

23 April 2018
Our Ref: 8301G.1 S4.55(1A)



planning consultants

General Manager
Northern Beaches Council
1 Park Street
MONA VALE 2103

Dear Sir

**RE: SECTION 4.55(1A) APPLICATION TO MODIFY
DEVELOPMENT CONSENT NO. 267/13 (as modified)
6-14 MACPHERSON STREET, WARRIEWOOD**

1.0 Introduction

DFP has been commissioned by Anglicare to prepare an application under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent No. 267/13 (as modified) for the approved and recently constructed seniors housing development being stages 4, 5 and 6 of the Warriewood Brook retirement village at 6-14 Macpherson Street, Warriewood (the site).

The section 4.55(1A) application seeks Council's approval to modify Condition AA.1. in respect to the approved Site Landscaping Plan for the seniors housing development relating to the proposed removal and replacement of 32 trees at Glasshouse Circuit and the main walkway within the site.

This letter has been prepared in support of the section 4.55(1A) application and includes the information necessary for Council to assess and determine the application including:

- A background outlining the approved development;
- A brief description of the site context;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

We have concluded that the proposed modification will not substantially alter the approved development and accordingly are considered to satisfy the requirements to enable these modifications to be approved by Council pursuant to section 4.55 of the EP&A Act.

The proposed modifications are unlikely to result in any adverse environmental impacts and accordingly, we are of the view that the proposed modifications are acceptable in this particular instance.

2.0 Background

On 20 February 2014 Council granted development consent to Development Application No. 267/13 for “demolition, earthworks and construction of a seniors housing development pursuant to SEPP (HSPD) 2004 consisting of 59 self-contained dwellings with a community building, bowling green, landscaping and carparking” at 6-14 Macpherson Street, Warriewood.

There have been three Section 96 modifications to Development Consent No. 267/13 the most recent being Modification Application No. 267/13/S96/3 in respect to the amendment to several conditions and approval of amended plans as identified in condition AA.1. (see **Appendix 1**).

Condition AA.1. of Development Consent No 267/13 (as modified) relates to the information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with the approved architectural and landscape plans as well as other documents and states:

The Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with:

- *Architectural drawings 003 -007 issue E, 008 issue B, 009-012 revision A, A101 issue F, A102-A104 issue E, B101 issue F, B102-B104 issue E, C101 issue F, C102-C104 issue E, D101 issue F, D102-D104 issue E, D1 101 issue F, D1 102-D1 104 issue E, S2 101 issue F, S2 102-S2 104 issue E, CR 101-CR 102 issue E, 903 issue E, all prepared by Environa Studio Environmental Architecture, dated 13 November 2013; as amended by Architectural Drawings 01-06, issue A, prepared by Environa Studio , dated 12 February 2014;*
- *Landscape plans LP-1.0, LP-1.1, LP-1.2, LP-1.3, LP-1.4, LP-1.5, LP-1.6, LP-1.7, LP-1.8, LP-1.9, LP-2.0, LP-2.1, LP-3.0, LP-3.1, LP-3.2, LP-3.3, LP-3.4, all revision 03, prepared by John Lock & Associates Landscape Architecture, dated 19 November 2013;*
- *Letter from GHD (Rainer Berg) to Morgan Moore and Associates (Martin Moore), titled "ARV Warriewood Stages 4 to 6 Flooding", dated 27 August 2013;*
- *Letter from GHD (Rainer Berg) to Morgan Moore and Associates (Martin Moore), titled "ARV Warriewood Stage 4-6 Water Management - Stormwater Clarification", dated 13 December 2013;*
- *Water Management Report UPDATE, prepared by GHD, dated November 2013;*
- *Arboricultural Assessment Report, prepared by Stuart Pittendrigh, dated August 2013;*
- *Construction Management Plan, prepared by Morgan Moore and Associates, dated August 2013;*
- *Accessibility Report reference 213137, prepared by Howard Moutrie of Accessible Building Solutions, dated 27 August 2013;*
- *BCA Fire Safety Compliance Report, reference J13-040, prepared by Benchmark Building Certifiers;*
- *Flora and Fauna Assessment Report, prepared by Abel Ecology, dated 27 August 2013;*
- *Ecological Sustainability Plan, prepared by Abel Ecology, dated 28 August 2013;*
- *Vegetation Management Plan, prepared by Abel Ecology, dated 27 August 2013;*
- *Geotechnical Risk Assessment Report, reference 21140SBprt, prepared by JK Geotechnics, dated 5 July 2013;*



- *General Terms of Agreement from NSW Department of Primary Industries - Office of Water, dated 23 December 2013;*
- *BASIX Certificate 499606M, dated 4 September 2013;*

As further amended (on 15 April 2015) by:

- *Architectural drawings C101, D101 and D1 101, all issue G, all (3) dated 9 March 2015, and 003, C102, D102, and D1 102, all issue F, all (4) dated 19 December 2014; and C103, D103 and D1 103, all issue F, all (3) dated 19 December 2014; all*
- *(10) prepared by Enviro Studio;*
- *Traffic Engineering Certification Letter, prepared by Transport & Urban Planning Pty Ltd, dated 18 December 2014;*
- *Landscape Certification Letter, prepared by John Lock and Associates, dated 18 December 2014;*
- *Accessibility Certification Letter, prepared by Accessible Building Solutions, dated 11 December 2014;*
- *BASIX Certificate 49960M_03 dated 19 December 2014;*
- *Bushfire Risk Assessment Report Addendum Letter, reference 130164b, prepared by Building Code and Bushfire Hazard Solutions, dated 19 January 2015;*
- *Civil Engineering Certification Letter, reference 12693-C4/af prepared by H&H Consulting Engineers Pty Ltd, dated 15 December 2014;*

As further modified (on 9 February 2016) by:

- *Amended Hardscape Plans LP-1.2, LP-1.3, LP-1.4 and LP-1.5, prepared by John Lock and Associates, dated 22 October 2015;*

As further modified by:

- *Architectural Plans relating to dwellings 34-59 only, prepared by Enviro Studio Environmental Architecture as specified in the Schedule below:*

DWG	DRAWING TITLE	ISSUE	DATE
003	Site Plan - Masterplan	A	29/03/16
006	Materials/Finishes Schedule	A	29/03/16
008	Area Calculation	A	29/03/16
DR-ft 101	ILU Type D (reverse)-FT Floor Plan	A	29/03/16
DR-ft 102	ILU Type D (reverse)-FT Roof Plan 1	A	29/03/16
DR-ft 103	ILU Type D (reverse)-FT Elevations	A	29/03/16
CS 105	MDB/Garbage Areas/Mailbox Units	A	29/03/16
A-sR101	ILU Type A (single reverse) Floor Plan	C	22/08/16
C101	ILU Type C Floor Plan	A	29/03/16
C102	ILU Type C Roof Plan	A	29/03/16
C103	ILU Type C Elevations	A	29/03/16
C*101	ILU Type C* Floor Plan	A	29/03/16
C*102	ILU Type C* Roof Plan	A	29/03/16
C*103	ILU Type C* Elevations	A	29/03/16
0*101	ILU Type D* Floor Plan	A	29/03/16
0*102	ILU Type D* Roof Plan	A	29/03/16
D*103	ILU Type D* Elevations	A	29/03/16
D*R101	ILU Type D* (reverse) Floor Plan	A	29/03/16
D*R102	ILU Type D* (reverse) Roof Plan	A	29/03/16
D*R103	ILU Type D* (reverse) Elevations	A	29/03/16
DR-ft 101	ILU Type D (reverse)-FT Floor Plan	A	29/03/16



DR-ft 102	ILU Type D (reverse)-FT Roof Plan	A	29/03/16
DR-ft 103	ILU Type D (reverse)-FT Elevations	A	29/03/16
O-wRft 101	ILU Type O-w (reverse)FT Floor Plan	A	29/03/16
D-wRft 102	ILU Type O-w (reverse)FT Roof Plan	A	29/03/16
D-wRft 103	ILU Type D-w (reverse)FT Elevations	A	29/03/16
D1* 101	ILU Type D1* Floor Plan	A	29/03/16
D1*102	ILU Type D1* Roof Plan	A	29/03/16
D1* 103	ILU Type D1* Elevations	A	29/03/16
D1-w* 101	ILU Type D1-w* Floor Plan	A	29/03/16
D1-w* 102	ILU Type D1-w* Roof Plan	A	29/03/16
D1-w* 103	ILU Type D1-w* Elevations	A	29/03/16
E 101	ILU Type E Floor Plan	A	29/03/16
E 102	ILU Type E Roof Plan	A	29/03/16
E 103	ILU Type E Elevations	A	29/03/16
ER 101	ILU Type E (reverse) Floor Plan	A	29/03/16
ER 102	ILU Type E (reverse) Roof Plan	A	29/03/16
ER 103	ILU Type E (reverse) Elevations	A	29/03/16
F 101	ILU Type F Floor Plan	A	29/03/16
F 102	ILU Type F Roof Plan	A	29/03/16
F 103	ILU Type F Elevations	A	29/03/16
FR 101	ILU Type F (reverse) Floor Plan	A	29/03/16
FR 102	ILU Type F (reverse) Roof Plan	A	29/03/16
FR 103	ILU Type F (reverse) Elevations	A	29/03/16
G 101	ILU Type G Floor Plan	A	29/03/16
G 102	ILU Type G Roof Plan	A	29/03/16
G 103	ILU Type G Elevations	A	29/03/16
GR 101	ILU Type G (reverse) Floor Plan	A	29/03/16
GR 102	ILU Type G (reverse) Roof Plan	A	29/03/16
GR 103	ILU Type G (reverse) Elevations	A	29/03/16
G i 101	ILU Type G i Floor Plan	A	29/03/16
G i 102	ILU Type G i Roof Plan	A	29/03/16
G i 103	ILU Type G i Elevations	A	29/03/16

- *Bowling Green Wall Flood Impact Assessment, prepared by GHD, dated 26 September 2016;*
- *Landscape Plans prepared by John Lock & Associates as specified in the Schedule below:*

DWG	DRAWING TITLE	ISSUE	DATE
LP-00	Cover Sheet	13	29/01/16
LP-1.0	Landscape Site Plan	14	16/02/16
LP-1.1	Tree Plan	14	16/02/16
LP-1.2	Macpherson Street Entry Hardscape Plan	14	16/02/16
LP-1.3	Macpherson Street Hardscape Plan	14	16/02/16
LP-1.4	Riparian Zone Hardscape Plan	14	16/02/16
LP-1.5	Fire Trail Hardscape Plan	14	16/02/16
LP-3.0	Fence Details	10	22/03/16
LP-1.1	Annotated Tree Plan	14	16/02/16
LD-01	Landscape Detail - Bowling Green Plan	E	10/08/16

NOTE: *In the event of any inconsistency between the Landscape Plans referred to in the above schedule, the most recent plan prevails to the extent of the inconsistency.*

Section 4.0 of this submission outlines the proposed modifications to the consent in respect to the amended Landscape Site Plan prepared by Wallman Partners Pty Ltd being Drawing

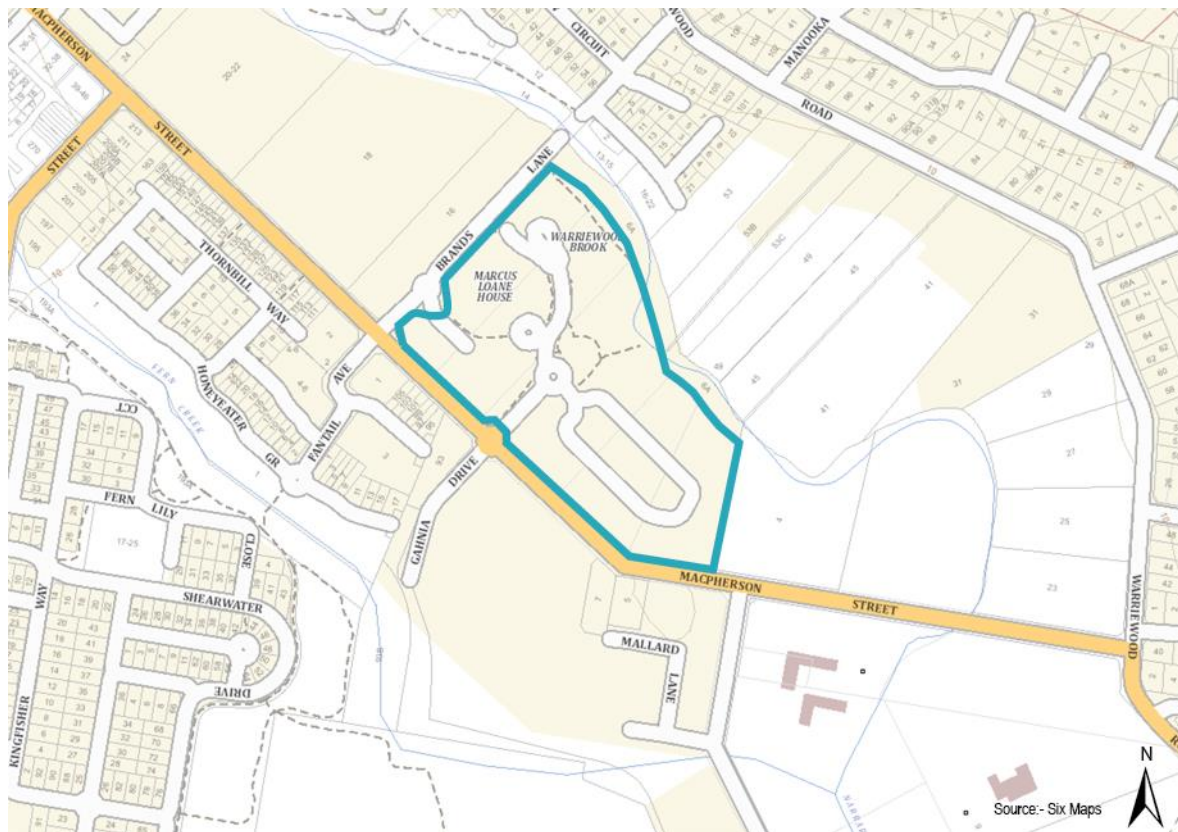
18:4:2/LA1'B' dated 20 April 2018 annotated over the original Landscape Site Plan Drawing No. LP-1.0 Revision 14 dated 16 February 2016 prepared by John Lock and Associates (see **Appendix 2**). The amended Landscape Site Plan shows the location for the proposed removal and replacement of 32 trees at Glasshouse Circuit and the main walkway within the site.

The existing trees to be removed are all *Corymbia gummifera* (Red Bloodwood) tree species which are considered to be inappropriate for their locations. The existing trees are to be replaced with 32 *Tristaniopsis laurina* "Luscious" (Water Gum) tree species which are a smaller, less invasive native tree species to be introduced to the streetscape.

3.0 Site Context

3.1 Site Description

The site is located on the northern side of Macpherson Street about 400m west of Warriewood Road and 330m east of Garden Street. The site is situated within the Warriewood Valley Urban Land Release Area in the Northern Beaches local government area as shown on **Figure 1** below.



The seniors housing development at the site is known as Warriewood Brook retirement village. The Warriewood Brook development is operated by Anglicare who are a Christian not-for-profit organisation and a social housing provider of seniors housing and health care services for senior members of the community.

Stages 1 to 3 of the Warriewood Brook retirement village are constructed on the western portion of the site and consist of 4 buildings comprising of a 119 bed residential care facility, 89 self-contained dwellings in apartment style buildings, community facilities, car parking, internal roads and site landscaping including a large native landscaped water quality detention pond, a boardwalk and a village green.

Stages 4, 5 and 6 of the Warriewood Brook development are the subject of Development Consent No. 267/13 (as modified) which has been recently constructed and comprises 59 self-contained dwellings with a community building, bowling green, landscaping, car parking and internal roads at the site.

Figure 2 below is an aerial photo showing the Warriewood Brook site and surrounding development.



3.2 Surrounding Development

The site is located within the Warriewood Valley Urban Land Release Area. This area has been undergoing significant redevelopment over the past 30 or so years with rural/residential properties and market gardens being redeveloped for a range of urban land uses including industrial, warehouse and commercial developments, traditional single lot residential subdivisions and dwelling houses, 2-5 storey medium density housing developments, seniors housing developments as well as infrastructure works to upgrade the local road network, public drainage and open space areas.

Adjoining the site to the west is Brands Lane which is a public road. Further to the west are existing rural/residential properties, 'Flower Power' plant nursery and several medium density housing developments located on both sides of Macpherson Street.

To the south of the site is the 3-5 storey Meriton apartment style development and a child care facility.

Adjoining the site to the east is an existing rural/residential property which is vegetated with mature trees.

To the north of the site is the Narrabeen Creek public open space and drainage corridor area.

4.0 Proposed Modification

This Section 4.55(1A) application seeks the approval of Council to modify condition AA.1. as shown on the modified Landscape Site Plan (see **Appendix 2**) in relation to the proposed removal and replacement of 32 trees at Glasshouse Circuit and the main walkway within Stages 4, 5 and 6 of the recently constructed seniors housing development at the site.

The proposed modification condition AA.1. is to add the following paragraph at the end of the condition:

“As further modified by:

- *Landscape Site Plan LP-1.0 Revision 14 dated 16/02/16 prepared by John Lock and Associates and Plan annotated Drawing No. 18:4:2/LA1 ‘B’ dated 20/04/18 prepared by Wallman Partners Pty Ltd relating to the removal and replacement of 32 trees.”*

Appendix 2 includes a letter prepared by Wallman Partners Pty Ltd, Landscape Architects which outlines the reasons for the proposed removal and replacement of 32 trees within the seniors housing development at the site and states as follows:

“Existing Trees:

*The subject trees, **Corymbia gummifera** (Red Bloodwood) have been identified as being inappropriate for their locations due to:*

- *Probable mature size of up to 18m trees tall x 10m canopy.*
- *There is insufficient space between the road edge and the awnings of adjacent dwellings.*
- *Most of the installed trees are within 2.5m of awnings and gutters. The potential for damage to roofs is high from probable tree limb failure and drop. This potential will increase as the trees reach maturity and therefore present a safety issue.*
- *Such large trees will develop proportionately large root systems, which have the potential to damage building footings and underground services.*

Proposed Replacement Trees:

*It is recommended that a smaller, less invasive tree species be introduced to the streetscape. Selected species **Tristanopsis laurina** “**Luscious**” (Water Gum). 75 litre size container. This species has the advantage of being easily trimmed to provide clear sight-lines under its canopy, while still retaining its natural uniform (elongated spheroid) shape. The approximate upper-end mature size of 8m tall x 4m spread will fit a lot more appropriately into the spaces at Glasshouse Circuit. This species is readily available at Sydney metropolitan nurseries.”*

5.0 Statutory Provisions

Section 4.55 of the EP&A Act contains the provisions that must be considered by Council in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendment proposed is considered to be minor in nature and will have only minimal (if any) environmental impact.

In addition to the EP&A Act, Clause 115 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation are detailed below.

5.1 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur. Specifically, section 4.55(1A) provides that a number of matters be addressed, as discussed below:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) It is satisfied that the proposed modification is of minimal environmental impact”

The proposed modification to Development Consent No. 267/13 (as modified) for the recently constructed seniors housing development being stages 4,5 and 6 of Warriewood Brook retirement village will have a minimal (if any) environmental impact as it only relates to the proposed removal and replacement of 32 trees at Glasshouse Circuit and the main walkway in the same location as shown on the amended Landscape Site Plan (see **Appendix 2**).

The proposed modification will not require any changes to the existing 59 self-contained dwellings, internal roads and paths, site landscaped areas, community facilities and services as approved under Development Consent No. 267/13 (as modified).

“(b) 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)”

The proposed modification to remove and replace 32 trees within the seniors housing development at the site is considered to be minor in nature and is substantially the same development as that which was originally granted approval by Council in Development Consent No. 267/13.

“(c) 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 modifications of a development consent,”

It is a matter for Council to determine whether the section 4.55(1A) application should be placed on public notification.

“(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”

Should Council notify the subject application in accordance with section 4.55(1A)(c), it must consider any submissions made during a notification period.

Subsections (1), (2) and (5) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in Section 6.0 of this submission.

5.2 Clause 115 of the EP&A Regulation 2000

Subclause 115(1) of the Regulation details the information required to be submitted with an application to modify a Development Consent under section 4.55. These details are contained in this letter and the accompanying application form.

6.0 Environmental Planning Assessment

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1) as are of relevance to the proposed modification must be taken into consideration in determining the application for modification. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. Accordingly, the following subsections provide an assessment of any such relevant matters.

6.1 Section 4.15(1)(a) – Planning Controls

6.1.1 SEPP (Housing for Seniors or Persons with a Disability) 2004 (SEPP(HSPD)2004)

The original Development Application No. 267/13 for the 59 self-contained dwellings, community building, bowling green, landscaping and ancillary works, being stages 4, 5 and 6 of the Warriewood Brook development was granted development consent by Council and the JRPP on 20 February 2014 pursuant to the provisions of SEPP(HSPD) 2004.

This section 4.55(1A) modification application in respect to the modified Landscape Site Plan is only seeking Council's approval to remove and replace 32 trees at Glasshouse Circuit and the main walkway within the site and it does not change Council's assessment of the original development application No. 267/13 (as modified) for the Warriewood Brook seniors housing development under the provisions of SEPP(HSPD)2004.

The proposed modification to remove and replace 32 trees at the site will not result in any change to the total landscaped area of the site of 33.729% and, accordingly, it is compliant with Clause 50(c) of the SEPP(HSPD)2004.

The proposed modification complies with Clause 50(d) of the SEPP(HSPD)2004 in providing 33.729% of the site as deep soil zone suitable for the growth of trees, shrubs and ground cover.

6.1.2 Pittwater Local Environmental Plan (2014) (Pittwater LEP 2014)

The original Development Application No. 267/13 for the seniors housing development at the site was approved under the now repealed Pittwater LEP 1993. Notwithstanding, given that Pittwater LEP 2014 is now in legal effect and applies to the site, the subject section 4.55(1A) Application must take this LEP into consideration.

"Seniors Housing" is a permissible development with the consent of Council in the R3 Medium Density Residential zone under Pittwater LEP 2014. Furthermore, SEPP(HSPD)2004 continues to apply to the site. As such, the proposal is a permissible development with the consent of Council under SEPP(HSPD)2004 and remains a permissible development under Pittwater LEP 2014.

It is considered that the proposed modification to remove and replace 32 trees within the constructed seniors housing development at the site does not change the consistency of the approved development with the R3 zone objectives and other relevant provisions in the Pittwater LEP 2014.

6.1.3 Pittwater 21 Development Control Plan (Pittwater 21 DCP)

The Council's Assessment Report on Development Application No. 267/13 for the seniors housing development at the site (approved by the JRPP at its Panel Meeting on 19 February 2014) included a comprehensive assessment of the proposed development under the relevant provisions of the then applicable Pittwater 21 DCP.

This section 4.55(1A) modification application only relates to the removal and replacement of 32 trees at Glasshouse Circuit and the main central walkway within the approved and

constructed seniors housing development at the site and it does not involve any change to the assessment of the original development proposal under the relevant provisions of the Pittwater 21 DCP.

6.1.4 Planning Agreement or draft Planning Agreement

There is no Planning Agreement or draft Planning Agreement applying to the seniors housing development at the site.

6.1.5 Coastal Zone Management Plan

There is no relevant provision applying under a Coastal Zone Management Plan to the approved and constructed seniors housing development at the site.

6.2 Section 4.15(1)(b) – Natural and Built Environmental Impacts

It is considered that the proposed removal and replacement of 32 trees within the seniors housing development will have minimal (if any) impacts on the natural and built environment of the site and the locality.

The Development Application No. NO267/13 was referred by Council to the NSW Office of Water under the provisions of the Water Management Act 2000, on the basis that the site of the Warriewood Brook development is located within 40m of Narrabeen Creek. It is understood that the NSW Office of Water did not raise any concerns or requirements with the seniors housing development proposal at the site. This section 4.55(1A) application in respect to the amended Landscape Site Plan for the proposal removal and replacement of 32 trees is wholly located outside of the public open space riparian corridor of Narrabeen Creek as well as the outer private riparian corridor and accordingly will have no environmental impacts.

Furthermore, the section 4.55(1A) application to amend the Site Landscaping Plan for the proposed removal and replacement of 32 trees will involve no changes to the stormwater drainage, water quality and flooding management requirements for the site as approved by the Council under Development Consent No. NO267/13 (as modified).

The Development Application No. NO267/13 was referred by Council to the NSW Rural Fire Service as the northern most portion of the site is located within a Bushfire Prone Land mapped area under the Pittwater LEP 2014. The section 4.55(1A) application for the proposed removal and replacement of 32 trees within the seniors housing development is wholly located outside of the Bushfire Prone Land mapped portion of the site. Furthermore, the proposed modification to replace 32 trees at the site does not change the requirements of the NSW Rural Fire Service as specified under condition 25 of Development Consent No. NO267/13 (as modified).

6.3 Section 4.15(1)(b) – Social and Economic Impacts

The proposed modification will involve no adverse social and economic impacts.

6.4 Section 4.15(1)(c) – Suitability of the Site for Development

Council and the JRPP granted Development Consent No. NO267/13 and thus considered the site suitable for the seniors housing development.

6.5 Section 4.15(1)(d) – Submissions

It is matter for Council to determine whether the section 4.55(1A) application for the proposed removal and replacement of 32 trees within the seniors housing development at the site should be placed on public notification. Pursuant to section 4.55(1)(d) of the EP&A Act, Council will be



required to give due consideration to any submissions in respect to the proposed modification to replace 32 trees.

6.6 Section 4.15(1)(e) – Public Interest

The section 4.55(1A) application in respect to the modified Site Landscape Plan is considered to be in the public interest as it will result in the removal and replacement of 32 trees which are inappropriate for their locations due to:

- Probable mature size of up to 18m trees tall x 10m canopy;
- There is insufficient space between the road edge and the awnings of the adjacent dwellings;
- Most of the installed trees are within 2.5m of awnings and gutters. The potential for damage to roofs is high from probable tree leaf failure and drop this potential will increase as the trees reach maturity and therefore present a safety issue; and
- Such large trees will develop proportionally large root systems, which have the potential to damage building footings and underground services.

Furthermore, the replacement trees to be introduced to the streetscape will be *Tristaniopsis laurina* “Luscious” (Water Gum) which is an indigenous tree species with a mature size of 8m x 4m spread which will fit more appropriately into the landscaped spaces along Glasshouse Circuit. (see **Appendix 2**).

7.0 Conclusion and Recommendations

This submission, accompanies an application under section 4.55(1A) of the EP&A Act to modify Condition AA.1. of Development Consent No. 267/13 (as modified). The proposal involves a minor modification to the Landscape Site Plan to enable the proposed removal and replacement of 32 trees at Glasshouse Circuit and the main central walkway within the seniors housing development at the site.

The modification will not substantially alter the approved development and accordingly, is considered to satisfy the requirements pursuant to section 4.55(1A) of the EP&A Act.

The proposed modifications are considered to have acceptable environmental impacts on the natural and built environment and it will be in the public interest.

Accordingly, we are of the view that the proposed modification is acceptable in this particular instance and can be approved under section 4.55(1A).

We would be pleased to discuss this application further with Council officers should that be required and if you have any queries, please do not hesitate to contact Rob Player from our office.

Yours faithfully

DFP PLANNING PTY LTD



ROBERT PLAYER
MANAGING DIRECTOR

rplayer@dfpplanning.com.au

Reviewed:  _____