

18 May 2021

16630 / 2210247

The Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

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 (LL-RL) 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).

As discussed in **Section 2.0**, the proposed modification seeks consent for minor building alterations comprising amendments to the roof slab from steel to concrete. This application should be read in conjunction with the updated Architectural Plans prepared by PTW and included at **Attachment A**.

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.

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 previously modified as follows:

- 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; and
- Section 4.55(1a) Modification Application (Mod2019/0308), which was 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.
- Section 4.55(1A) Modification Application (Mod2020/0299) which was approved on 6 October 2020 and relates to minor design development refinements and discrepancies in the approved architectural plans;
- Section 4.55(1A) Modification Application (Mod2020/0365) which was approved on 30 September 2020 and relates to amendments to condition 11 of the development consent;
- Section 4.55(1A) Modification Application (Mod2020/0508) which was approved by Council on 19 November 2020 for the removal of one tree to allow for the installation of an Ausgrid substation.
- Section 4.55(1A) Modification Application (Mod2020/0624) which was approved by Council on 10 December 2020 for amendments to conditions 11 relating to road and footpath reconstruction works;
- Section 4.55(2) Modification Application (Mod2020/0431), was refused by the Sydney North Planning Panel on 27 January 2021.

This application represents the eighth (8) modification application to date.

2.0 Description of Proposed Modifications

The proposed modifications to DA2018/1332 are illustrated in the updated Architectural Plans prepared by PTW and included at **Attachment A**.

The proposed modification relates to amendments to the roof slab from steel to concrete and minor shift in level RLs. Specifically, the proposed development will include:

- **Steel structure amended to concrete:** The proposal seeks to replace majority of the steel structure and metal roofing to concrete with a waterproof membrane. The awnings will remain as steel and metal roofing. The waterproofing top coat colour will be matched to Monument as shown on the Materials Schedule at **Attachment A**. This change will improve the fire protection for the building.
- **Increase slab to slab levels:** As the proposal seeks to remove the steel structure, the floor to floor levels will be amended given the extra space achieved. The proposal will increase the height of each level by 50mm to allow for additional ceiling space for services reticulation. The overall height of the main roof will not change.
- **Increase to balcony set downs:** Due to the increase in floor to floor level, the balcony set downs are proposed to be amended by 20mm to allow for improved waterproofing detail.

As shown in **Figure 1** and **Figure 2** below, the proposed change in floor to floor levels will be imperceptible when compared to the approved DA.



Figure 1 Stamped approved plans - site elevation south

Source: PTW



Figure 2 Proposed modification - site elevation south

Source: PTW

3.0 Proposed modifications to the consent

3.1 Modifications to conditions

The proposed modification requires amendments to the conditions of 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.001 - Rev 4: Demolition Plan	08/08/2018	PTW Architects
No.002 - Rev 4 <i>6</i> : Site Plan	08/08/2018 <i>30/04/2021</i>	PTW Architects
No.005 - Rev 4: Site Plan RL 154.00	08/08/2018	PTW Architects
No.006 - Rev 4: Site Plan RL 157.05	08/08/2018	PTW Architects
No.007 - Rev 4: Site Plan RL 160.10	08/08/2018	PTW Architects
No.008 - Rev 4: Site Plan RL 163.15	08/08/2018	PTW Architects
No.009 - Rev 4: Site Plan RL 164.35	08/08/2018	PTW Architects
No.010 - Rev 4: Site Plan RL 167.40	08/08/2018	PTW Architects
No.011 - Rev 4: Site Plan RL 170.60	08/08/2018	PTW Architects
No.012 - Rev 4: Site Plan RL 173.65	08/08/2018	PTW Architects

Architectural Plans – Endorsed with Council's stamp – 207 Forest Way		
No.013 - Rev 4: Site Plan RL 176.70	08/08/2018	PTW Architects
No.014 - Rev 4: Site Plan RL 179.75	08/08/2018	PTW Architects
No.015 - Rev 4 07 : Site Roof Plan	08/08/2018 30/04/2021	PTW Architects
No.016 - Rev 4 05 : Materials Board	08/08/2018 30/04/2021	PTW Architects
No.401 - Rev 4 07 : Site Elevations	08/08/2018 30/04/2021	PTW Architects
No.402 - Rev 4 07 : Site Elevations	08/08/2018 30/04/2021	PTW Architects
No.501 - Rev 4 06 : Site Section	08/08/2018 30/04/2021	PTW Architects
No.502 - Rev 4 06 : Site Section	08/08/2018 30/04/2021	PTW Architects

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

4.0 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, self contained dwellings, 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 not result in any changes to the approved buildings; and
- 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.

The proposed modification is in simple terms a result of design development refinement and merely relates to materiality changes.

5.0 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.

The proposed modification will not give rise to any environmental impacts outside of those already assessed in the original SEE. Likewise, the proposed modifications do not affect the approved development's compliance with the relevant planning instruments as follows:

- *Water Management Act 2000*;
- *Rural Fire Services Act 1997*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors);
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Building* (SEPP 65);
- *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy (BASIX) 2004* (SEPP BASIX);
- *Warringah Local Environmental Plan 2000* (WLEP 2000); and
- *Warringah Local Environmental Plan 2011* (WLEP 2011).

5.1 Built Form

The general built form and urban design of the development remains consistent with that which was originally proposed. The proposed modification will not substantially alter the development's built form when viewed from the public domain or in communal open space, but rather will provide an improved materiality palette and to suit servicing requirements whilst providing improved internal amenity for residents given the additional space provided with the removal of the steel structure (although only minor).

5.2 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, and purely relates to materiality changes to suit servicing requirements while providing internal amenity. Accordingly, the proposal will not change the approved impacts to surrounding development in terms of overshadowing, privacy or visual impacts or view sharing.

As shown below, the minor increase in floor-to-floor heights will be imperceptible from that which was approved under the original DA.



Figure 3 View from west of pond

Source: PTW

5.3 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 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.

5.4 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.

6.0 Conclusion

The proposed modifications relate to the minor materiality changes and floor to floor levels. These proposed modifications do not impinge on the approved bulk and scale, capacity of 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,



Eliza Arnott
Urbanist
+61 404 798 111
earnott@ethosurban.com



Daniel West
Associate Director
+61 4 1157 0394
dwest@ethosurban.com