

3 June 2021

2200799

Ross McLeod
General Manager
Waverley Council
55 Spring Street
Bondi Junction NSW 2022

Dear Mr. McLeod,

SECTION 4.56 MODIFICATION APPLICATION
DA-483/2018/E – 163 BIRRELL STREET, WAVERLEY

This application has been prepared by Ethos Urban on behalf of Mirvac pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA-483/2018 relating to 163 Birrell Street, Waverley (the site or otherwise known as the Waverley Bowling Club).

The scope of the modification relates to design changes to improve resident amenity and operational flexibility. It involves the following refinements:

1. Relocation of the residents' wellness centre from basement level 1 (B1), beneath Building B to within the existing building;
2. Minor amendments to the bowling club and café ground floor facade to align with the internal fitout. The amendments include an extension of the façade line to the approved terrace area along the eastern side of the club to enable its operation as an enclosed space. Modification of the terrace's operating hours to be consistent with the remainder of the club is proposed to reflect this; and
3. Rationalisation and efficiency improvements to the design following input of specialist consultants and detailed design.

This application identifies the consent, describes the proposed modifications, and provides a planning assessment of the relevant matters for consideration contain in section 4.56 of the EP&A Act. This statement should be read in conjunction with the following appended documentation:

- Revised Architectural Plans prepared by Mirvac Design (**Attachment A**);
- Heritage Impact Statement prepared by Weir Phillips Heritage and Planning (**Attachment B**);
- Acoustic Statement prepared by E-Lab Consulting (**Attachment C**);
- Structural Statement prepared by Van Der Meer (**Attachment D**);
- Section J Statement prepared by Stantec (**Attachment E**);
- BASIX Statement prepared by Stantec (**Attachment F**);
- Comparison Plans prepared by Mirvac Design (**Attachment G**); and
- Window Comparison Plans prepared by Mirvac Design (**Attachment H**).

1.0 Background

1.1 Base approval

Development consent DA-483/2018 was issued to the Eastern Suburbs Leagues Club Ltd by the Land and Environment Court of NSW on 20 September 2019 for the following development:

Partial retention & reuse of clubhouse; construction of 4 x 3-6 storey buildings, consisting of 55 seniors units & facilities; new registered clubhouse; two basement levels for 149 cars, services, gym & swimming pool; two bowling greens & landscaping.

An artist's impression of the development, as approved under DA-483/2018, is provided in **Figure 1** below.



Figure 1 Artist's impression of DA-483/2018 as approved

Source: Altis Architecture

Having been awarded the development rights for the site at the end of 2020, Mirvac is progressing with advancing and documenting the detailed design process in association with Altis, the design architects.

As one of Australia's leading, most experienced, and innovative property groups, Mirvac, in conjunction with Altis, have reviewed the approved design and identified areas where adjustments can be made to improve design and amenity outcomes. The proposed amendments ultimately ensure the highest quality and standard of project can be delivered in an efficient, rational, and effective manner.

It is not uncommon for the detailed design process to identify opportunities for refinements and improvements to design efficiency. In this regard, the proposed amendments are considered to be minor, and improve the overall outcome and amenity of the project for future residents.

1.2 Subsequent modifications

Following consent to the project being granted, four modification applications to DA-483/2018 have been submitted, which are at varying stages of the assessment process. These are summarised below:

- **DA-483/2018/A:** Approved by the Sydney Eastern City Planning Panel on 10 December 2020 for modification to conditions 1 and 8 to increase the approved height of each of the buildings, plant and equipment located on the roof top of each building and screening, conditions 10 and 132 relating to description of user together with a number of housekeeping amendments.
- **DA-483/2018/B:** Lodged on 18 December 2020 and relates to minor design efficiencies to the layout of the basement. DA-483/2018/B is up for determination by the Sydney Eastern City Planning Panel on 27 May 2021 following endorsement by Waverley Council for approval.
- **DA-483/2018/C:** Lodged concurrently with DA-483/2018/B on 18 December 2020 and relates to amendment to a number of conditions to appropriately sequence the project to align with its delivery. DA-483/2018/C is also currently up for determination by the Sydney Eastern City Planning Panel on 27 May 2021 following endorsement by Waverley Council for approval.
- **DA-483/2018/D:** Lodged on 19 April 2021 and relates to minor amendments to resolve design inconsistencies in the approved design and improve design and amenity outcomes. DA-483/2018/D is currently under assessment.

The nature and scope of the proposed amendments to this modification application relate to separate aspects of the approved development from the modification applications delineated above. Hence, this modification application will not impact the assessment process of modifications DA-483/2018/B, DA-483/2018/C, and DA-483/2018/D.

2.0 Proposed modifications to the consent

This modification application comprises minor design changes to the approved development to improve resident amenity and operational efficiency and involves the following amendments:

1. Relocation of the residents' wellness centre from basement level 1 (B1), beneath Building B to within the existing building;
2. Minor amendments to the bowling club and café ground floor facade to align with the internal fitout. The amendments include an extension of the façade line to the approved terrace area along the eastern side of the club to enable its operation as an enclosed space. Modification of the terrace's operating hours to be consistent with the remainder of the club is proposed to reflect this; and
3. Rationalisation and efficiency improvements to the design following input of specialist consultants and detailed design.

The proposed changes will be undertaken in accordance with the Revised Architectural Plans prepared by Mirvac Design at **Attachment A** and are described in further detail below.

2.1 Relocation of the residents' wellness centre

The residents' wellness centre is proposed to be relocated from basement level (B1) beneath Building B to the ground floor and mezzanine level of the existing building, as shown in the Revised Architectural Plans at **Attachment A** and **Figures 2 – 5** below. This will provide a superior amenity outcome for future residents, providing a more central and accessible space, enables improvement of the internal design layout of the residents' wellness centre and disconnects from the apartments of Building B to reduce the risk of acoustic impacts to the residents.

Following the impacts of the COVID-19 virus, market research was undertaken to understand the optimal offering for the future residents of the Independent Living Units (ILU). The requirement for a premium wellness centre offering with multiple uses was superior to the approved use of the existing building as a residents dining hall. Further to this, the adaptive re-use of the existing building also posed challenges in accommodating a dining facility, as demonstrated through Council's refusal to accommodate a kitchen exhaust flue through the rooftop of the existing building.

To facilitate the proposed relocation, the approved kitchen and dining area in the existing building's ground floor would be removed. This removal will not adversely impact the future operation of the site, as the nature of the development has evolved from a managed ILU facility to now be provided as a build to sell ILU development. The incumbent heritage consultant Weir Phillips has undertaken a heritage assessment of the existing building and provides their support of the design and use of the building. The Heritage Assessment is provided at **Attachment B**.

The proposed amendments are to be undertaken in accordance with the Revised Architectural Plans prepared by Mirvac Design at **Attachment A**. All cloud numbers provide to the relevant Figures below that are shown in red are those proposed for amendment under this section 4.56 modification. All annotations on the Revised Architectural Plans shown in blue are currently under assessment by Council as provided to the section 4.56 submissions D-483-2018-B and D-483-2018-D.

The schedule of proposed amendments has been provided below in **Table 1 – Table 3** and are shown in the comparison of plans shown in **Figure 2 - Figure 12**.

Table 1 Schedule of proposed minor modifications to architectural plans – Existing Building Floor Plans

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Figures 2-7)
PROPOSED GROUND FLOOR PLAN					
DA1102.1	Proposed Ground Floor Plan	Q	Deletion of the resident dining, servery / bar, kitchen and storeroom. Inclusion of lap pool, steam room, sauna and male and female changing facilities.	Amendment to use of the existing building to a resident wellness centre.	1
DA1102.1	Proposed Ground Floor Plan	Q	Relocation of the internal lift.	To enable appropriate DDA access around the proposed lap pool.	2
DA1102.1	Proposed Ground Floor Plan	Q	Relocation of normal entry door.	To enable a more direct entrance to the centre of the ground floor area whilst keeping with the heritage considerations.	3
PROPOSED LEVEL 1 PLAN					
DA1102.1	Proposed Level 1 Plan	O	Deletion of the use of the existing building as a resident theatre / library.	Amendment to use of the existing building to a wellness centre.	4
DA1102.1	Proposed Level 1 Plan	O	Extension of the mezzanine to the west along the southern alignment of the existing building.	In keeping with the heritage considerations provided by the heritage consultant to maintain the open void to the level below, the design responds to this by providing glazing to the internal mezzanine walls to enable open view lines to the pool below from what was once an open gallery to an assembly hall.	5

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Figures 2-7)
DA1102.1	Proposed Level 1 Plan	O	Introduction of mechanical plant room to the mezzanine level.	To enable appropriate air conditioning to the ground and mezzanine levels.	6

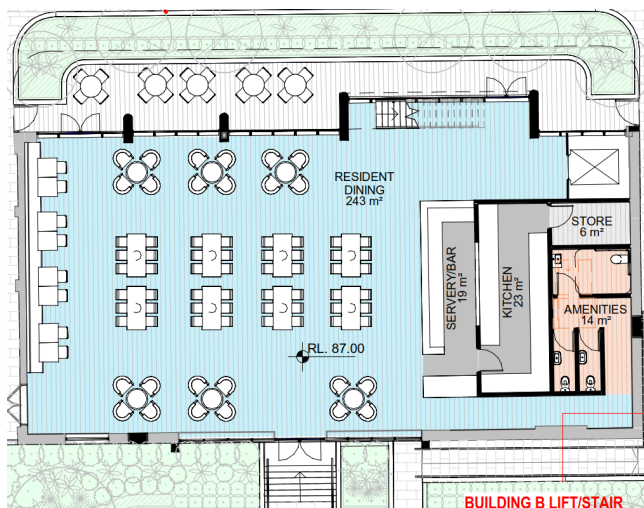


Figure 1 Approved ground floor

Source: Altis Architecture

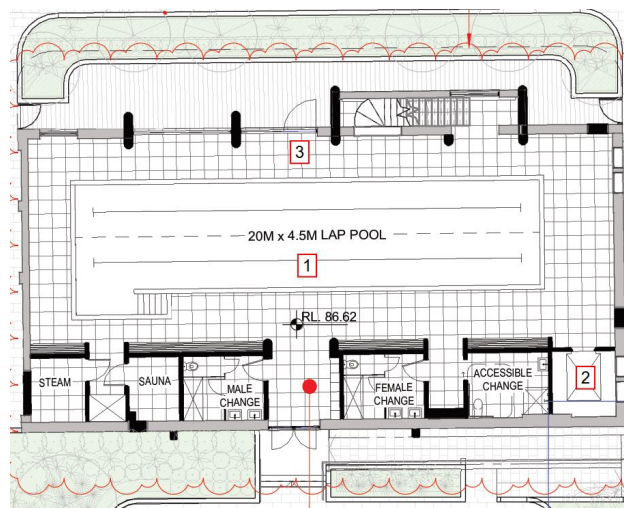


Figure 2 Proposed ground floor

Source: Mirvac Design

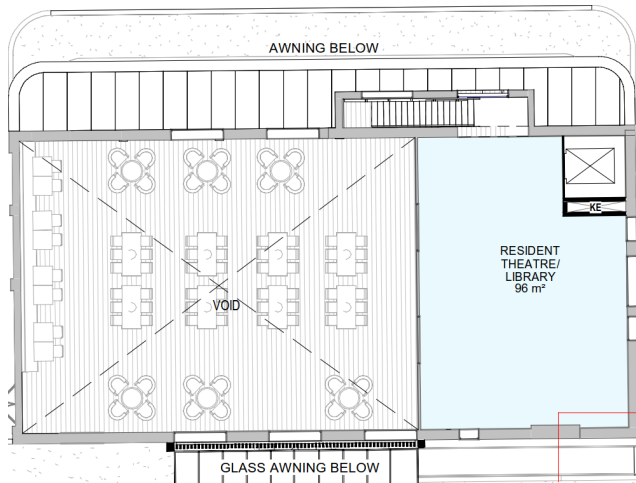


Figure 3 Approved mezzanine level

Source: Altis Architecture

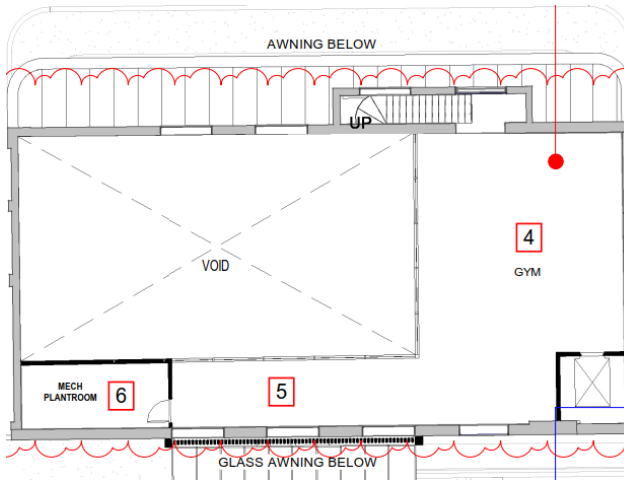


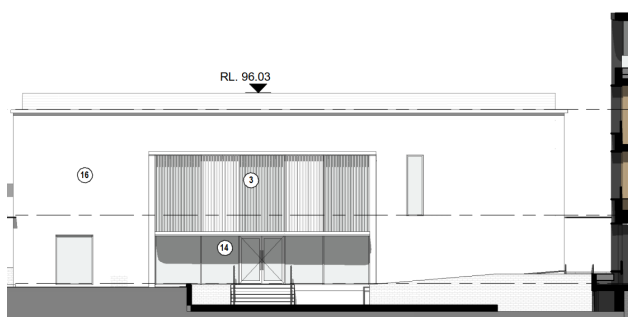
Figure 4 Proposed mezzanine level

Source: Mirvac Design

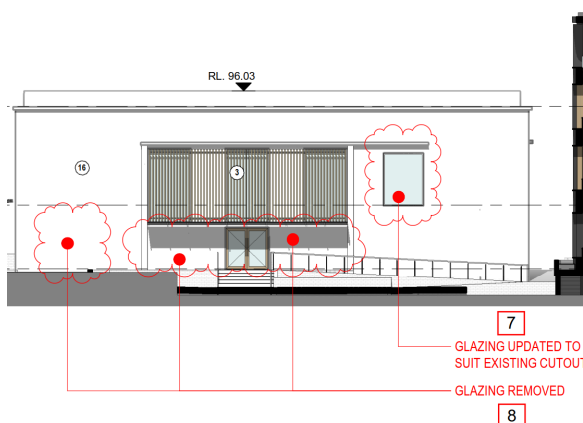
As shown in the Heritage Building Elevations of the Architectural Plans, the change of use of the building from a kitchen and dining facility to a residents' wellness centre will also reduce the extent of demolition required as illustrated in **Figures 6 – 10** and outlined in **Table 2**.

Table 2 Schedule of proposed minor modifications to architectural plans – Heritage Building Elevations

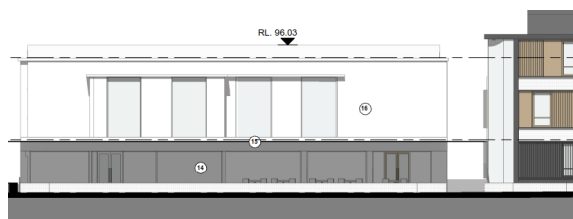
Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Figures 6-10)
EXISTING BUILDING ELEVATIONS					
DA2114	Existing Building Elevations	F	South Elevation – Glazing extent update to suit existing cutout.	Glazing shown on previously approved plans did not reflect the existing cutout provided.	7
DA2114	Existing Building Elevations	F	South Elevation – Glazing removed.	Extent of glazing reduced whilst keeping with the heritage considerations provided by the heritage consultant. Glazing reduced to align with the internal fitout.	8
DA2114	Existing Building Elevations	F	North Elevation – Amount of demolition to existing walls reduced.	To gain a greater visual aspect into and out of the wellness centre for further solar access and a more inviting entrance.	9
DA2114	Existing Building Elevations	F	West Elevation – Door removed.	Door removed to align with the internal layout whilst keeping with the heritage considerations provided by the heritage consultant.	10

**Figure 5 Approved south elevation**

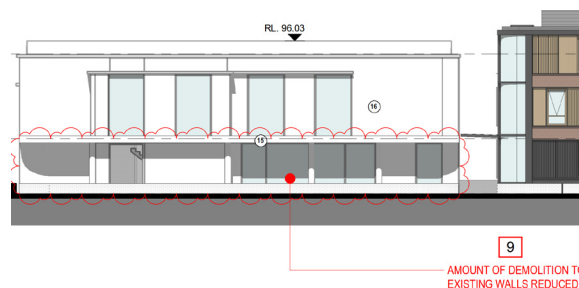
Source: Altis Architecture

**Figure 6 Proposed south elevation**

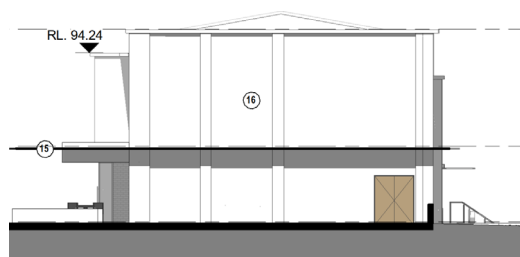
Source: Mirvac Design

**Figure 7 Approved north elevation**

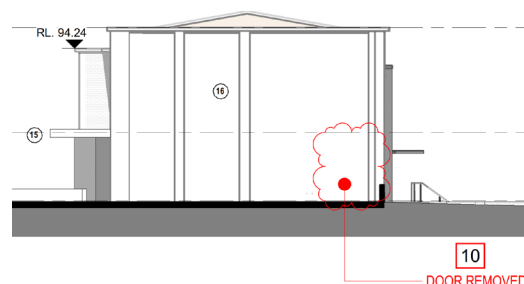
Source: Altis Architecture

**Figure 8 Proposed north elevation**

Source: Mirvac Design

**Figure 9 Approved west elevation**

Source: Altis Architecture

**Figure 10 Proposed west elevation**

Source: Mirvac Design

Given that the residents' wellness centre is proposed to no longer be provided in the basement, there is a considerable reduction in the basement envelope proposed, reducing the amount of high impact, noise intrusive works such as rock breaking. The Building B waste room has been relocated from level B2 to level B1, now located where part of the wellness centre originally was.

It should be noted that DA-483/2018/B and DA-483/2018/D (refer to **Section 1.2** above) each seek amendments to the design of the basement. As the two mods relate to different components of the basement, they can be assessed concurrently.

Nevertheless, for Council's information the changes currently being sought under DA-483/2018/D are shown in blue in the Revised Architectural Plans at **Attachment A** and the Comparison Plans at **Attachment G**. The proposed amendments to Basement Level 1 are illustrated in **Figures 11 – 12** and outlined in **Table 3** below:

Table 3 Schedule of proposed minor modifications to architectural plans – Basement Level 1

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Figures 11-12)
EXISTING BUILDING ELEVATIONS					
DA1101.1	Proposed Basement 1 Plan	J	Pool plant relocated.	Pool plant relocated closer to the existing club following the proposed relocation of the pool to within the existing building.	11
DA1101.1	Proposed Basement 1 Plan	J	Building B waste room relocated from B2 to B1.	To reduce the basement excavation to B2.	12
DA1101.1	Proposed Basement 1 Plan	J	Pool, gym and amenities relocated to existing building.	Removed following the amendment to use of the existing building to a wellness centre.	13
DA1101.1	Proposed Basement 1 Plan	J	Pool plant relocated and replaced with building manager room.	Pool plant relocated closer to the existing building following the proposed relocation of the pool to within the existing building.	14

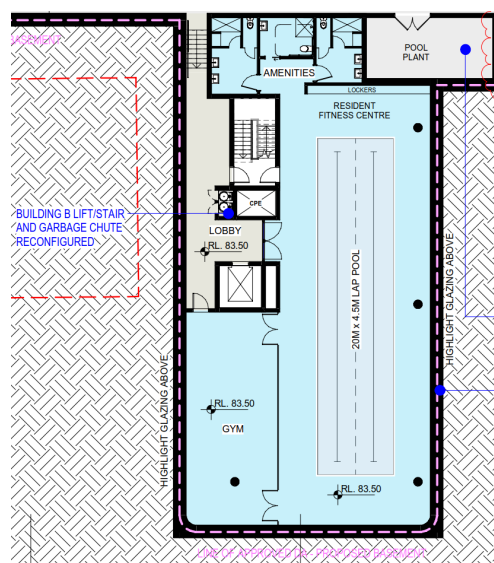


Figure 11 Under assessment modification D B1 plan

Source: Mirvac Design

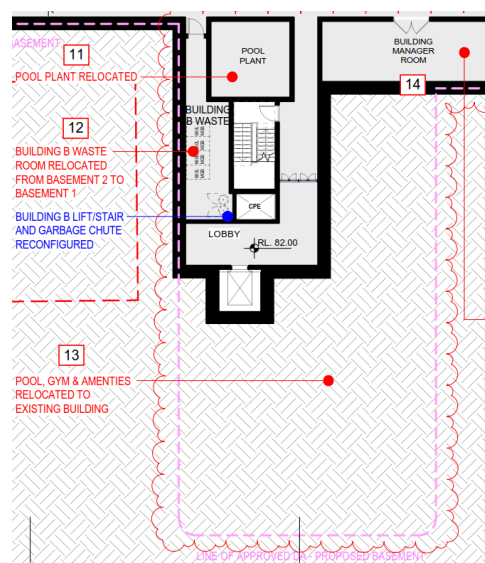


Figure 12 Proposed B1 plan

Source: Mirvac Design

2.2 Amendments to bowling club terrace and facade

Design amendments are proposed to the approved terrace area of the bowling club through the extension of the façade line to the outside of the terrace area with the installation of bifold doors (as shown in **Figure 14**) aligning the northern, eastern and southern edge. These changes will enable the portion of the terrace facing the bowling green to operate as an enclosed area when required, as shown in the Revised Architectural Plans at **Attachment A** and **Figures 13 – 14** below. The northern part of the terrace facing Birrell Street will continue to be an open unenclosed area.

The bifold doors to be installed are easily openable and closable by staff and will allow for more flexible operation of the terrace either as an open or enclosed space depending on site and weather conditions. This will improve the terrace's amenity for club members and visitors, as it would enable its use as an internal space when needed during inclement weather, such as during rain or cold temperatures. There will also be acoustic benefits in being able to enclose the space and reduce noise transmission with an Acoustic Statement provided to **Attachment C** which assesses the proposed changes. The enclosure does not, however, increase the patron capacity approved for the site.

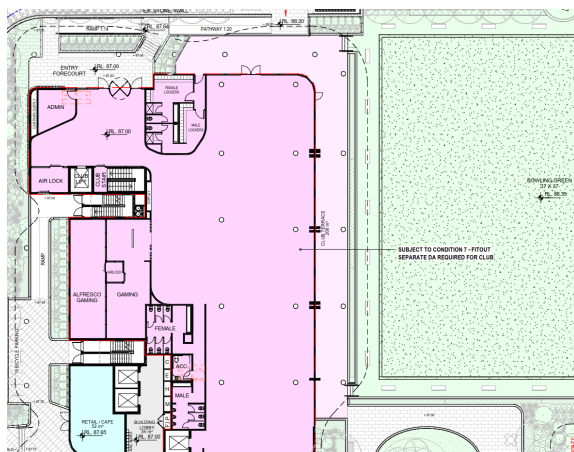


Figure 13 Under assessment modification D club terrace

Source: Mirvac Design

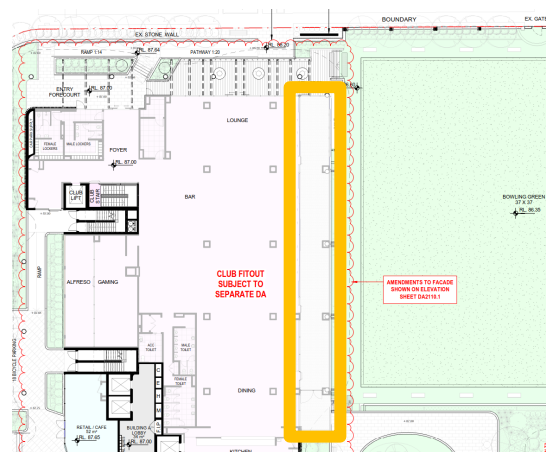


Figure 14 Proposed club terrace area, portion of terrace to be converted to internal area shown in yellow

Source: Mirvac Design, edits by Ethos Urban

This amendment does not result in an increase to the approved Gross Floor Area amount of 9,782sqm provided in condition 9 of the Development Consent.

It is also proposed to amend condition 150 of the conditions of consent to align the hours of operation of the terrace (currently 7:00am – 9:00pm) with the approved indoor hours of operation of the bowling club (7:00am – 10:00pm).

The terrace will only be permitted to operate between 9:00pm and 10:00pm if the proposed bifold doors are fully closed (and thus operating as part of the indoor club space).

Further minor amendments have been made to the ground floor façade that relates to the bowling club and café.

The proposed amendments are to be undertaken in accordance with the Revised Architectural Plans prepared by Mirvac Design at **Attachment A**. All annotations on the architectural set shown in blue are currently under assessment by Council as provided to the section 4.56 submission D-483-2018-B and D-483-2018-D.

The schedule of amendments has been provided below in **Table 4** with cloud number references correlating with the Comparison Set shown in **Attachment G**.

Table 4 Schedule of proposed minor modifications to architectural plans – Club and café façade

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Comparison Set)
PROPOSED GROUND FLOOR PLAN					
DA1102.1	Proposed Ground Floor Plan	Q	Building A Club façade amendments.	As provided in Block A Elevations in Table 4 below.	N/A
BLOCK A ELEVATIONS					
DA2110.1	Block A Elevations	I	North Elevation – Glazing enclosing terrace.	Glazing closes terrace line after hours to enable a weatherproof area during the day and acoustically treated area at night.	AA
DA2110.1	Block A Elevations	I	North Elevation – Open pergola introduced.	To enable soft landscaping such as climbing planting to soften the outdoor area.	BB

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Comparison Set)
DA2110.1	Block A Elevations	I	North Elevation – Club entrance reconfigured and façade materiality extents amended.	Whilst the façade materiality is not amended, the extent of each façade material is amended to align with the club fitout design.	CC
DA2110.1	Block A Elevations	I	East Elevation – Ramp added.	Ramp added to cater for accessibility requirements from the club to the bowling greens.	DD
DA2110.1	Block A Elevations	I	East Elevation – Bowling green bench chairs removed and planter lowered and extended out.	As the synthetic greens are only played on a north to south axis, there is no requirement for seating on the western edge of the synthetic green so this is removed. This enables the planter bed and landscaping to be extended further east and lowered to ensure the bifolds can operate appropriately.	EE
DA2110.1	Block A Elevations	I	East Elevation - Glazing enclosing terrace.	Glazing closes terrace line after hours to enable a weatherproof area during the day and acoustically treated area at night.	FF
DA2110.1	Block A Elevations	I	East Elevation – Balustrade introduced.	Balustrade introduced to accommodate for the level change between the terrace level and the bowling green level.	GG
DA2110.1	Block A Elevations	I	South Elevation – Glazing Encloses terrace.	Glazing closes terrace line after hours to enable a weatherproof area during the day and acoustically treated area at night.	HH
DA2110.1	Block A Elevations	I	West Elevation – Open pergola introduced.	To enable soft landscaping such as climbing planting to soften the external appearance of the outdoor area.	II
DA2110.1	Block A Elevations	I	East Elevation – Louvre extents refined.	Louvre extent refined to ensure that the appropriate ventilation is enabled to the alfresco gaming area whilst maintaining the ability to comply with the relevant acoustic criteria.	JJ

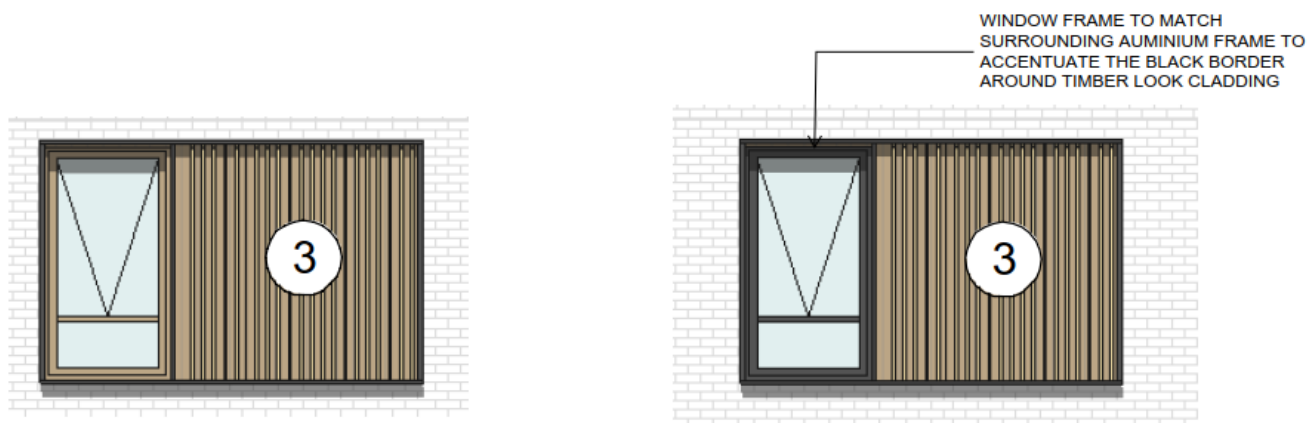
2.3 Rationalisation and efficiency improvements to the design

A number of minor amendments are proposed to the architectural plans and building elevations in order to facilitate improvements and efficiencies.

The proposed amendments are proposed to be undertaken in accordance with the Revised Architectural Plans prepared by Mirvac Design at **Attachment A**. All clouding and annotations on the plans shown in red are those proposed for amendment under this section 4.56 modification. All annotations on the architectural set shown in blue are currently under assessment by Council as provided to the section 4.56 submission D-483-2018-B. The schedule of amendments has been provided below in **Table 5**.

Following progression in detailed design, an architectural materiality amendment is proposed to align the façade of the ILU buildings. As shown below in **Figure 15** and the Window Comparison Plans at **Attachment H**, it is proposed to amend the PC-02 natural bronze powercoated aluminium provided to the ILU window frames to the PC-01 duratec zues matt black powdercoated aluminium. Each of the materials are provided in the materials sheet submitted with the approved development with an extract shown in **Figure 16** below.

Currently, the elevations illustrate a variation of the powdercoated natural bronze and the powdercoated matt black provided façade windows and balcony frames to the ILUs. Mirvac Design have advised that having different finishes to the façade windows and balcony frames within each apartment is problematic for the interior design of the future residents. Refer to **Attachment H** for the comparison plans to illustrate the architectural improvement of the proposed amendment.



APPROVED

PROPOSED

Figure 15 Proposed amendment to ILU window frames

Source: Mirvac Design



PC-01	POWDERCOAT FINISH: POWDERCOATED ALUMINIUM	BUILDINGS A,B,C & D FACADE WINDOWS & BALCONY FRAMES	FINISH: POWDERCOATED ALUMINIUM COLOUR: DURATEC ZEUS - MATT BLACK SUPPLIER: DULUX	
PC-02	POWDERCOAT FINISH: POWDERCOATED ALUMINIUM	BUILDINGS A,B,C & D SELECTED WINDOWS & DOORS	FINISH: POWDERCOATED ALUMINIUM COLOUR: DURATEC - NATURAL BRONZE SUPPLIER: DULUX	

Figure 16 Extract of Materials Sheet - DA5040 Rev B: 7 June 2020 Deferred Commencement Issue

Source: Altis Architecture

Table 5 Schedule of proposed minor modifications to architectural plans

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Comparison Set)
PROPOSED BASEMENT LEVEL 2					
DA1100.1	Proposed Basement 2 Plan	H	Fire stair rotated on the north western corner.	Amended to reduce the extent of the fire stair on Basement 1 and Ground Floor.	A
DA1100.1	Proposed Basement 2 Plan	H	Building B waste room relocated to Basement 1. Reduction to Basement 2 footprint.	Waste room relocated to Basement 1 to enable a reduction in excavation to Basement 2.	B
PROPOSED BASEMENT LEVEL 1					
DA1101.1	Proposed Basement 1 Plan	K	Fire stair reconfigured.	Amended to reduce the extent of the fire stair on Basement 1 and Ground Floor.	C
DA1101.1	Proposed Basement 1 Plan	K	Club communications room added. Club store reconfigured.	Following detailed design of the Club Fitout it was found that a club communications room was required on the Basement 1 level. The Club store was reconfigured following the addition of the Club communications room.	D
DA1101.1	Proposed Basement 1 Plan	K	Lift door opening added.	Added to ensure that residents have direct access to the parcel room adjacent to the lift opening.	E
DA1101.1	Proposed Basement 1 Plan	K	Commercial & retail waste room extended. Commercial excess waste room added.	Added to enable adequate room is provided for the retail waste room.	F
DA1101.1	Proposed Basement 1 Plan	K	Club cellar, stores, freezer and cool room reconfigured.	Following detailed design of the Club Fitout it was found that room configuration and resizing for optimal operation of the Club facility was required.	G
DA1101.1	Proposed Basement 1 Plan	K	Building B waste room relocated to Basement 1.	Waste room relocated to Basement 1 to enable a reduction in excavation to Basement 2.	H
DA1101.1	Proposed Basement 1 Plan	K	Pool, gym & amenities relocated to existing building.	As provided in Section 2.1 of the SEE.	I
DA1101.1	Proposed Basement 1 Plan	K	Pool plant relocated & replaced with building manager room.	Relocated to accommodate for the amendment in the pool, gym & amenities to within the existing building.	J
DA1101.1	Proposed Basement 1 Plan	K	Fire sprinkler tank room size increased.	Following further detailed design it was found that the fire sprinkler tank room required an increase in size.	K
DA1101.1	Proposed Basement 1 Plan	K	Car space and storage cages relocated.	As a result of the fire sprinkler tank room resizing.	L
PROPOSED GROUND FLOOR PLAN					
DA1102.1	Proposed Ground Floor Plan	Q	Building A Club façade amendments.	As provided in Section 2.2 of the SEE.	N/A

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Comparison Set)
DA1102.1	Proposed Ground Floor Plan	Q	Wellness centre provided within the existing building.	As provided in Section 2.1 of the SEE.	N/A
DA1102.1	Proposed Ground Floor Plan	Q	Roller shutter replaced with a basement entrance security gate.	Roller shutters cause acoustic disturbance to surrounding residents beyond the level that Mirvac would accept for their developments. This roller shutter has the risk of impacting the future ILU residents and surrounding residents on Henrietta Street.	M
DA1102.1	Proposed Ground Floor Plan	Q	Club maintenance shed added underneath the awning to the northern alignment of Building C.	The Bowling Club require a maintenance shed that has direct access to the bowling greens for ongoing maintenance. This location underneath the awning to the northern alignment of Building C is hidden and not visually intrusive to the architecture of this building as the timber look cladding provided to the façade of the ILU building is replicated together with soft landscaping surrounding the shed.	N
PROPOSED LEVEL 1 PLAN					
DA1102.1	Proposed Level 1 Plan	O	Wellness centre provided within the existing building.	As provided in Section 2.1 of the SEE.	N/A
BLOCK A ELEVATIONS					
DA2110.1	Block A Elevations	I	Building A Club façade amendments.	As provided in Section 2.2 of the SEE.	N/A
DA2110.1	Block A Elevations	I	Building A façade windows and balcony frames colour amendment.	As provided in Section 2.3 paragraph three of the SEE. Amended to ensure a more architecturally consistent finish between the façade windows and balcony frames for the ILUs.	Comparison Set – Building Elevations
DA2110.1	Block A Elevations	I	Building A – East Elevation introduction of windows to living rooms of Apartment A104 and A204.	To ensure architectural consistency, a window has been introduced to the living area of apartment A104 and A204 to align with other apartments in the development that provide two windows either side of the wall provided for a TV in the living room.	Comparison Set – Building Elevations
BLOCK B ELEVATIONS					
DA2111.1	Block B Elevations	G	Glazed highlight window removed as shown by each the East and West elevation.	Removed because of the removal of the gym, pool and amenities from Basement 1.	O
BLOCK C ELEVATIONS					

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number (Comparison Set)
DA2112.1	Block C Elevations	J	North Elevation – Club maintenance shed added underneath the awning to the northern alignment of Building C.	The Bowling Club require a maintenance shed that has direct access to the bowling greens for ongoing maintenance. This location underneath the awning to the northern alignment of Building C is hidden and not visually intrusive to the architecture of this building as the timber look cladding provided to the façade of the ILU building is replicated together with soft landscaping surrounding the shed.	P
DA2112.1	Block C Elevations	J	East Elevation - Roller shutter replaced with a basement entrance security gate.	Roller shutters cause acoustic disturbance to surrounding residents beyond the level that Mirvac would accept for their developments. This roller shutter has the risk of impacting the future ILU residents and surrounding residents on Henrietta Street.	Q
DA2112.1	Block C Elevations	J	South Elevation – Dark batten cladding is removed from the bathroom window of the apartment within and replaced with opaque glazing. Dark batten cladding added to façade to the internal lobby areas within.	Following discussions with the resident of the adjacent property to the south of Building C (38 Langlee Street) it was agreed to provide dark batten cladding to the façade where the typical lobby areas of Level 1 and Level 2 have a direct line of sight into his living areas to enable sufficient privacy to his living arrangements. To ensure consistency in the architecture the battens were subsequently removed from the adjacent bathroom of apartments C102 and C202 and replaced with opaque glazing to ensure privacy is maintained to the ILU residents.	R
BLOCK D ELEVATIONS					
DA2113.1	Block C Elevations	I	Roller shutter replaced with a basement entrance security gate.	Roller shutters cause acoustic disturbance to surrounding residents beyond the level that Mirvac would accept for their developments. This roller shutter has the risk of impacting the future ILU residents and surrounding residents on Henrietta Street.	S

2.4 Modifications to conditions

The proposed minor amendments 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 DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by Altis Architecture / Mirvac Design including the following:

Drawing No.	Drawing Name	Drawing Revision	Drawing (Plot) Date
DA11002	Existing and Demolition Plan / Elevation	A-B	18.06.19 30.04.21

DA1100.1	Proposed Basement 2 Plan	G H	16.12.20 30.04.21
DA1101.1	Proposed Basement 1 Plan	I K	16.12.20 30.04.21
DA1102.1	Proposed Ground Floor Plan	N Q	07.07.20 30.04.21
DA1103.1	Proposed Level 1 Plan	M O	07.07.20 30.04.21
DA2110.1	Block A Elevations	G I	30.06.20 30.04.21
DA2111.1	Block B Elevations	F G	30.06.20 30.04.21
DA2112.1	Block C Elevations	I J	19.03.21 21.05.21
DA2113.1	Block D Elevations	G-H	16.09.19 30.04.21
DA2114	Heritage Elevations	D F	16.09.19 30.04.21

[...]

149. HOURS OF OPERATION BOWLING CLUB – INDOOR

The indoor hours of operation of the bowling club premises are regulated as follows:

(a) The hours of operation must be restricted to between 7:00am to 10:00pm Mondays to Sundays.

(b) Notwithstanding (a) above, the indoor use may operate to 11.00pm Fridays and Saturdays for a trial period of one year from the date of issue of an Occupation Certificate.

(c) A further application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

150. HOURS OF OPERATION BOWLING CLUB – OUTDOORS

(a) The ~~outdoor~~ hours of operation of the bowling club premises terrace are restricted to between 7:00am and 9:00pm Mondays to Sundays **when the bifold doors are open**.

(b) The bowling club premises' terrace may continue to operate as consistent with the hours of operation detailed in Condition 149 when the bifold doors are fully closed.

~~(b)~~ (c) The outdoor hours of operation of the bowling club greens are restricted to between 9:00am and 8.00pm Mondays to Sundays.

[...]

3.0 Substantially the same development

Section 4.56 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 as that originally approved, in that:

- When considered in totality, the proposed minor design development amendments are inconsequential and improve the overall outcome and amenity of the project;

- The proposed minor amendments do not change any of the key parameters of the development, being that of Independent Living Units and bowling club use;
- The proposed relocation of the residents' wellness centre will improve amenity for future residents and reduce impacts to the adaptive re-use of the existing building;
- The proposed relocation of the residents' wellness centre will result in a net reduction in environmental impacts as a result of reducing the amount of excavation works required;
- The proposed design changes to the terrace area will improve its amenity for residents, especially during rain and cold weather, and enable more flexible operation;
- The proposed amendments will not introduce adverse environmental impacts, or substantially alter the environmental impact of the approved development; and
- The proposed amendments will not affect the development's consistency with SEPP 65 or SEPP Housing for Seniors or People with a Disability.

4.0 Planning assessment

Section 4.56 of the EP&A Act requires a consent authority to take into consideration such of 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 planning assessment of the proposed modified development remains generally unchanged with respect to the above matters.

4.1 Statutory and strategic context

The subject site has a long planning history, culminating in granting of development consent by the Land and Environment Court in September 2019. Through this journey, the original development was rigorously assessed against the relevant strategic plans, policies guidelines and statutory planning instruments, including:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 55 Remediation of Land
- SEPP 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with a Disability 2004)
- Waverley Local Environmental Plan 2012; and
- Waverley Development Control Plan 2012

The proposed minor amendments generally do not affect the development's consistency with any of the relevant planning instruments and strategic documents. Where required, this has been analysed in further detail below.

4.2 Waverley Local Environmental Plan 2012

The development's compliance with the key planning controls of the *Waverley Local Environmental Plan 2012* (WLEP 2012) remain generally unchanged, as demonstrated in **Table 3** below.

Table 3 Assessment against primary WLEP 2012 controls

Clause	Commentary
2.1 – Land use zoning	The proposed amendments do not alter the land use permissibility of the approved development.
4.3 – Height of building	The proposed amendments will not alter the height of any of the approved buildings.

Clause	Commentary
4.4 – Floor space ratio	This amendment does not result in an increase to the approved Gross Floor Area amount of 9,782sqm provided in condition 9 of the Development Consent.
5.10 – Heritage conservation	The proposed relocation of the residents' wellness centre to the ground floor of the existing building will not affect any of its heritage characteristics, or result in adverse heritage impacts. This is confirmed in the Heritage Impact Statement prepared by Weir Phillips Heritage at Appendix B , and further discussed in Section 4.3 below.

4.3 Heritage impact

A Heritage Impact Statement (HIS) of the proposed amendments has been prepared by Weir Phillips Heritage, and is appended to this report at **Appendix B**. As aforementioned, the building on the site is listed as a heritage item of local significance under the Waverley LEP 2012.

The HIS confirms that relocating the residents' wellness centre into the existing building will require fewer alterations to, and retains a greater portion of, the existing heritage fabric of the building, compared to its currently approved use as a kitchen and dining area. The extent of glazing proposed at the ground floor level is also reduced, which is more in keeping with the character of the original building.

Furthermore, the usage of the heritage building as a residents' wellness centre will make it a focal point for the residents on the site, thereby enabling greater appreciation and interpretation of the heritage item. The adaptive re-use of the building retains its large central double height space, which is the building's most significant internal characteristics.

Hence, the HIS concludes that the proposed works will have an overall positive impact on heritage and are supportable on heritage grounds.

4.4 Acoustic impact

An Acoustic Assessment has been prepared by E-LAB Consulting, and is appended to this report at **Attachment C**. The Assessment confirms that the proposed amendments sought by this modification will not result in adverse noise impacts. Specifically:

- The relocation of the wellness centre will have positive acoustic impacts, as it offers improved amenity to the Independent Living Units located above the currently approved location in the basement, reducing the risk of any possible complaints arising due to use of the centre.
- The amendments to the bowling club terrace and its associated changes to operational hours will not result in adverse acoustic impacts, given the implementation of acoustic treatments to the amended façade line (to include the terrace) as recommended within the Acoustic Assessment.

4.5 Structural adequacy

A Structural Statement has been prepared by Van der Meer, and is appended to this report at **Attachment D**. The Statement confirms that the proposed relocation of the wellness centre will not result in adverse structural impacts, including on the existing building, and that the structural design is in accordance with accepted engineering practice and standards, including the Building Code of Australia (BCA) and relevant Australian Standards.

4.6 Section J compliance

A Section J Statement has been prepared at Stantec and is appended to this report at **Attachment E**. The Statement confirms that the development, as proposed to be amended, continues to be compliant with the relevant requirements of Section J of the National Construction Code (NCC).

4.7 BASIX compliance

A BASIX Statement has been prepared at Stantec and is appended to this report at **Attachment F**. The Statement confirms that the development, as proposed to be amended, continues to be compliant with the relevant requirements of BASIX.

4.8 Reasons given for granting consent

Once a project is approved it is common practice to undertake further detailed design works, resulting in additional refinements and improvements to the originally approved built form. The amendments sought by this modification application are not inconsistent with the overarching aims and objectives of the approved development, as the development continues to establish the previous bowling club use of the development, whilst improving the ability to deliver a more efficient project with less impact on the land.

Furthermore, the residents' wellness centre and terrace area were not items of contention in the granting of the original consent. The proposed design changes are considered improvements and will provide a higher level of amenity for future residents and customers of the bowling club offering.

4.9 Site suitability and public interest

The proposed amendments are considered to improve the amenity of the approved development for both residents and site visitors, as well as reduce the project's environmental impacts. Specifically:

- The relocation of the residents' wellness centre from the basement up to ground level will improve the amenity, layout and ease of access of the facility, and reduce the extent of excavation required; and
- The amendments to the design of the approved terrace area will improve the amenity and operational flexibility of the space, especially during poor weather.

For the above reasons, the proposed amendments are considered to be suitable for the site and in the public interest.

5.0 Conclusion

This modification application seeks consent for further minor design changes to improve resident amenity and operational flexibility, through:

1. Relocation of the residents' wellness centre from basement level 1 (B1), beneath Building B to within the existing building;
2. Minor amendments to the bowling club and café ground floor facade to align with the internal fitout. The amendments include an extension of the façade line to the approved terrace area along the eastern side of the club to enable its operation as an enclosed space. Modification of the terrace's operating hours to be consistent with the remainder of the club is proposed to reflect this; and
3. Rationalisation and efficiency improvements to the design following input of specialist consultants and detailed design.

This application identifies the consent, describes the proposed minor modifications, and provides a planning assessment of the relevant matters for consideration contained in section 4.56 of the EP&A Act. In accordance with section 4.56 of the EP&A Act, Council may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposed amendments will not result in any adverse environmental impacts; and
- the proposed amendments are suitable for the site and in the public interest.

Therefore, the consent authority can be satisfied that there is sufficient justification to enable approval of the proposed section 4.56 modification to the Development Consent. We trust that this information is sufficient to enable assessment of the proposed modification request at your earliest convenience.

Yours sincerely,



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