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Attn: Catriona Shirley

SECTION 4.55(1A) MODIFICATION APPLICATION TO DA2018/1332 Glenaeon Retirement Village – 199 & 207 Forest Way, Belrose

This application has been prepared by Ethos Urban on behalf of LendLease-Retirement Living pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA2018/1332 relating to the Glenaeon Retirement Village at 199 & 207 Forest Way, Belrose (the site).

The proposed modification seeks consent for minor design development and addressing discrepancies in the approved architectural plans in relation to the retirement village, and not the residential aged care facility. No change is proposed to the bulk and form, capacity, or intended operation of the approved development.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Revised Architectural Plans prepared by PTW Architects (**Attachment A**);
- Revised Landscape Plan prepared by Scape Designs (**Attachment B**); and
- Updated BASIX prepared by Wood & Grieve Engineers (**Attachment C**).

1.0 Consent proposed to be modified

Development consent DA2018/1332 was granted by the Sydney North Planning Panel on 1 May 2019 for demolition works and the construction of major additions to Glenaeon Retirement Village (207 Forest Way), including self-contained dwellings and a new residential care facility on a neighbouring lot (199 Forest Way), with associated carparking, landscaping and public road modifications.

This consent has been modified on two (2) previous occasions:

- 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.
- 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 on the grounds that the facility is to be run by a not-for-profit service provider; Catholic Healthcare.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

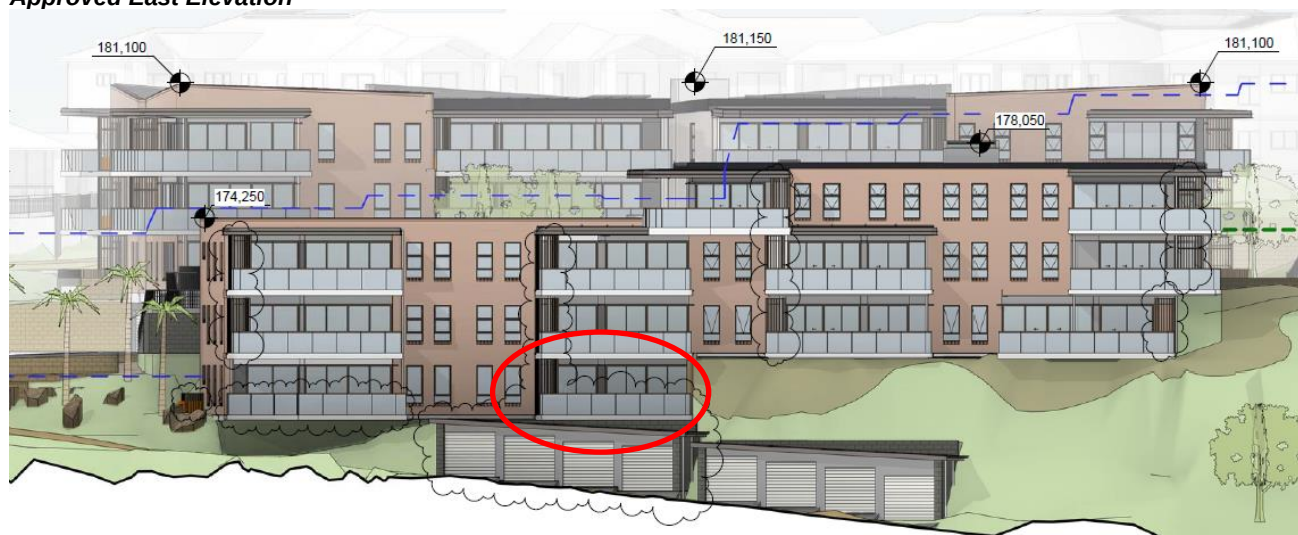
A level by level description of the proposed changes is included in **Table 1** below. The revised Architectural Plans and Landscape Plan at **Attachment A** and **B**, respectively, illustrate the proposed changes.

Table 1 Level by level description of the proposed modifications

Level	Description of Proposed Modifications
RL 164.35	- Converting two terraces to balconies for the Building C dwellings on this level. - Reconfiguring the Building C garages, and providing a more integrated pitched roof form for the garages. The revised garage design is addressed in the updated landscape plan.
RL 167.40	- Providing two, 2 bedroom units for Building C on the eastern side of the building. These apartments were captured in the overall capacity analysis for the site, including the unit numbers and mix and FSR calculations, and were visible in the approved elevations (refer to Figure 1 below). However, these units were mistakenly omitted from the floor plans at this level. This change, therefore, seeks to align the floor plans with the approved elevations and area schedule. - Converting two terraces to balconies for the Building C dwellings on this level. - Resizing the extent of the pump room and services located on the southern edge of the basement.
RL 170.60	- Amending the finish of a terrace on the western edge of Building A. - Providing accessible terraces on the south-western edge of Building C, including changes to the Building C corridor, aligning the architectural plans with the approved (and amended) Landscape Plans. - Including AC condensers installed across a range of balconies and terraces for Buildings A and C at this level. It is noted that the screens for these condensers were included on the approved building elevations, but were omitted on the floor plans.
RL 173.65	- Converting one terrace to a balcony for Building B. - Including AC condensers installed across a range of balconies for Buildings A, B and C at this level. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans.
RL 176.70	Including AC condensers installed across a range of balconies for Buildings A, B and C at this level. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans.
RL 179.75	- Providing AC condensers installed on the remaining Building B balconies. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans. - Installing solar panels on the roof of Building A, which have been relocated from Building B.
Roof level	Removing solar panels from the roof of Building B, which have been relocated to Building A.
Southern elevation	- Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size. - Reconfiguring the windows on the southern elevation of Building C.
Western elevation	Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size.
Eastern elevation	- Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size. - Including the proposed reconfiguration of the Building C garage and converting select terraces to balconies.



Approved East Elevation



Proposed East Elevation

Figure 1 Approved and proposed eastern elevation (with the apartments circled in red)

Source: PTW Architects

2.2 Modifications to conditions

The proposed modifications described above necessitate amending Condition 1 of the consent. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***. For clarity, only those plans and documents subject to change have been included below.

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.009 - Rev- 4 5 : Site Plan RL 164.35	08/08/2018 <i>02/03/2020</i>	PTW Architects
No.010 - Rev- 4 5 : Site Plan RL 167.40	08/08/2018 <i>02/03/2020</i>	PTW Architects

Architectural Plans – Endorsed with Council’s Stamp – 207 Forest Way

No.011 - Rev-4-5: Site Plan RL 170.60	08/08/2018 02/03/2020	PTW Architects
No.012 - Rev-4-5: Site Plan RL 173.65	08/08/2018 02/03/2020	PTW Architects
No.013 - Rev-4-5: Site Plan RL 176.70	08/08/2018 02/03/2020	PTW Architects
No.014 - Rev-4-5: Site Plan RL 179.75	08/08/2018 02/03/2020	PTW Architects
No.015 - Rev-4-5: Site Roof Plan	08/08/2018 02/03/2020	PTW Architects
No.401 - Rev-4-5: Site Elevations	08/08/2018 02/03/2020	PTW Architects
No.402 - Rev-4-5: Site Elevations	08/08/2018 02/03/2020	PTW Architects

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

Landscape Plans – 207 Forest Way

Drawing No.	Dated	Prepared By
L.DA.000.00 Rev 15	26/07/2018 13/03/20	Scape Designs

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the 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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposed alterations do not substantially change the whole or essential character of the approved development. The development is consistent with that originally approved, comprising construction of three (3) buildings accommodating 55 self-contained dwellings¹ and 69 car spaces, and the construction of a new residential aged care facility on the neighbouring lot.
- The modifications do not result in an increase the maximum height of buildings, or alter the approved floor space, and will only result in minor changes to the external appearance of the building. The proposed design changes address minor discrepancies and design development for the approved plans, and will not change the overall capacity or architectural design and integrity of the development.
- The qualitatively essential parts of the approved development all remain in intact, including the overall built form and urban design, the impacts on surrounding development, traffic and parking, public domain, and residential amenity.

Accordingly, the cumulative modifications will result in a development that remains substantially the same as that originally approved.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

¹ As per Condition 3 of the consent

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with statutory plans and policies

The proposed minor modifications do not affect the developments compliance with the relevant environmental planning instruments, as demonstrated in the table below.

Table 2 Compliance with the relevant Environmental Planning Instruments

Instrument / Provision	Comment
<i>Water Management Act 2000</i>	The proposed modifications do not alter the approved development's compliance.
<i>Rural Fire Services Act 1997</i>	The proposed modifications do not alter the approved development's compliance.
<i>Biodiversity Conservation Act 2016</i>	The proposed modifications do not alter the approved development's compliance.
<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)</i>	The modified development will continue to achieve the technical design provisions that specifically relate to senior housing.
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat (SEPP 65) (SEPP 65)</i>	The proposed modifications do not alter the approved development's compliance. The two apartments introduced on the floor plans for Building C in the retirement village were considered in the overarching amenity and design assessment for the development, which confirmed that the proposal will achieve the relevant standards under the Apartment Design Guide.
<i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i>	The proposed modifications do not alter the approved development's compliance.
<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 for the development.
<i>State Environmental Planning Policy (BASIX) 2004 (SEPP BASIX)</i>	A statement has been prepared by Wood & Grieve Engineers (Attachment C) confirming that the proposed minor modifications to the retirement village will not change the development's compliance with BASIX or NatHERS. The BASIX certificates previously issued remain a relevant and true indication of the development's compliance with BASIX.
<i>Warringah Local Environment Plan 2000 (WLEP 2000)</i>	The proposed modifications do not alter the approved development's compliance. As discussed, no change is proposed to the approved building height, density, the relevant landscaped areas, car parking, or setbacks. The converted balconies from terraces in select locations will continue to achieve the minimum area and dimensions required for private open space.
<i>Warringah Local Environment Plan 2011 (WLEP 2011)</i>	The site is identified as a deferred matter under the WLEP 2011 zoning maps.

4.2 Built form and urban design

The proposed modifications represent minor design development changes, and primarily seek to address discrepancies on the approved plans for the retirement village. These changes do not impact the approved bulk, scale, capacity or architectural design and integrity of the development and will be generally indiscernible when viewing the development from the public domain. No change is proposed to the approved external finishes and materials palette, which will continue to blend with the surrounding natural environment to reduce visual impact.

4.3 Landscaping

The proposed modifications 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. The proposed works do not seek to change the extent of open space on the site, boundary treatments, the approved planting schedule, or any vegetation to be removed on the site. The landscaping design will continue to enhance the open space areas provided on the site, complement surrounding vegetation, provide habitat, and improve the ecological relationship of the site with its surrounds.

4.4 Sustainability

The proposed modifications will not impact the development's sustainability commitments or the achievement of BASIX and NatHERS, as confirmed in the statement prepared by Wood & Grieves Engineers (**Attachment C**). Further, the proposed changes to the location of the approved solar panels (photovoltaic cells) will not alter the extent or capacity of these panels. The Building A rooftop receives excellent solar amenity during the winter solstice (21 June), being the worst-case scenario when solar capacity is most limited.

4.5 Traffic and parking

No change is proposed to the approved use of land, including the maximum capacity of the residential aged care facility or the retirement village units, and no additional on-site parking is proposed. As the proposed modification will not amend the approved land uses or parking, and does not seek to intensify the capacity of the approved buildings, the proposed amendments will also not generate any additional traffic or impact on the operation of the surrounding road network. Further, no changes are proposed or warranted to the approved servicing arrangements for the buildings.

4.6 Impact on surrounding development

As discussed, the proposed modifications do not comprise any significant external changes that would alter the bulk or scale of the approved buildings on the site. Accordingly, the proposal will not change the approved impacts to surrounding development in terms of overshadowing, privacy or visual impacts or view sharing.

4.7 Reasons given for granting consent

In accordance with Section 4.55(3) of the Act, the consent authority is required to take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Planning Panel's reasons for granting consent have been summarised below:

- the social benefit of a residential care facility being on the same site as a retirement village with independent living units;
- the panel considered that use was permissible under the Warringah LEP 2000; and
- the panel considered that the proposal is consistent with the desired future character within the B2 Locality.

The minor proposed modifications will not undermine these original reasons for granting consent. The proposed changes do not alter the positive social benefits of the development, the permissibility of the development, or the development's adherence to the desired future character of the area,

5.0 Conclusion

The proposed modifications relate to design development and addressing minor discrepancies in the approved architectural plans relating to the retirement village (no change is proposed for the residential aged care facility). These proposed modifications do not impinge on the approved bulk and form, capacity, or intended operation of the approved development. The proposed development remains substantially the same as that approved, and the proposed changes will not significantly or adversely alter the approved environmental impacts of the development.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- it is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel West', with a stylized flourish extending from the end.

Daniel West
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