**, the modification seeks to retain Building D, which has been deleted by condition 3 of DA2018/1332 for environmental reasons. To further improve the environmental outcome of Building D, the proponent has developed an alternate proposal for the Onsite Stormwater Detention (OSD) system resulting in a considerably improved environmental outcome for the site in comparison with the approved development. Accordingly, this modification application relates only to the reinstatement of Building D and the associated stormwater and regeneration works proposed. 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(2) of the EP&A Act.

1.1 Executive Summary

The proposed modification seeks to reintroduce Building D containing 5 dwellings to complement the renewal of the existing Glenaeon Retirement Village. The alternate OSD system proposed as part of this application modifies the approved system while offering an improved overall environmental and ecological outcome for the wider precinct as it consolidates and reduces the approved development footprint for the site and presents with it an opportunity to protect and regenerate the remnant bushland.

It is important to note that the proposed modified stormwater system and native vegetation retention and rehabilitation of the area where the approved detention ponds are located is consistent with riparian ecology principles and results in an improved environmental outcome to the approved DA. However, this also comes with a greater cost burden on the applicant. Accordingly, the retention of Building D will allow the proposed modified stormwater system and rehabilitation work to occur. Without Building D, the associated proposed works to improve the environmental outcome on the site are not viable. Accordingly, the applicant requests this modification is assessed as an integrated holistic application comprising the reinstatement of Building D and the associated stormwater and regeneration works proposed.

In summary the proposed modification will:

- Reduce the area disturbed by development from 1,160m² (approved) to 760m² (proposed).
- Reduce the area of actual bushland impacted from 520m² (approved) to 120m² (proposed).
- Retain and improve existing flow path in accordance with riparian principles (40m in length) in the location where the two large detention ponds are currently approved.
- Reduce development footprint of Building D and its impact adjacent natural rock walls due to reducing the number and setting back retaining walls associated with Building D.
- Increase the number of trees to be retained from 60 (approved) to 63 (proposed).

For further clarity regarding the environmental improvements proposed with the subject modification application, the following figures illustrate the differences between the existing stormwater system (**Figure 1**), the approved stormwater system (**Figure 2**) and the proposed stormwater system (**Figure 3**). These figures indicate the following:

Figure 1: Existing stormwater system that indicates two upper detention ponds (420m² in area), 48m existing flow path and a lower detention pond (220m²). It is important to note that the proposed reinstatement of Building D is positioned where the upper detention ponds currently are located. Therefore, Building D is largely located on existing civil infrastructure and not existing native bushland.

Figure 2: Approved DA (with condition 3). Existing upper detention ponds remain (420m² in area), plus new two detention ponds (700m² in area). Lower detention pond removed (220m²).

Figure 3: Proposed reinstatement of Building D. Only the existing lower detention pond remains given the modified stormwater system that includes a new OSD tank. Building D largely reinstated over upper detention ponds.

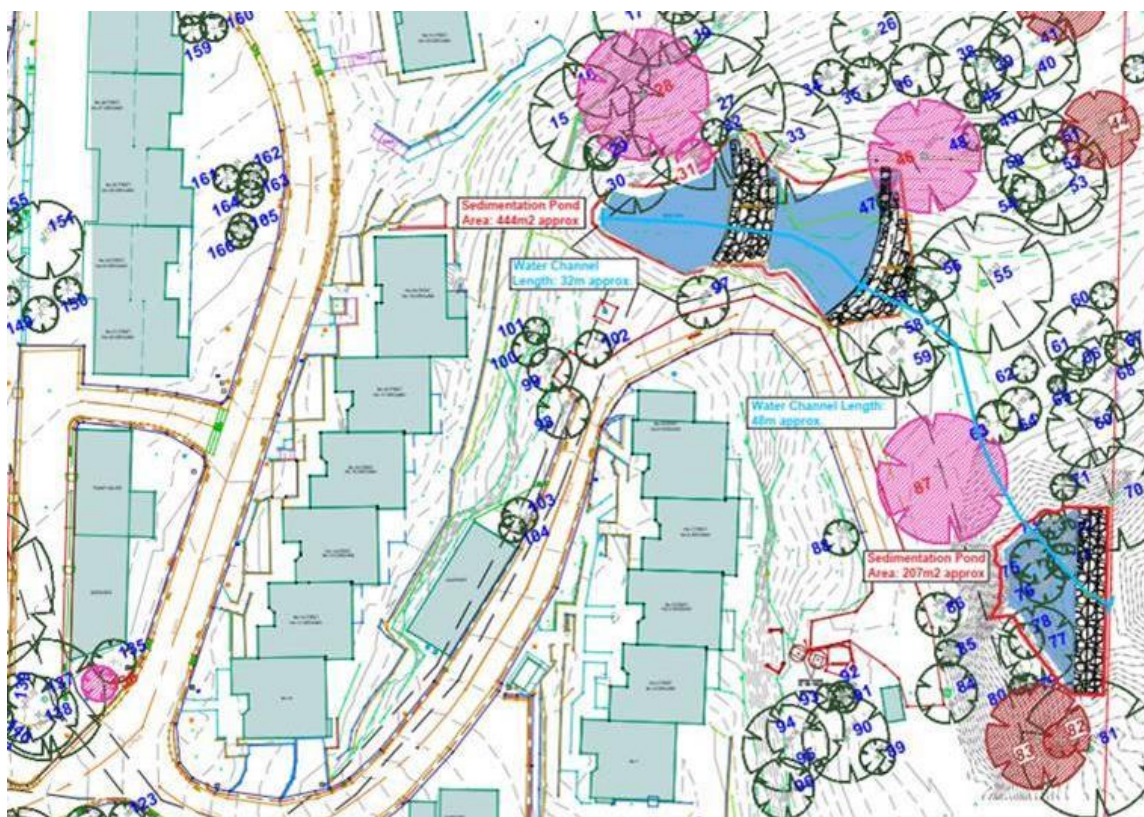


Figure 1 Glenaeon – existing stormwater system at rear of site

Source: Cardno



Figure 2 Glenaeon – approved DA 2018/1332

Source: Cardno



Figure 3 Glenaeon – proposed modification application (reinstatement of Building D)

Source: Cardno

In accordance with the pre-DA comments received from Council, the proposed modification has incorporated a number of changes and design amendments to respond to the issues raised as discussed in **Section 2.0** below. It is also important to note the proposed development will:

- Increase the supply of seniors housing commensurate with the forecast demand within the LGA within an existing village and long standing seniors community;
- Improve the ecological and environmental outcomes of the overall development when compared to that which was approved;
- Offer more capacity and a continuum of care for residents of the retirement village and allow older residents to age in a comfortable and familiar environment. Also Building D strengthens what is otherwise a small and isolated part of the village establishing a community.
- Incorporate appropriate design amendments with regard to Council's comments and has been carefully designed to provide an appropriate contextual response to the site settings and context;
- The development is in accordance with the WLEP 2000 and the requirements of the B2 Oxford Falls Valley Locality; and
- The development will provide socio-economic and biophysical benefits to the wider community.

2.0 Background

On 10 August 2018, a DA (DA2018/1332) was submitted to Northern Beaches Council for Demolition works and construction of major additions to Glenaeon Retirement Village (Figure 1), including four (4) residential building (Buildings A - D) comprising 60 self-care dwellings, and a new residential care facility on a neighbouring lot, with associated carparking, landscaping and public road modifications.

On 1 May 2019, the Sydney North Planning Panel (SNPP) approved the DA subject to conditions of consent. Having consideration to Council's assessment and its draft conditions of consent, the SNPP requested the Council and applicant attempt to reach a resolution on the day regarding the Council's proposed deletion of Building D. Council and the applicant could not reach a resolution on the day and therefore the SNPP retained Condition 3 to delete Building D. The SNPP's "Reasons for the Decision" states in this respect:

"The Panel considered the applicant's request to delete Condition 3, which requires the removal of Building D, but on the basis of the design and information currently before the Panel it was decided to retain Condition 3"

Accordingly, the applicant has undertaken a thorough analysis of this area and modified the stormwater design and other aspects of the design to ensure that the retention of Building D results in a lesser environmental impact than the development as approved. This consent has been modified on two (2) previous occasions:

- Modification 1: Section 4.55(1a) Modification Application (Mod2019/0307), which was approved by Council on 1 August 2019, and amended a number of conditions to enable the staging of Construction Certificates and Occupation Certificates for the development;
- Modification 2: Section 4.55(1a) Modification Application (Mod2019/0308), which was also approved by Council on 1 August 2019, and removed the requirement to provide Section 7.12 developer contributions for the residential aged care component of the development on the grounds that the facility is to be operated by a social housing provider; Catholic Healthcare;
- Modification 3: Section 4.55(1A) Modification Application (Mod2020/0299) is currently being assessed by Council and relates to minor design development changes & minor discrepancies in the drafting of the plans.
- Modification 4: Section 4.55(1A) Modification Application (Mod2020/0365) is currently being assessed by Council and relates to modification to the wording of condition 11.

Accordingly, this application represents the fourth modification application (Modification 4) and follows the approval of the Modification 3 application (Mod2020/0299). It is noted that Modification 3 and Modification 4 have been lodged in close proximity to one another and therefore Modification 4 assumes the amendments of Modification 3 have been approved. Accordingly, Modification 4 is reliant on Modification 3 being approved first.



Figure 4 Glenaeon renewal site – approved DA 2018/1332

Source: Ethos Urban

3.0 Pre-lodgement Meeting

A pre-lodgement meeting was held with Council on 19 September 2019. The pre-lodgement meeting considered the environmental impacts associated with the proposed re-introduction of Building D.

The pre-DA lodgement minutes concluding comments are as follows:

“These notes address the discussions at the pre-lodgement meeting held on 9 September 2019 for the modification of Development consent to reinstate Building D.

The proposed development is Category 2 development under WLEP 2000 as established by the Sydney North Planning Panel, therefore, the development must be consistent with the Desired Future Character of the B2 Oxford Falls Valley locality. In this regard, the development, in its current form, does not satisfy the requirement of the DFC due to the environmental impact associated with the location of Building D.

Therefore, the proposal is not considered to pass the test of consistency. Based upon the above comments you are advised that the proposal, as presented at the meeting, is not supported and it is recommended that an alternative location within the site be investigated to locate Building D.

Notwithstanding this, it is noted that Council's engineering and landscape sections were generally of the view that the proposed modifications would result in an acceptable or better outcome than the approved development.

The following table provides a summary of the primary comments from Council, a response and references the relevant section in this report for discussion.

Table 1 Pre Lodgement Meeting – 19 September 2019

Pre-lodgement advice	Response	Assessment location
<p><i>Development Engineering</i></p> <ul style="list-style-type: none"> The stormwater drainage management statement proposes to provide onsite detention via underground tanks which is acceptable, however the tanks are to be designed to be in a common area which is accessible for maintenance and routine inspections. A Drains model is to be prepared for the site stormwater and on site stormwater detention design.(OSD). Stormwater Drainage/OSD is to be in accordance with Councils “Water Management Policy.” 	<p>It is proposed to replace the proposed detention basins documented in the original DA with an underground concrete OSD tank located beneath the driveway to Building A. This OSD tank will be designed to detain majority of the redevelopment site and will bypass the external public road catchment, to provide source control. The proposed option will result in increased area for the regeneration of native species consistent with the principles of Council's policies, including Warringah Council Policy No. PL2740 <i>Protection of Waterways and Riparian Land, Water Management Policy</i> and <i>Section 8.1 – Stormwater Quality</i> (Warringah Council, 2017).</p> <p>In addition, MUSIC modelling has been prepared to achieve stormwater quality treatment objectives at the downstream end of the site.</p>	<p>Section 7.6</p> <p>Appendix B</p>
<p><i>Natural Environment Unit (Riparian and Water Management)</i></p> <ul style="list-style-type: none"> The stormwater management system proposed should be considered whether or not the modification including Building D is approved. An improved environmental outcome to rehabilitate land and establish a new upper catchment riparian system of the approved stormwater ponds should also be incorporated and extended upstream for an additional 32m in place of Building D. The overall balance of tree retention / removal under all three scenarios is similar. However, the establishment of an inner protection area APZ may result in additional tree removals. Native vegetation and fauna species habitats have been reduced to a minor portion of the overall site 	<p>The proposed modified stormwater system and native rehabilitation of this area consistent with riparian aquatic ecology principles (including. Bed and banks) results in an improved environmental outcome to the approved DA. However, this also comes with a significantly greater cost burden on the applicant. Accordingly, Council requesting that Building D remain deleted and this proposed rehabilitation work not only still occur, but expanded an additional 32m is considered entirely onerous and burdensome for the applicant to propose these improvement works. Accordingly, this modification application is to be considered as an integrated holistic application.</p>	<p>Section 7.6,</p> <p>Section 7.8</p> <p>Appendix B,</p> <p>Appendix D,</p> <p>Appendix E,</p> <p>Appendix F,</p> <p>Appendix G,</p> <p>Appendix I,</p> <p>Appendix J</p>

Pre-lodgement advice	Response	Assessment location
<p>from the development and will be further impacted by Building D.</p> <ul style="list-style-type: none"> Building D is closer to hazards on adjoining properties to the east and may not comply with the objective of Planning for Bushfire Protection. This was despite pre-lodgement advice that the development should be no closer to the bush fire hazard. On the basis of the previous advice, Building D should not be supported. The changes in tree retention / removal is generally agreed with. A Bushland Management Plan would be required as part of the modification as was condition for the approved development. The creation of an APZ across the entire lot was never supported by Bushland and Biodiversity due to the impacts to native vegetation, flora and fauna species, their habitats and the fauna wildlife corridor. The requirement for the APZ has been imposed by the NSW RFS, and was included in the GTAs for DA201. A 'Forest' hazard is identified to the east within the adjoining lot. Under the new proposal, the retention of additional trees will provide a direct fire path to the façade of Building D. The façade of Building D will be approximately 24.5 metres from the boundary, and it is likely that additional vegetation will require removal to satisfy the requirement to manage the site as an IPA. The impact to this vegetation has not been fully addressed by the additional information submitted with the modification application. The bush fire hazard assessment incorrectly applied the vegetation structure and effective slope within and to the east of Building D, and this effected the separation distances and BAL ratings calculated. As Building D will be located closer to the hazard than the existing development, its inclusion is not in accordance with the objectives of Planning for Bushfire Protection 2006 and the original advice of the NSW RFS. Building design, especially the roof design and large areas of glazing facing the hazard are problematic, and a design review of Building D is required (if it was approved) to ensure the safety of the building, the residents and emergency services workers. 	<p>The RFS have assessed the proposal, including Building D, and issued their General Terms of Approval under Division 4.8 of the 'Environmental Planning and Assessment Act 1979' and Bushfire Safety Authority under section 100B of the 'Rural Fires Act 1997' (ref D18/6902, dated 17th October 2019). The Bushfire Assessment confirms that the proposal demonstrates compliance with all relevant specifications and requirements of Planning for Bush Fire Protection 2006. As acknowledged by Council the 'hazard exists as native vegetation (Forest), both on site and within the adjoining lots less than 100 metres to the east and south-east.' The result of the bushfire hazard onsite is that several existing dwellings onsite are currently located within the designated Flame Zone.</p> <p>It should also be noted by Council that aside from the RFS approving the original application, inclusive of Building D and the accompanying assessment / justification, the RFS also acknowledged the 'reduced hazard immediately east of the site'.</p> <p>The general construction type will comprise of concrete panel walls, concrete frame, concrete slab floors and steel roofing. The building will also be fitted with an internal fire sprinkler system and other required essential fire safety measures (e.g. hydrants, hose reels, detection and warning systems). The Bushfire Statement confirms that the current design, inclusive of Building D, is acceptable and in conjunction with the general construction type and is more than capable of providing protection to residents.</p>	
<p><i>Landscape</i></p> <ul style="list-style-type: none"> The proposed relocation of the detention basins and reinstatement of a more natural flow path in the location of the previously approved detention basins enables retention of additional trees and the opportunity to create a more natural landscape setting. This is considered a positive outcome from a landscape perspective. The proposal to construct Building D over the existing detention basins still raises issues of removal of significant trees (Trees 27 and 33) and potential impacts on rock outcrops. Detailed design should address retention of natural features in terms of the design and location of building itself and its curtilage treatments. 	<p>The proposed landscaping works are consistent with that discussed in the pre-DA meeting, with the resultant landscaping works providing an overall improvement to the ecological values of the site. The proposed modification results in 63 native trees being retained as opposed to 60 native trees as approved.</p> <p>It is noted that the retaining walls adjacent to Building D are now proposed to be re-positioned to have minimal impact upon the existing rock faces.</p>	<p>Section 7.4</p> <p>Appendix C</p>

Pre-lodgement advice	Response	Assessment location
<p><i>Concluding Comments</i></p> <ul style="list-style-type: none"> The proposed development is Category 2 development under WLEP 2000 as established by the Sydney North Planning Panel, therefore, the development must be consistent with the Desired Future Character of the B2 Oxford Falls Valley locality. In this regard, the development, in its current form, does not satisfy the requirement of the DFC due to the environmental impact associated with the location of Building D. Therefore, the proposal is not considered to pass the test of consistency. Based upon the above comments you are advised that the proposal, as presented at the meeting, is not supported and it is recommended that an alternative location within the site be investigated to locate Building D. 	<p>Consistent with the original DA, the proposed reinstatement is considered to be in accordance with the Desired Future Character of the B2 Oxford Falls locality. It is noted that the remainder of the site is developed as a retirement village, with a portion subject to the approved DA. Notwithstanding, the proposed development remains compliant with the key controls contained in the Warringah LEP 2000, including FSR, height and open space provisions.</p> <p>Accordingly, when the proposed modification is considered individually and within the whole site it will provide an improved outcome in terms of ecological impacts, tree retention, bio-diversity, landform disturbance, stormwater management and quality while having regard to the existing character of the locality.</p>	<p>Section 6.0, Section 7.2.1</p>

4.0 Description of the Proposed Modifications

The proposed modifications to DA2018/1332 are illustrated in the Architectural Plans at **Appendix A**. A summary of the environmental improvements (**Table 2**) and a detailed overview of the proposed modification is described below.

Summary of environmental improvements

- Reduce the area disturbed by development from 1,160m² (approved) to 760m² (proposed).
- Reduce the area of actual bushland impacted from 520m² (approved) to 120m² (proposed).
- Retain and improve existing flow path in accordance with riparian principles (40m in length) in the location where the two large detention ponds are currently approved.
- Reduce development footprint of Building D and its impact adjacent natural rock walls due to reducing the number and setting back retaining walls associated with Building D.
- Increase the number of trees to be retained from 60 (approved) to 63 (proposed).

Table 2 Numerical comparison table

Numerical Comparison		
Existing	Approved DA2018/1332	Proposed Modification
Upper detention ponds: 420m ²	Upper detention ponds: 420m ²	Building D: 540m ²
Lower detention pond: 220m ²	New detention ponds: 740m ²	Lower detention pond: 220m ²
Total: 640m²	Total: 1,160m²	Total: 760m²
	Existing bushland impacted: 520m ²	Existing bushland impacted: 120m ²
Existing flow path: 48m	Artificial flow path detention: 40m	Retained and improved natural flow path: 40m
N/A	Retained Trees: 60	Retained Trees: 63

4.1 Modifications to the development

Building D

The proposed modification seeks to retain Building D whilst also reducing the impact of its footprint upon its surroundings by removing unnecessary retaining walls and reducing the impact of the remaining retaining walls upon the existing surrounding rock walls. The retention of Building D as proposed also allows for the redesign and placement underground of the integrated OSD system. The modified OSD system will be designed to meet Council's Water Management Policy and reduce the overall approved development footprint and environmental disturbance. The proposed modification will also set back construction works (through removing the stormwater pond creation) further away from the eastern site boundary.

The proposed reintroduction of Building D, sited to the north of the existing nine townhouses, will be 540m² (including patios and hardstand) in building footprint and is largely accommodated within the existing manmade sediment ponds which have an area of 420m². It is noted that increase of developed area with the reinstatement of Building D is offset by the proposed deletion of the two approved detention ponds that equate to a 740m². This results in 400m² of land that is approved to be disturbed now being retained in its natural state.

Building D will be built over 2-3 storeys, with a stepped form, comprising a total of 5 x 2 bedroom apartments. The site plan and arrangement plan is shown at **Figure 5** and **Figure 6** below. The level by level summary of Building D is shown in **Table 3** below.

Table 3 Proposed Building D level summary

Level	
Level 1	1 x 2 bedroom apartment
Level 2	1 x 2 bedroom apartment and 2 x disabled parking spaces
Level 3	2 x 2 bedroom apartments
Level 4	1 x 2 bedroom apartment

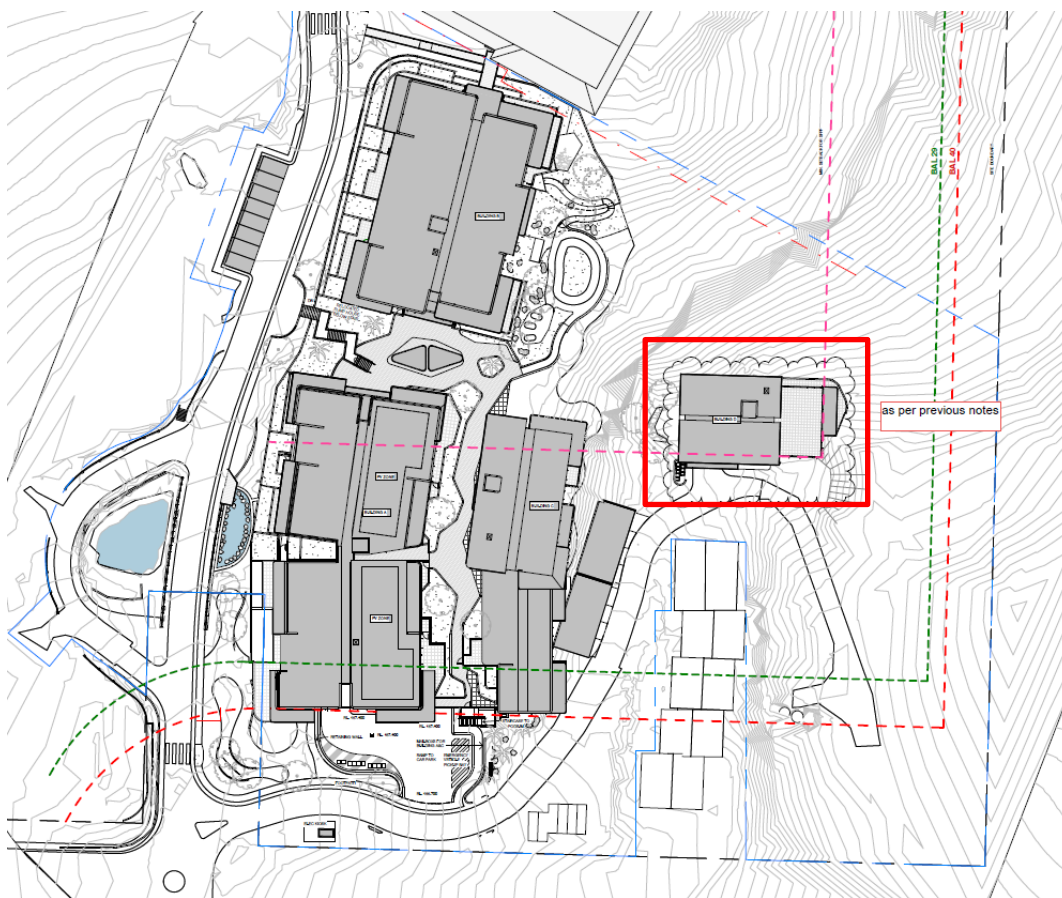


Figure 5 Proposed site plan (site outlined red)

Source: PTW



Figure 6 Proposed first floor plan (RL 160.10)

Source: PTW

Landscaping

The proposed reintroduction of Building D will result in the removal of the stormwater detention basins that disturb 740m² of land currently in a natural state. While this will result in an improved ecological outcome, it will also result in minor amendments to the formal landscaping around the subject site. This will include new turf and stone tiles to delineate the private and public open space. The proposed development will also retain the existing native vegetation that is approved to be removed to make way for the stormwater ponds, which will allow for the area to retain its natural state. By way of direct comparison, the approved and proposed landscape design for this area is shown at **Figure 7** and **Figure 8** below and in the Landscape Plans prepared by Scape Design at **Appendix C**.



Figure 7 Approved landscape design for detention pond area

Source: Scape Design

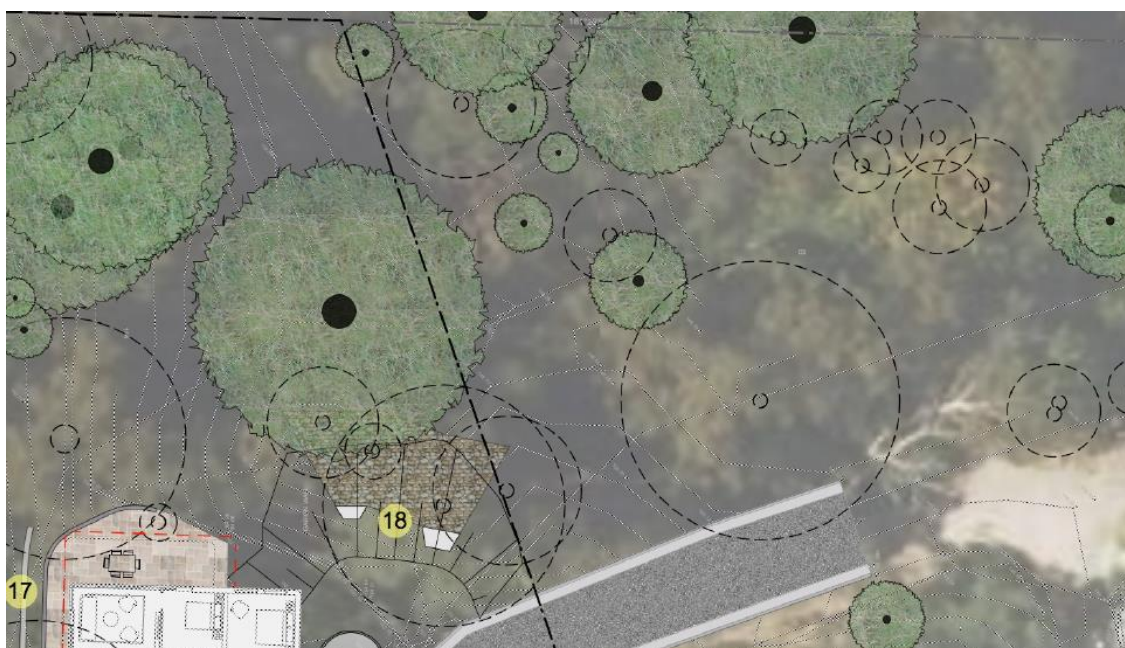


Figure 8 Proposed landscape design

Source: Scape Design

Stormwater Detention Basin and Stormwater Quality

The proposed modification seeks to replace the detention basins as approved with an underground concrete OSD tank located beneath the basement forecourt to Building A. This will result in 740m² of land that is approved to be disturbed by the detention basins being retained in its natural state (exclusive of the 40m long natural flow path). This OSD tank will be designed to detain the majority of the overall stormwater runoff for Glenaeon Retirement Village. It is intended that the arrangement of the OSD tank will be refined as part of the Construction Certificate Phase in accordance with the proposed modification. In addition to the proposed introduction of the OSD tank, the modification seeks to incorporate the following stormwater quality management controls:

- Modification to the existing ornamental pond. Modelling has assumed that the pond offers no tangible water quality performance.
- Installation of a Gross Pollutant Trap at Building D for the capture of gross pollutants; and
- Installation of nutrient treatment cartridges in the proposed OSD tank to capture Total Suspended Solids, Total Phosphorus and Total Nitrogen from the majority of the new buildings and realigned road.

These modifications will result in the adjustment to existing easement for drainage to match the proposed stormwater infrastructure that is required to facilitate the development:

- Regrading of existing low points within Council land to achieve free draining conditions to the southern road and part removal of the easement conflicting with the south western corner of the proposed Building D;
- Realignment of the southern easement to follow the proposed road and drainage route; and
- Removal of the easement conflicting with the proposed Building D at the base of the escarpment.

The proposed drainage system is shown in **Figure 9** and the proposed easement adjustments are shown in **Figure 10**.

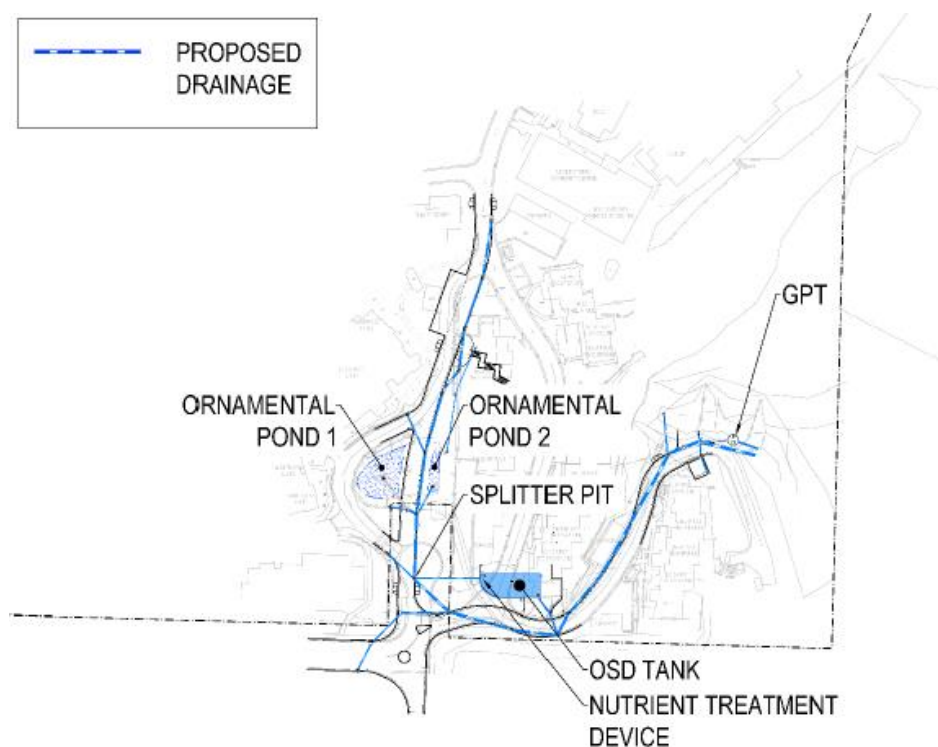


Figure 9 Proposed stormwater quality drainage plan

Source: Cardno

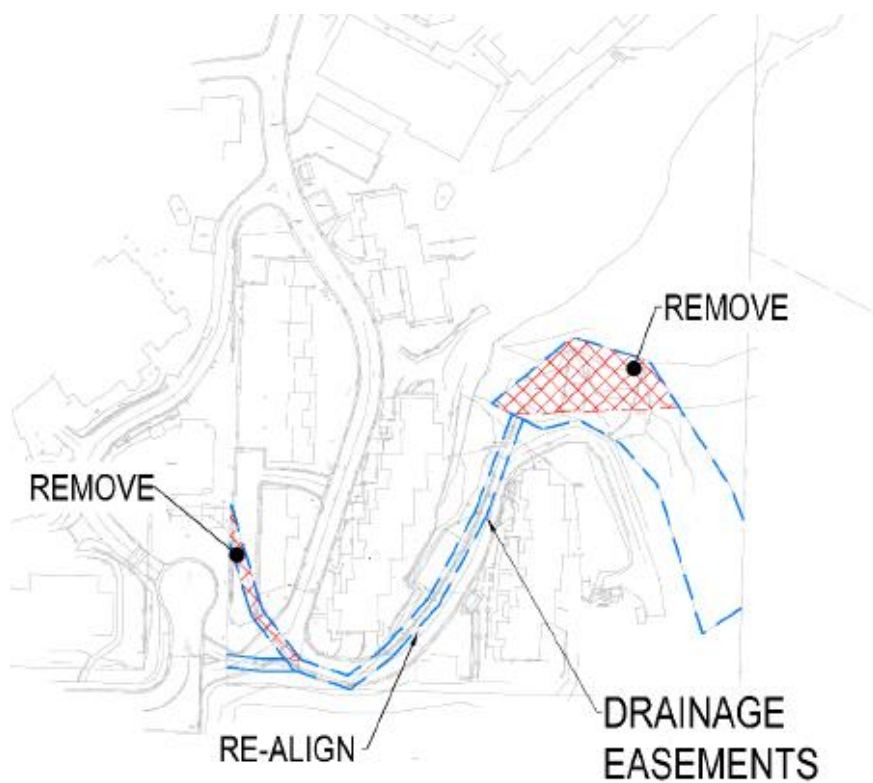


Figure 10 Proposed adjustment to existing drainage easements

Source: Cardno

5.0 Modifications to the 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***.

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans – Endorsed with Council’s stamp – 207 Forest Way		
Drawing No.	Dated	Prepared By
No.001 - Rev 4: Demolition Plan	08/08/2018	PTW Architects
No.002 - Rev 4: Site Plan	08/08/2018	PTW Architects
No.005 - Rev 4 5 : Site Plan RL 154.00	08/08/2018 20/04/2020	PTW Architects
No.006 - Rev 4 5 : Site Plan RL 157.05	08/08/2018 20/04/2020	PTW Architects
No.007 - Rev 4 5 : Site Plan RL 160.10	08/08/2018 20/04/2020	PTW Architects
No.008 - Rev 4 5 : Site Plan RL 163.15	08/08/2018 20/04/2020	PTW Architects
No.009 - Rev 4: Site Plan RL 164.35	08/08/2018 20/04/2020	PTW Architects
No.010 - Rev 4: Site Plan RL 167.40	08/08/2018 20/04/2020	PTW Architects
No.011 - Rev 4: Site Plan RL 170.60	08/08/2018 20/04/2020	PTW Architects
No.012 - Rev 4: Site Plan RL 173.65	08/08/2018 20/04/2020	PTW Architects
No.013 - Rev 4: Site Plan RL 176.70	08/08/2018 20/04/2020	PTW Architects
No.014 - Rev 4: Site Plan RL 179.75	08/08/2018 20/04/2020	PTW Architects
No.015 - Rev 4 6 : Site Roof Plan	08/08/2018 20/04/2020	PTW Architects
No.016 - Rev 4: Materials Board	08/08/2018	PTW Architects
No.401 - Rev 4 6 : Site Elevations	08/08/2018 20/04/2020	PTW Architects
No.402 - Rev 4: Site Elevations	08/08/2018 20/04/2020	PTW Architects
No.501 - Rev 4: Site Section	08/08/2018 20/04/2020	PTW Architects
No.501 - Rev 4: Site Section	08/08/2018 20/04/2020	PTW Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No/ / Section No.	Dated	Prepared by
Site Stormwater Management Plan	04/02/2019	Wood & Grieve Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Biodiversity Impact Assessment Report (Local and Commonwealth Matters)	07/02/2019	Keystone Ecological
Biodiversity Development Assessment Report	07/02/2019	Keystone Ecological
Ecological Statement	04/08/2020	Keystone Ecological
Traffic Impact Assessment	01/08/2018	Cardno
Acoustic Report	31/07/2018	Wood & Grieve Engineers
Riparian Assessment	14/05/2018	Cardno
207 Forrest Way – Riparian Assessment	27/03/2020	Cardno
BCA Report	30/07/2018	Blackett Maguire Goldsmith
Access Report	13/06/2018	Morris Goding Access Consulting
Geotechnical Report	01/08/2018	Cardno
Arboricultural Impact Assessment	23/07/2018	Landscape Matrix
Arboricultural Impact Assessment - 207 Forest Way, belrose	31/03/2020	Footprint Green
Arboricultural Comments on the Proposed Building D	07/07/2020	Footprint Green
BASIX Report	09/08/2018	Wood & Grieve Engineers
BASIX Statement for Modification S4.55	11/02/2020	Wood & Grieve Engineers
Waterways Impact Statement	30/06/2020	Cardno
207 Forest Way – Riparian Assessment	27/03/2020	Cardno

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans – 207 Forrest Way		
Drawing No.	Dated	Prepared by
L.DA.00	26/07/2018 01/04/2020	Scape Designs
L.DA.000.00	26/07/2018 01/04/2020	Scape Designs
L.DA.000.01	26/07/2018 01/04/2020	Scape Designs
L.DA.000.02	26/07/2018	Scape Designs
L.DA.000.05	26/07/2018	Scape Designs
L.DA.000.06	26/07/2018	Scape Designs
L.DA.000.07	26/07/2018	Scape Designs
L.DA.200.01	26/07/2018	Scape Designs
L.DA.200.02	26/07/2018	Scape Designs
L.DA.200.03	26/07/2018	Scape Designs
L.DA.500.01	26/07/2018	Scape Designs
L.DA.500.02	26/07/2018	Scape Designs

Reason: This condition is proposed to be amended to adequately reflect the modified plans.

3. Amendments to the approved plans

The following amendments are to be made to the approved plans on 207 Forest Way, Belrose:

- Building A – Plans are to be amended to wholly accommodate the footprint of Building A within the site boundary. No part of the building is to be located outside of the site boundary on Council land.
- ~~Building D – Plans to be amended to delete Building D and that portion of the site is to be maintained as native vegetation.~~

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

Reason: This condition is proposed to be amended to reintroduce Building D to the site and adequately reflect the modified plans. Further discussion is provided below.

14. Detailed Design of Stormwater Quality Systems

A certificate from a Civil Engineer, stating that the stormwater quality management has been designed in accordance with the following stormwater plans and as amended as required by this consent:

- 199 Forest Way
 1. Stormwater Drainage Plans prepared by Wood & Grieve Engineers, Project No. 30916-7, Rev F. dated 21/01/2019
 2. Site Stormwater Management Plan prepared by Wood & Grieve Engineers dated 4 February 2019.
- 207 Forest Way
 1. ~~Proposed Detention Basin Plans, Drawing No. 256773_CD_SK-006 to 256773_CD_SK-007, Rev.1, dated December '18.~~
 1. **Civil Works Renewal – Section 4.55 Modification dated 4 March 2020 (drawings package)**
 2. Civil Infrastructure Report, Glenaeon Retirement Village prepared by Cardno dated 27 July 2018.
 3. **Section 4.55 modification – addendum a to the Civil Infrastructure Report dated 21 February 2020.**

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the relevant Construction Certificate.

Reason: This condition is proposed to be amended to adequately reflect the relocation of the stormwater detention basin and the reintroduction of Building D. Further discussion is provided below.

6.0 Substantially the same development

Section 4.55(2)(a) of the EP&A Act states that a consent authority may modify a development consent if “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)”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- The proposed reintroduction of Building D does not change the approved land use on the site and remains consistent with the desired future character statement of the B2 Oxford Falls Locality;
- The proposed modification does not result in any significant impacts to surrounding development in terms of overshadowing, privacy or visual impacts or view sharing; and

- The proposed development will result in an overall improved environmental and ecological outcome for the site, particularly with regard to the panel's assessment report.

The proposed modification is in simple terms the reintroduction of Building D that was deleted via condition of consent and associated updates to the approved plans that is demonstrated to result in an improved environmental outcome for the overall site above the current approval. The proposed development also will improve the social benefits of the development by providing:

- greater capacity for ageing in place by delivering 5 additional high quality and amenity apartments
- creates a density of units in this part of the site to support community connections in a general location where existing isolated units will be better integrated in the overall place design
- creates a variety of unit types for seniors to choose from
- remains consistent in terms of permissibility and the desired future character of the locality

Determination by Sydney North Planning Panel

In accordance with Schedule 1 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents dated 20 June 2020, the reinstatement of Building D is subject to SEPP No. 65 and as such it is considered “sensitive development”. Therefore, this s4.55(2) application is required to be determined by the Sydney North Planning Panel.

7.0 Environmental Assessment

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent.

The proposed modification is considered to give rise to a lesser environmental impact that consented to in the approved application (DA2018/1332). Comparatively, the modifications will offer an overall environmental net benefit by consolidating the approved development footprint and environmental disturbance and creating opportunities for regeneration within the south eastern corner of the site. Accordingly, the proposed development remains consistent with the environmental assessment provided in the original SEE.

7.1 Compliance with statutory plans

The proposed modifications do not affect the approved development's compliance with the relevant environmental planning instruments, as demonstrated in the table below.

Table 4 Compliance with the relevant Environmental Planning Instruments

Instrument	Comment
<i>Water Management Act 2000</i>	The proposed modifications do not alter the approved development's compliance. A Waterways Impact Statement has been prepared by Cardno and is included at Appendix D . The statement confirms that the proposed development does not sit on a water course or riparian vegetation. Further discussion is provided in Section 7.6 .
<i>Rural Fire Services Act 1997</i>	The proposed modifications do not alter the approved development's compliance. As stated in the Bushfire Statement at Appendix F , the RFS have assessed the proposal, with the inclusion of Building D, and issued their General Terms of Approval under Division 4.8 of the EP&A Act 1979, and Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997. Further discussion is provided in Section 7.9 . We note that the proposed reinstatement of Building D has been assessed against Planning for Bushfire Protection 2019 and the Bushfire Safety Authority was issued on 17 October 2019.
<i>Biodiversity Conservation Act 2016</i>	The proposed modifications do not alter the approved development's compliance. The proposed inclusion of Building D will not directly impact rocky habitat that has the potential to be used by microbats and is sufficiently distant from such habitat to avoid and minimise indirect disturbances. The proposed modification will not impose any additional ecological impacts that have not already been directly addressed and / or offset as part of the approved documentation.
<i>State Environmental Planning Policy (Housing for Seniors or</i>	The proposed modification is consistent with the assessment undertaken with the original DA. This application is made pursuant to the WLEP 2000 and not under SEPP Seniors. Accordingly,

Instrument	Comment
<i>People with a Disability) 2004 (SEPP Seniors)</i>	the provisions of SEPP Seniors do not apply to the development. Notwithstanding this, the WLEP 2000 includes technical design provisions that specifically relate to senior housing. These standards under the WLEP 2000 (Clause 29) are understood to have been borrowed from the former SEPP 5, which has since been replaced by SEPP (Housing for Seniors or People with Disability) 2004.
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Building (SEPP 65)</i>	The proposed modification is consistent with the assessment undertaken with the original DA. The amenity of apartments within Building D in the retirement village were considered in the overarching amenity and design assessment for the original development, which confirmed that the proposal will achieve the relevant standards of SEPP 65.
<i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i>	This proposal does not seek to change the existing use of the retirement village precinct but facilitate renewal of the site. As such, a site investigation report is not required under clause 7 of SEPP 55 and the site is suitable to continue the ongoing use of the site for seniors housing purposes.
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	The proposed modifications do not alter the approved development's compliance. No change is proposed to the capacity of the site, or the provision or management of parking, loading and servicing that was approved under the original DA.
<i>State Environmental Planning Policy (BASIX) 2004 (SEPP BASIX)</i>	SEPP BASIX applies to the erection of a new building that contains one or more dwellings and accordingly the provisions of SEPP BASIX applies to the development proposed for the retirement village precinct. A BASIX Statement is provided at Appendix K .
<i>Warringah Local Environmental Plan 2000 (WLEP 2000)</i>	WLEP 2000 is the principal local environmental planning instrument for the site. The site is located on the periphery of the B2 Oxford Falls Valley Locality. The assessment of Building D's built form was undertaken in the approved DA. Accordingly, the applicable controls relating to the deletion of Building D are discussed in further detail below.
<i>Warringah Local Environmental Plan 2011 (WLEP 2011)</i>	The site is identified as a deferred matter under the WLEP 2011 zoning maps. As such, WLEP 2011 does not apply to the land.

7.2 Warringah Local Environmental Plan 2000

The SEE submitted with the original application assessed the potential impacts of the overall development with regard to the relevant controls of the WLEP 2000. The planning assessment of the proposed modification remains generally unchanged with respect to built form controls and traffic and parking, however, the following provides further assessment.

7.2.1 Desired Future Character of the Locality

The approved DA identified the development as Category 2 development under the WLEP 2000. Category 2 development types are required under clause 12 to demonstrate consistency with the Desired Future Character of the locality to the satisfaction of the consent authority. In this regard, the consent authority (SNPP) stated the following in its "Reason for the Decision":

"The additional information provided by the applicant and the deletion of Building D have addressed the environmental concerns to the extent that the Panel considers that the proposal is consistent with the desired future character within the B2 Locality, therefore supports the variation to the height control under Clause 20."

In accordance with the approved DA, the proposed development comprises a 2-3 storey building and has been designed to reflect a scale, character and quality that is compatible with its locality and results in improved environmental and ecological values for the site. While the SNPP considered that Building D was inconsistent with the desired future character within the B2 locality, this was entirely on the basis that the applicant and Council could not reach consensus on the day regarding the environmental impacts of Building D, and Council and the SNPP were supportive of the built form of Building D. As the proposed modifications seek to address Council's concerns regarding environmental impacts and that the design and location of Building D has not substantially changed, the proposed reinstatement of Building D is considered to be consistent with the desired future character statement of the B2 Locality. In that, Building D:

- Is consistent with the present and future character of the locality, given the present dense urban character of Glenaeon Retirement Village and its future character consistent with the approved DA that provides building

typologies that partially exceed the height standard, but respond appropriately to the urban context and site topography.

- Provides a detached style housing form on account of its small floor plates that are consistent or smaller than existing residential buildings of Glenaeon Retirement Village. Further, Building D provides the smallest floor plate of the four ILU buildings proposed in the original DA, of which Buildings A, B and C (all with significantly larger floor plates) were approved.
- Achieves the applicable 0.5:1 FSR housing density standard, with a 0.44:1 FSR.
- Is of low impact as it is located below the ridgeline and is largely not visible from the public domain or adjoining properties. Building D also does not give rise to adverse impacts upon adjoining properties in terms of overshadowing, bulk and scale or visual and acoustic privacy.
- Is of low intensity given it provides only 5 x 2 bedroom independent living units (in an existing village of 221 units) in a modest built form that is reasonably secluded as it steps down the slope.
- Cannot be seen from Narrabeen Lagoon or the Wakehurst Parkway and it is difficult to see the site at all from roads within the Oxford Fall Valley. This is visually illustrated in the visual impact assessment of the approved DA at **Appendix I**.
- Improves the natural landscape and vegetation of the site over the approved DA. This is a consequence of the amended stormwater system that deletes the two detention ponds at the rear of the site and regenerates this area with native vegetation. These amendments more than offset the minor environmental impact of the reinstatement of Building D as discussed further below.
- The amended stormwater system results in an improved water quality drainage outcome for the site as discussed below and at **Appendix B** and **D**. Furthermore, given the improved water quality and the native regeneration proposed in this modification to the rear of the site, the ecological values of Snake Creek that commences east of the site are not only maintained but improved as a result of the proposed modification.

7.2.2 General Standards

As discussed, the SEE submitted with the original application assessed the potential impacts of the overall development with regard to the relevant controls of the WLEP 2000. Notwithstanding this, Council considered that Building D was inconsistent with the following provisions set out in WLEP 2000 (namely clauses 56, 58, 60 & 76), and given that Council and the applicant could not reach consensus on the day of the SNPP meeting to resolve the environmental impacts of Building D, Condition 3 that deleted Building D remained. **Table 5** below provides an assessment of the proposed modification against the relevant environmental provisions of WLEP 2000.

Table 5 WLEP 2000 relevant planning standards

Provision	Comments
<p>Clause 56 – Retaining distinctive environmental features on the site</p> <p><i>Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.</i></p> <p><i>In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.</i></p>	<p>The proposed development results in an improved environmental outcome from that which was approved, that included the deletion of Building D. Specifically, the footprint of Building D has been reduced through a reduction of unnecessary retaining walls and modifying the remaining retaining walls to minimise disturbance to the existing rock faces.</p> <p>Importantly, the modification proposes the retention and rehabilitation of bushland where the approved and existing stormwater detention ponds are located, resulting in a net environmental benefit in terms of tree retention, native vegetation retention, disturbance of habitat, biodiversity and landform disturbance.</p> <p>It is noted, that both Cardno and Fluvial Systems (Appendix D and Appendix J) confirm that a watercourse is not located on the site, and the headwaters to Snake Creek are in fact located further to the east. Notwithstanding this, the proposed retention and rehabilitation of this area and the modified stormwater system proposed, will result in not only an improved ecological and natural outcome, but will also improve the drainage water quality that eventually flows into Snake Creek and the wider catchment. Indeed, a 40m long flow path will be created through this area consistent with riparian aquatic ecology principles in mind. As such, the regeneration of this area will help retain, improve and rediscover the distinctive environmental features on the site.</p> <p>The Ecological Statement Appendix G, states the following in respect to clause 56:</p>

Provision	Comments
	<p><i>The site supports a complex array of distinctive environmental features, all of which will be retained:</i></p> <ul style="list-style-type: none"> - <i>Exposed rocky plateau. This part of the site is almost entirely developed and will retain its current character.</i> - <i>Rocky escarpment with overhangs. The natural part of the escarpment with rocky niches will remain untouched and is distant from the proposed Building D.</i> - <i>Rock outcrops. Below the scarp are several areas of outcropping sandstone. These will remain intact, being outside of and generally distant from the location of Building D.</i> - <i>Remnant bushland. Although the area occupied by naturally occurring vegetation will be managed for bushfire hazard as part of the current consent, it will remain as natural vegetation and therefore essentially maintain its current character, albeit with a less dangerous fuel load.</i>
<p>Clause 58 – Protection of existing flora</p> <p><i>Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p>	<p>Overall, the proposed modification will retain three more native trees at (63) compared to the approved application (60). The 7 native trees to be removed as a result of Building D are considered to be more than offset by the retention of the trees within the stormwater pond footprint.</p> <p>Further, while the overall impact of the APZ will result in the loss of three additional trees compared to the approved DA, this will more than offset the ecological impacts as it will retain a larger portion of the bushland and has been assessed by Building Code and Bushfire Hazard Solutions as being suitable from a fire safety perspective.</p> <p>In consultation with the bushfire consultant, the proposed APZ is considered to be satisfactory as the selective pruning will minimise the risk of fire spread through the canopy and the removal of one additional tree is essential. Therefore, the overall impact of the APZ under the proposed modification is considered to be the most suitable outcome and will be offset numerically by the retention of bushland within the stormwater ponds footprint.</p> <p>As stated in the Ecological Assessment at Appendix G:</p> <p><i>Any impacts to the understorey as a result of the APZ are part of the original consent and independent of the proposed modification. Nevertheless, restoration activities in the area mooted for the new detention basins will deliver restored bushland where weed infestations currently occur.</i></p> <p>Further discussion is provided in Section 7.8 below and in the Ecological Statement (Appendix G).</p>
<p>Clause 60 – Watercourses and Aquatic Habitats</p> <p><i>Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.</i></p>	<p>A Waterways Impact Statement has been prepared by Cardno and is included at Appendix D. The Statement assesses the inclusion of the new stormwater management system which is considered to have the greatest ecological benefit given it would provide for improved water quality at the site and an improved 40m long flow path adjacent to Building D that improves the water quality and connectivity to the downstream riparian land. The retained and rehabilitated flow path would be maintained in accordance with ecological principles in mind.</p> <p>Maintenance of the land would involve planting of appropriate local species to enhance the ecological values of the land and flow path and create a vegetated corridor that would be consistent with high quality corridors in the region. The distance of this maintained and improved flow path would be approximately 40m, a substantial improvement to the approved design with no form of flow path remaining on site.</p> <p>Further, as stated in the Review of Waterway Definition prepared by Fluvial Systems at Appendix J, the drainage line on 207 Forest Way would not likely be regarded as a watercourse given that watercourses are unequivocally formed, flow most of the time and have continuous, well-defined beds and banks. Therefore, on the basis of geomorphic and hydrologic considerations the length of the channel is not a natural watercourse under the WLEP 2000 but an artificial watercourse.</p> <p>Further discussion is provided in Section 7.10 and at Appendix D and Appendix J.</p>
<p>Clause 76 – Management of Stormwater</p>	<p>The proposed changes to the civil works and stormwater management strategy have been designed to reduce impacts on the existing vegetation at the south-eastern end of the site. These arrangements are considered to comply with Clause 76 as well as improve the ecological and environmental values of the overall site as per the approval.</p>

Provision	Comments
<i>Stormwater runoff from development is to discharge to a Council drainage system approved by the Council for the purpose and is to have minimal impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, waterway or the like. Water quality control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.</i>	<p>The stormwater management plans have been designed in accordance with the Northern Beaches Council's <i>Water Management Policy</i> and <i>NSW MUSIC Modelling Guidelines 2015</i>. Therefore, incorporating the stormwater treatment system into the building footprint provides for approximately 40m of land suitable for establishment of flow path with riparian and aquatic ecological principles in mind, as well as directly connecting into the downstream riparian land.</p> <p>Further discussion is provided in Section 7.10 and in the Civil Report at Appendix B.</p>

7.3 Built Form

Consistent with the original proposal, Building D is located to the north of the existing nine townhouses and comprises a compact footprint. While the proposed modification has modestly reduced the overall development footprint of Building D resulting in an improved environmental outcome, the general built form and urban design of the building remains consistent with that which was originally proposed. The architectural design and integrity of the development will be consistent with the remainder of the village renewal and no changes are proposed to the approved external finishes and materials palette, which will continue to blend with the surrounding natural environment to minimise visual impact.

7.4 Landscaping and Retaining Walls

The proposed modification will continue to provide an improved and high quality landscaped outcome for the site, which will ensure the proposed development is characterised by a landscaped setting. Building D will be integrated with the landscape character of the surrounding area to create functional and amenable outdoor area for residents, workers and visitors visiting the facility, while resulting in an improved environmental outcome. The proposed modification will not substantially alter the landscape design of the approved development, but rather will retain an increased number of native trees (when compared to the approved application) and will reinstate the stormwater pond area with a new gully garden comprising a variety of green planting and hardscape landscaping. The proposed relocation of the detention basins and reinstatement of a more natural flow path in the location of the previously approved detention basins enables retention this area in its natural state including the retention of three additional native trees.

The extent of the retaining walls associated with reinstatement of Building D have been reduced and setback from the adjacent rock faces. As such, the overall impact of the proposed reinstatement of Building D has been reduced from the originally proposed Building D. This can be seen below in a comparison at **Figure 8** and **Figure 9**.

This change is described in the Civil Infrastructure Report as follows (**Appendix B**):

Retaining wall RW03 is located around the proposed Building D in the original DA submission. It is proposed to reduce the footprint of Building D by amending this wall around half of the northern side and along the western side of Building D. This will eliminate the offset from the building and reduce impacts on the surrounding bushland. Site Section 04 on drawing 256773_CDA_DA2_000_1152 and the siteworks plan on drawing 256773_CDA_DA2_000_1301 shows this modification.

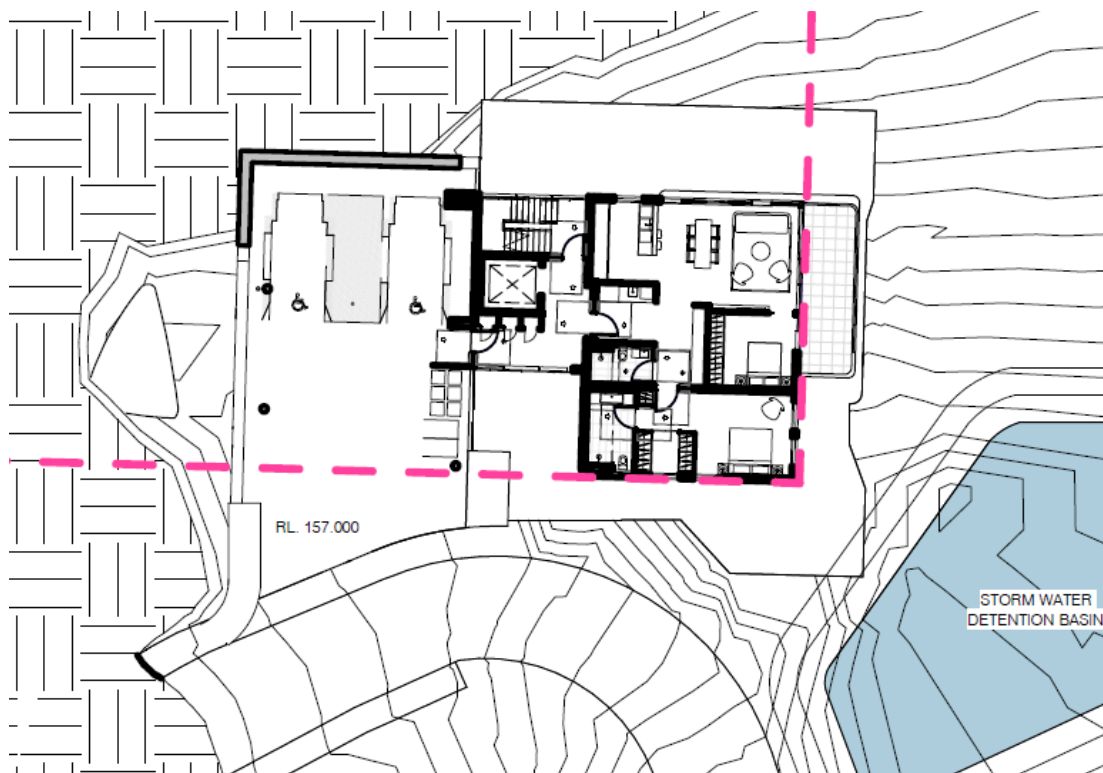


Figure 11 Building D footprint with associated retaining walls as proposed in original DA

Source: PTW



Figure 12 Proposed Building D footprint with associated reduced and setback retaining walls

Source: PTW

7.5 Traffic and Parking

No changes are proposed as part of this modification above those considered by the approved application that generally supported the development from a traffic and parking perspective subject to conditions of consent.

7.6 Stormwater Management

The alternative stormwater management strategy proposed will result in the removal of the approved stormwater ponds, to allow for the construction of the required number of OSD tanks under the basement parking forecourt of approved Building A. The OSD tanks will be constructed within the building forecourt of Building A, therefore resulting in no visual impact. The OSD will be designed to meet the requirements of the former “*Warringah Council On Site Detention Technical Specification*” (Warringah Council 2012).

As detailed in the Civil Report and the Waterways Impact Assessment prepared by Cardno and included at **Appendix B** and **Appendix D**, the proposed new arrangement will treat stormwater beneath Building A which will then be channelled toward Building D and then to the property boundary along the retained and rehabilitated channel flow path. This will result in the removal of the existing sediment basins for the construction of Building D. The new 40 metre long flow path will be designed with ecological and riparian principles in mind in order to allow for the expected flow volumes on the site. The flow path will be planted with local riparian species to enhance the ecological values of the area. Therefore, the proposed arrangement will result in an increase in riparian values consistent with the Warringah Council Policy No. PL2740 *Protection of Waterways and Riparian Land, Water Management Policy* and *Section 8.1 – Stormwater Quality* (Warringah Council, 2017).

7.6.1 Underground OSD System

The proposed reinstatement of Building D, will result in the removal of the approved stormwater ponds and construction of the required number of OSD tank(s) under the basement parking forecourt of Building A. This will provide an off-line system for source control, thereby reducing the impact on the drainage network in South Avenue. The new OSD tanks will be provided with filter cartridges to treat the stormwater runoff.

As well, a Gross Pollutant Trap (GPT) at the outlet of the trunk drainage line will be installed to remove coarse sediment and litter from the external catchments. The proposed GPT is considered to be a more efficient treatment system than the existing sediment basins. Modelling result demonstrate that the installation of GPT together with stormwater treatment filters will improve the water quality at the drainage outlet, resulting in further positive impacts to the existing overland flow path above the development as approved. The civil report concludes the following (**Appendix B**):

This OSD tank will be designed to detain a majority of the redevelopment site and will bypass the external public road catchment, providing source control as opposed to end-of-line treatment. The proposed OSD tank solution reduces impacts to the existing vegetation at the south-eastern end of the site, providing a low visual impact option.

7.7 Ecological Impact and Tree Removal

An Ecological Statement has been prepared by Keystone and is included at **Appendix G**. The Ecological Statement has assessed the proposed modification against the approved DA. A comparison of the impacts on trees in the Building D locality is provided in **Table 6**.

Table 6 Comparison of development scenarios impact on trees

Scenario	Hollow bearing trees		Unstable trees to be removed	Trees to be removed for the APZ	Trees to be removed for stormwater ponds	Native trees to be retained
	Keep	Remove				
Approved DA	6	5	4	8	11	60
Proposed Modification	7	4	4	11	0	63

Source: Keystone

As shown in **Table 6**, the proposed modification retains the more native trees (63) compared with the approved application (60). The 7 native trees to be removed as a result of the reintroduction of Building D are offset by the retention of trees in the stormwater pond footprint.

The Ecological Statement concludes:

Council also contends that the proposed modification is not in keeping with the objectives of Clauses 56, 58, and 60 of the Warringah LEP 2000. An exploration of these objectives (see table overleaf) shows this concern to be unwarranted. The proposed Building D is located in a constructed landscape, engineered as part of the stormwater management system for the original retirement village development above. While the system has exploited a natural slope from west to east, it is entirely fabricated, with water movement resulting from collected stormwater and channelised flow between sediment basins.

The natural features of the site – the bushland and rocky outcrops – will be retained in accordance with the consent and, in places, enhanced by restoration activities. Building D does not directly impact rocky habitat that has the potential to be used by microbats and is sufficiently distant from such habitat to avoid and minimise indirect disturbances. The modification will not impose additional ecological impacts that have not already been addressed and / or offset as part of the approved documentation.

In addition to the above, Council states that the Biodiversity Offsets would not change significantly, however the offsets would not change at all. Vegetation that falls within an APZ is treated for the purposes of offsetting in an identical manner to vegetation that falls within a development footprint. Therefore, the proposed modification requires no additional biodiversity credits to be retired.

Overall, the proposed modification will result in a better outcome both quantitatively and qualitatively in that, in comparison with the approved footprint, an additional 3 live native trees can be retained, including a hollow tree. The proposed deletion of the new ponds provides an additional opportunity to retain and restore the habitat in the site's south eastern corner. This comparison shows how the proposed modification will deliver a better ecological outcome to the one that has been approved. In my opinion, this modification is consistent with all relevant legislative requirements to avoid and minimise ecological impacts, and protects important habitats and landscape features.

7.8 Bushfire Impact

Building Code and Bushfire Hazard Solutions have prepared a Bushfire Statement for the proposed modification at **Appendix F**. The Statement notes that the RFS have assessed the proposed development, inclusive of Building D, and have issued their General Terms of Approval. This includes an assessment of the APZs and Bushfire Attack Level as well as the building design specifically the roof design and large areas of glazing facing the hazard. Accordingly, the Statement confirms that Building D is acceptable and will be constructed in accordance with Type A construction under the National Construction Code and is more than capable of providing protection to residents. Further discussion is provided at **Appendix F**.

7.9 Riparian Impact

Cardno have prepared a Riparian Assessment at **Appendix E**. The statement addresses the changes to riparian values that would result from the approved development. The statement notes that while the approved DA represents an improvement to the existing drainage system, it would remove any natural flow paths for stormwater and instead the stormwater would terminate in the uppermost existing sediment basin. Further, as discussed in the Review of Waterway Definition prepared by Fluvial Systems at **Appendix J**, an assessment has been undertaken for the drainage line at 207 Forest Way. The review notes that the drainage line fails to meet most of the established criteria which are used to define watercourses as being larger streams with continuous flows or bedload transport. And, when compared to relevant case law, the drainage line is not regarded as a watercourse because the decisions have tended to regard watercourses as streams that are unequivocally naturally formed, flow most of the time and have continuous, well defined beds and banks.

Notwithstanding this, the proposed development now seeks to amend the stormwater arrangement to improve the ecological outcomes and meet the requirements of the Warringah Council Policy No. 740 *Protection of Waterways and Riparian Land*. The proposed maintenance and slight improvement of the existing flow path will result in only approximately 40m long natural flow path in an area that is approved to have two man made detention ponds that

disturb 740m² of land in its natural state. Accordingly, the proposal will allow for opportunities to develop the area as a riparian zone. As such, the removal of the sediment basins and incorporation of local riparian species will reflect the values of the natural upper catchment stream and riparian vegetation while improving connectivity to the downstream riparian land. Accordingly, the proposed design provides for an improved environmental outcome compared to the approved DA. Further discussion is provided in **Appendix E**.

7.10 BASIX

A BASIX Statement has been prepared by Wood and Grieve Engineers and is included at **Appendix K**. The Statement confirms that the proposed development maintains compliance with the relevant standards provided by NatHERS and BASIX.

7.11 Visual Impact

The proposed reintroduction of Building D will result in the same visual impact as the original application. As demonstrated by the visual impact assessment as part of the original development application, the proposed modification will not result in any additional visual bulk or scale impacts when viewed from adjacent properties, the Wakehurst Parkway or Narrabeen Lagoon, as this part of the site is either entirely or mostly obscured from views. The Visual Impact Assessment prepared by Virtual Ideas is included at **Appendix I**.

7.12 Contributions

Condition 9 of DA 2018/1332 (as amended) relates to the Northern Beaches Council Contribution Plan and applies a 1% levy to the cost of works under Section 7.12 of the EP&A Act. This condition applies to the cost of works on No. 207 Forest Way and includes Building D. As such, no modification to this condition is required given that Building D is proposed to be reinstated.

7.13 Site Suitability and Public Interest

The site remains suitable for the proposed development given that:

- The development will continue to accelerate the supply of seniors housing commensurate to the forecast demand for the LGA, within an existing village and long standing seniors community;
- The development facilitates an improved environmental outcome for the site when compared to the approved application;
- The site is well situated in proximity to public transport and is regularly serviced by an array of bus routes that connect the site to Sydney CBD, Chatswood, Frenchs Forest and Terry Hills;
- The proposed development appropriately manages the site sensitivities and constraints; and
- The development is permissible under the B2 Oxford Falls Locality and is consistent with the Desired Future Character Statement.

8.0 Conclusion

The proposed modification seeks to reintroduce Building D to complement the renewal of the existing Glenaeon Retirement Village. The proposed modification when compared to that which was approved, will provide an improved environmental outcome in terms ecological impacts, tree retention, bio-diversity, landform disturbance, stormwater management and quality while having regard to the existing character of the locality.

It is important to note that the proposed modified stormwater system and native rehabilitation of the area where the approved detention ponds are located is consistent with riparian aquatic ecology principles (including bed and banks) and results in an improved environmental outcome to the approved DA. However, this also comes with a greater cost and time burden on the applicant and the proponent will not proceed with the proposed modified stormwater system if the reinstatement of Building D is not approved.

The retention of Building D will allow the proposed modified stormwater system and rehabilitation work to occur. Without Building D, the associated proposed works to improve the environmental outcome on the site is not viable. Accordingly, the applicant requests this modification is assessed as an integrated holistic application comprising the reinstatement of Building D and the associated stormwater and regeneration works proposed.

Further, the proposed reintroduction of Building D has been assessed against the relevant provisions of the WLEP 2000 and is considered to be consistent with the desired future character of the B2 Locality. The proposed development is also within the public interest and will constitute a number of positive outcomes for the site including:

- Increasing the supply of seniors housing commensurate with the forecast demand within the LGA within an existing village and long standing seniors community;
- Improving the ecological and environmental outcomes of the overall development when compared to that which was approved;
- Offer more capacity and a continuum of care for residents of the retirement village and allow older residents to age in a comfortable and familiar environment;
- Incorporating appropriate design amendments with regard Council's comments and has been carefully designed to provide an appropriate contextual response to the site settings and context;
- The development is largely in accordance with the WLEP 2000 and the requirements of the B2 Oxford Falls Valley Locality; and
- The development will provide socio-economic and biophysical benefits to the wider community.

Accordingly, the proposed modification is found to be suitable for the site and is consistent with the relevant planning controls. In light of the merits of the proposed development, and in the absence of any significant environmental constraints, it is without hesitation that we respectfully recommend this application be approved for development consent.