

Statement of Environmental Effects

Proposed Development | **Modification of DA 521/2017 –Mixed Use Development**

Property Address | **4 Lake Street, Forster NSW 2428**

Property Description | **Lots 3, 4, 5 & 6 DP 1270306**

Property Owner | **Evermore Supported Living Communities Pty Ltd & Solaris Retail Pty Ltd**



25 August 2026

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1. Introduction

1.1. Executive Summary

This proposal seeks development consent to modify a development consent (DA521/2017) issued on the subject land, 4 Lake Street Forster. The approved development, known as Solaris and the Forster Civic Precinct, is a landmark development in Forster. The development is for a mixed- use development comprising civic facilities (library, tourist and community centres) as well as commercial and residential uses.

The proposed modification seeks to amend the following elements of the approval:

- i. Reconfiguration of floor plan to create 5 x Residential Units – Building C, Level 10
- ii. Minor reconfiguration of floor plans for Typical Unit 2G & 2I - Building C, Levels 5-9
- iii. Minor reconfiguration to residents dining – Building C, Level 3
- iv. Reconfiguration to residents communal external area – Building C, Level 3
- v. Minor increase of the lift overrun – Building C
- vi. Alterations to Staging for public road works

The modified development remains compliant with all State and Local planning provisions.

1.2. Background

Consent was granted for the construction of a mixed-use development on land at 4 Lake Street Forster on 20 September 2017 by the Hunter Central Coast Joint Regional Planning Panel. The approved development comprises four (4) high rise towers (Buildings A-D) encompassing commercial and residential use, as well as civic community facilities.

Construction was approved to occur in stages. Stage 1 (1A and 1B), comprising the community facilities, including the library, community gardens and spaces, Council administration office and basement car park, was completed and opened in December 2023. Stage 2 (2A and 2B), comprising the retail space, supermarket, remaining basement car park, residential tower, Level 1 and Level 2 car parking and pedestrian plaza, is currently under construction.

Since the approval granted in 2017, the consent has been modified several times with the latest modified consent issued on 19 December 2024. The modifications numbers and date are detailed below:

- DA-521/2017/A - Modified 18 April 2018
- DA-521/2017/B - Modified 26 June 2019

- DA-521/2017/C - Modified 22 November 2018
- DA-521/2017/D - Modified 18 December 2018
- DA-521/2017/E - Modified 11 April 2020
- MOD2021/0067 - Modified 31 March 2021
- MOD2021/0041 - Modified 19 May 2021
- MOD2021/0018 - Modified 2 August 2021
- MOD2023/0036 - Modified 10 May 2023
- MOD2022/0062 – Modified 3 October 2023
- MOD2024/0115 – Modified 26 November 2024
- MOD2024/2022 – Modified 19 December 2024

At the time of lodging this application, Modification MOD2026/0156 is currently under assessment by Council. Modification MOD2026/0156 seeks consent for a number of minor and predominantly superficial changes to the approved plans.

Stratum Plan DP1270306 contains the civic facilities and the residential units within Building A. The Residential units occupy their own strata lot within Lot 2 on Stratum Plan DP1270306. The Council portion being Lot 1 on DP1270306 does not form part of the site area to which this modification relates.

It's anticipated that the construction certificates for Stages 3 will be issued in mid 2027.

1.3. Scope of Report

This Statement of Environmental Effects has been prepared to accompany an application to modify an approved development (DA521/2017). This document provides information as required by the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assist in the assessment of the proposal and addresses matters that are required to be considered by the consent authority under the provisions of clause 4.15 of the EP&A Act.

The purpose of this statement is to address planning issues associated with the proposed development and specifically assess the likely impacts of the modified development on the environment in accordance with the requirements of the EP&A Act. This document is set out in three main sections: *Site Analysis, Modified Development and Planning Assessment*.

This report provides consideration of the modified proposal against current planning controls including *State Environmental Planning Policy (Housing) 2021*, the Great Lakes Local Environmental Plan 2014 and Great Lakes Development Control Plan 2014.

2. Site Analysis and Context

2.1. Site Details & Description

Property Address:	4 Lake Street, FORSTER NSW 2428
Land Description:	Lots 3, 4, 5 & 6 DP 1270306
Zoning:	E2 –Commercial Centre Zone
Site Area:	12,153m ²
Owner:	Evermore Supported Living Communities Pty Ltd & Solaris Retail Pty Ltd

The subject land (“the site”) comprises land described as Lots 3, 4, 5 & 6 DP 1270306. The site is located at 4 Lake Street, Forster and is situated on the southern edge of the Forster central business precinct.

The site comprises a large corner allotment which was previously the site of the former Forster Primary School. The site has three (3) street frontages and is bound by Lake Street along the site’s northern boundary, West Street along the site’s western boundary and Middle Street along the site’s southern boundary. Adjoining land along the site’s eastern boundary comprises established commercial offices (associated with the NSW Department of Education) and tourist developments having a 1-2 storey built form.

As depicted in Figure 3 below, the site is located on land zoned E2 Commercial Centre pursuant to the Great Lakes Local Environmental Plan 2014. The site is positioned at the interface of Forster’s long established high density residential (R4) and medium density residential (R3) zones.

The site is an irregular shaped lot and comprises a relatively level landform, having a site area of approximately 12,153.2m².

The site currently contains Building A, constructed as Stage 1 of the Solaris and the Forster Civic Precinct development, comprising an eight (8) storey residential tower which sits above the civic precinct, as depicted in Plate 1 below. This Civic Precinct comprises community facilities completed in 2025 including the Forster Library, community spaces, tourist centre, gardens and basement carpark. Construction has commenced on Stage 2a and 2b (Building B) predominately located in the northern portion of the site.

The site is not classified as being bushfire prone or flood prone land. Locality map and landuse zoning maps depicting the site is provided in Figures 1-3 below.

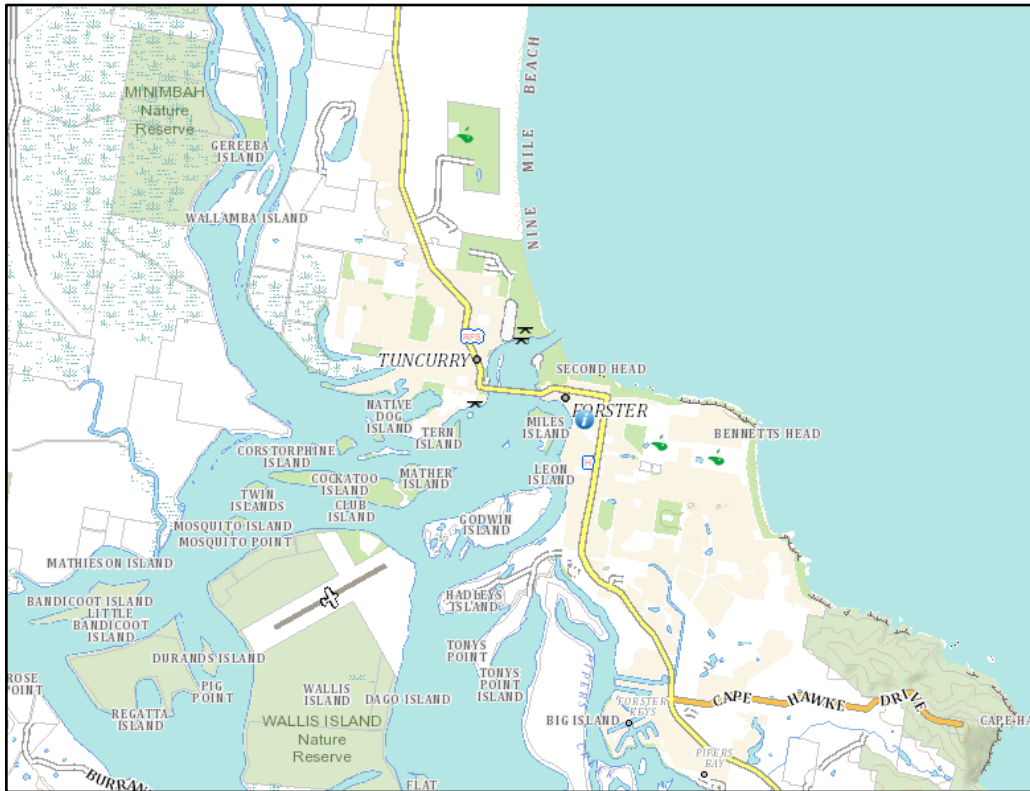


Figure 1 –Location of Site

[source: Google maps online]



Figure 2 –Site Locality Plan

[source: Midcoast Council online mapping]

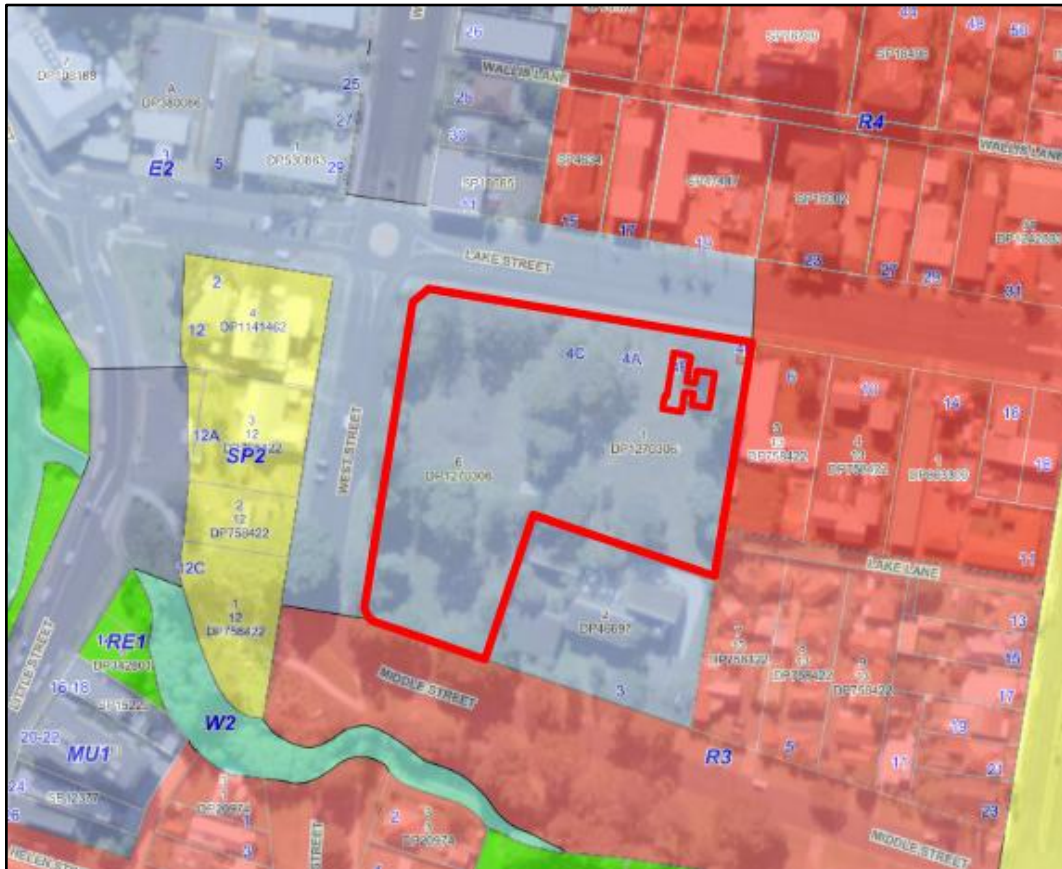


Figure 3 – Site Landuse Zoning Map

[source: Midcoast Council online mapping]

2.2. Site Context and Surrounding Area

Forster is a coastal town within the Midcoast Council Local Government Area, located approximately 30 minutes' drive south-east of Taree, the nearest regional centre.

The site is located at the southern end of the Forster central business district, on the corner of Lake, West and Middle Streets. The land is positioned at the edge of a mixed use and high-density residential areas at the interface with the medium density residential areas to the south.

As shown in Plates 2 & 3 below depict the partially constructed Building B, within stages 2A and 2B of the Solaris and the Forster Civic Precinct development.



Plate 1 –Stage 1a, 1b & 1c (Building A) completed (Northern Elevation)



Plate 2 –Existing Site Conditions - Stage 2 (Building B) under construction (Northern Elevation)



Plate 3 –Existing Site Conditions - Stage 2 (Building B) under construction (Western Elevation)

2.3. Site Connectivity and Access to Transport

The site is well placed in providing pedestrian connectivity to local services and facilities. The site is located within a 350m walking distance of Wharf Street and the Forster CBD which includes a post office, cafes, bottle shop and specialty shops.

The site is also located <100m walking distance from the Wallis Lake foreshore and bus stops associated with regular scheduled bus services (303 and 304) operating a loop service between Forster and Tuncurry. These bus services provide connection to local shops, schools, medical services and employment centres located in Forster and Tuncurry.

2.4. Hazards

2.4.1. Bushfire

The site is not classified as being bushfire prone land on maps held by the Council.

2.4.2. Flooding

The subject land is predominately not mapped as being flood prone pursuant to the Great Lakes LEP Flood Planning map. However, a small area in the extreme south-western part of the site is identified as being within the flood planning area as shown in Figure 4 below.



Figure 4 – Flood Planning Map [source: Midcoast Council online mapping]

2.5. Essential Services

Reticulated water, sewer and electricity services are available to the site. All services are provided from road frontages. Electrical and phone/internet cabling are located underground adjacent to all street frontages.

2.6. Easements and Restrictions on Title

The site is not burdened by any easements or restrictions to the user on the title of the lands pertaining to specific development activities imposed by the developer at the time of the subdivision.

2.7. Site Access

The site gains vehicle access directly from Lake Street, via a roundabout constructed as part of Stage 1. New vehicle access points to the site will be constructed off West and Middle Streets as part of Stage 2.

The approved development includes multiple pedestrian access points to all frontages.

2.8. Heritage

2.8.1. European Heritage

There are no items of European heritage listed as being present on the land or adjoining lands. The subject land is not located within a heritage conservation area.

2.8.2. Aboriginal Heritage

An AHIMS search for the site did not identify any Aboriginal sites or places on the land. The original assessment for the approved development acknowledged the subject land as being previously disturbed through past activities and identified as 'disturbed land' under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Several sites however have been previously identified on nearby lands, in close proximity to Pennington Creek and it was recognised that the area may have been utilised for Aboriginal occupation.

Previous cultural heritage investigations were undertaken by the Forster Local Aboriginal Land Council in 2006 in relation to an earlier proposal for the site. That proposal involved significant redevelopment of the land in a manner broadly similar to the approved development. The 2006 investigation recommended that excavation works in the south-western corner of the site be monitored.

3. Existing Consent for DA 521/2017

Development consent was granted on the 20 September 2017 for the construction of a mixed-use development by the Hunter Central Coast Joint Regional Planning Panel. The approved development is a landmark development in Forster, known as the Solaris and Forster Civic Precinct, comprising a mixed-use development which includes civic facilities (library, tourist and community centres) as well as commercial and residential uses.

The approved development comprises a multi storey development with four (4) distinct structures being constructed in stages. The built form established four (4) residential towers of similar heights located above commercial, retail and community facilities located on ground and first floor levels.

The various elements of the approved development within each stage are detailed below:

Stage 1a	Stage 1b	Stage 1c
Basement carpark and transfer slab	Library	53 apartments
	Visitor centre	3 penthouses
	Community centre	Lower common terrace for residents
	Community lounge	Stage 1 resident parking
	Council customer service centre	Lake Street road improvements
	Community plaza	
	Community gardens	
	Restaurant/café	
	Commercial floor space	
	Bike parking and end of trip facilities	
Stage 2a	Stage 2b	
Supermarket	Residents club	
Retail space	60 seniors living units	
Restaurant/Cafe		
Remainder of basement parking (77 spaces)		
Level 1 and 2 resident parking (247 spaces)		
Pedestrian plaza (West Street frontage)		
Service road access and driveways		
Stage 3	Stage 4	
43 seniors living units	39 seniors living units	

2 penthouses	Wellness Centre (pool, spa, sauna, treatment/Yoga rooms and change areas).	
Communal areas (dining room, theatre, bowling green, vegetable gardens, etc.)		

The consent has been modified several times since the determination of the approval in 2017, with the latest modified consent issued by Council on 24 November 2024.

Stages 1a, 1b and 1c have been completed and are currently occupied (other than the restaurant/café and first floor commercial space with tenants expected to commence leases in late 2026).

The site has been stratum subdivided (DP1270306) in accordance with the consent with six (6) lots created. Lot 3, 4, 5 & 6 contains the residue areas of the site which will contain all remaining stages (2-4).

4. The Proposed Modification

The proposed modification seeks to effect minor changes to the approved plans associated with the development consent issued for DA521/2017.

The proposed modification makes minor changes to the approved design plans which will have minimal environmental impact. The proposed changes are predominantly internal and will have a minor impact on the external appearance of the development.

Architectural plans for the proposed modified development, prepared by TVS Architects, are provided in **Appendix A**. The proposed modification includes the following changes to the approved plans:

- i. Reconfiguration of floor plan to create 5 x Residential Units – Building C, Level 10
- ii. Minor reconfiguration of floor plans for Typical Unit 2G & 2I - Building C, Levels 5-9
- iii. Minor reconfiguration to residents dining – Building C, Level 3
- iv. Reconfiguration to residents communal external area – Building C, Level 3
- v. Minor increase of the lift overrun – Building C
- vi. Alterations to Staging for public road works

Each element of the proposed modification has been delineated on the modified plans in **Appendix A** and described in detail below:

i. **Reconfiguration of floor plan to create 5 x Residential Units – Building C, Level 10**

The approved development comprises two (2) penthouse units on Level 10 of Building C, including a private rooftop terrace associated with each unit. The proposed modification seeks to reconfigure the floor plan to replace the two (2) units with five (5) seniors living units. The proposed modified plans also remove the roof top terrace areas and amend the roof design of Building C.

Figures 3 and 4 below depict the existing approved floor plan and proposed modified floor plan for Level 10. The existing approved western elevation and proposed western elevation in Figures 5 and 6 below illustrate the variation to Building C's roof design.

As depicted in *Plan no. 5490.33 (9)- Level 10 Floor Plan, prepared by TVS Architects in Appendix A*, the proposed modification predominantly retains the same shape as the existing approved floor plate. The modified plans replicate the floor plates of Levels 4-9, with the exception of the removal of the south-western balcony (Unit C1003) and the north-western balcony (Unit C1001).

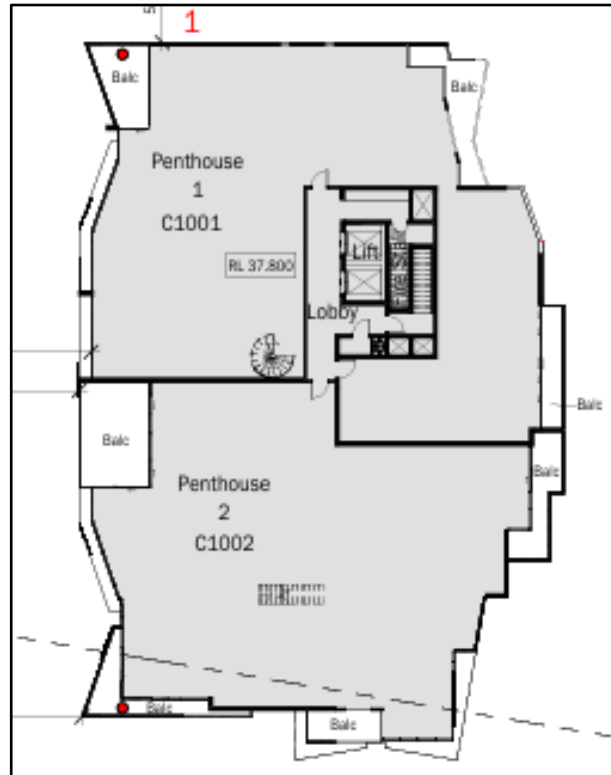


Figure 5 – Approved Floor Plan, Level 10 Building C

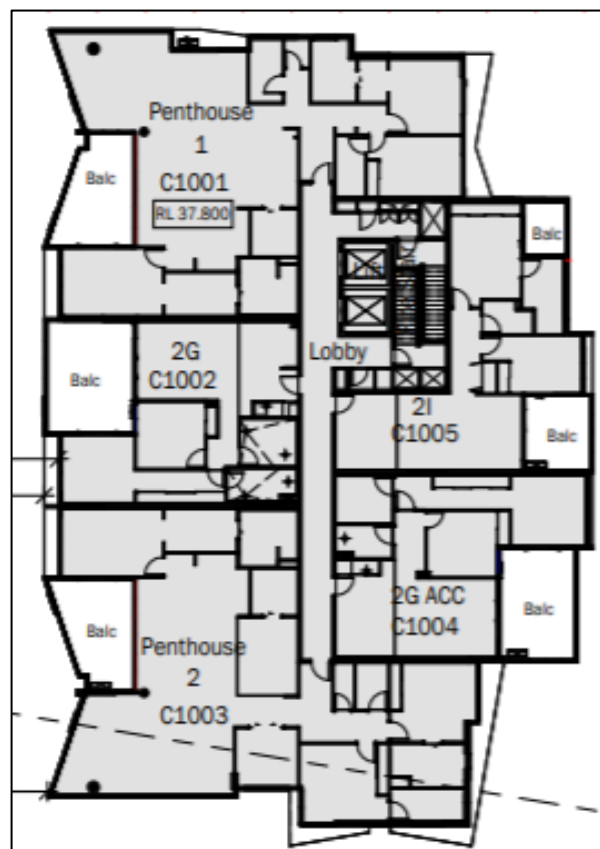


Figure 6 – Proposed Floor Plan, Level 10 Building C



Figure 7 – Approved West Elevation -West Street, Building C (DA571/2017)



Figure 8– Proposed Modified West Elevation – West Street Building C

The external modified design elements for Level 10 and the roof of Building C will visually compliment the adjacent building facades and utilises external materials consistent with development. The modification continues the balconies and glazing of the floor levels below. Overall, the modifications will not adversely impact the visual characteristics of the building.

The modified floor plan will decrease the floor area of level 10 by 23.9m².

ii. Minor reconfiguration of floor plans for Typical Unit 2G and 2I – Building C, Levels 5-9

Typical Units 2G and 2I are located on the eastern elevation of Building C, Levels 5-9 and comprises a 2-bedroom seniors living residential apartment. As depicted in *Plan no. 5490.40 (9) – Typical Units Plan Stages 2,3 &4, prepared by TVS Architects* in **Appendix A**, the proposed modification seeks minor changes to the approved floor plan for Typical unit 2G and 2I. The modified floor plans seek to ensure these units comply with accessible design requirements where these units are included in Building C, Stage 3.

Figures 9 below depicts the proposed modified floor plan of Typical Units 2G for accessible units Building C, Stage 3. Figures 10 and 11 below depict the existing approved floor plans and proposed modified floor plans of Typical Units 2I. The most notable changes to the floors plan are the change to the balcony areas to remove the splay and provide better circulation space. The bedrooms, bathroom and ensuite of Typical Unit 2I have also been reconfigured to provide better use of space.

This modification will affect ten (10) units in total, being Unit C506, C507, C606, C607, C706, C707, C806, C807, C906, C907 & proposed units C1004 & C1005.

The modifications to both floor plans are predominantly internal and do not significantly alter the external appearance of the building. The proposed modified floor plan retains the same floor area for both internal floor space and balcony as the originally approved design for Typical Unit 2I. A small increase of 3.3m² of internal floor area will occur for Typical Unit 2G. This modification will result in minimal environmental impact and no adverse impacts to the visual characteristic of the approved development.

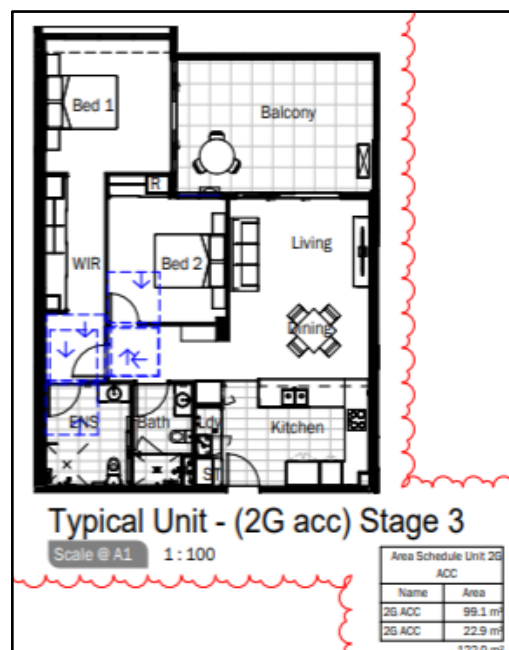


Figure 9 – Proposed Floor Plan - Typical Unit 2G Accessible

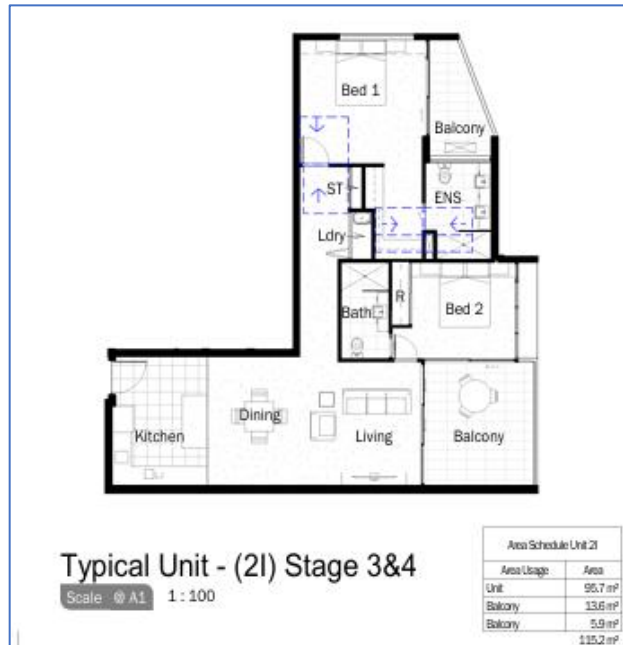


Figure 10 – Approved Floor Plan (DA571/2017) Typical Unit 2I

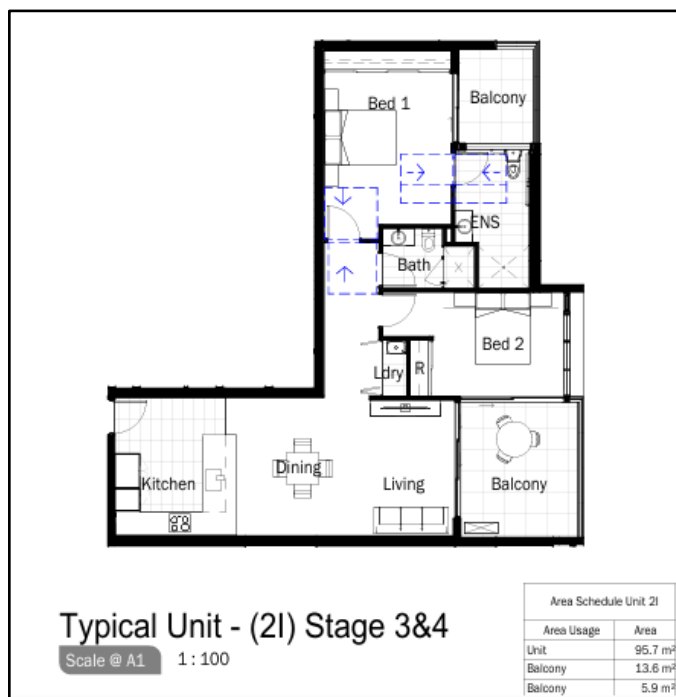


Figure 11 – Proposed Modified Floor Plan - Typical Unit 2I

iii. Minor reconfiguration to residents dining room – Building C, Level 3

The approved development includes a residents dining on Level 3 in Building C. As depicted in *Plan no. 5490.27 (13) – Level 3, prepared by TVS Architects* in **Appendix A**, the proposed modification seeks to enclose part of the terrace associated with the residents dining room. Figures 12 and 13 below demonstrate the approved plan and proposed minor changes to the residents dining room.

Given the development is intended to support an older demographic, residents typically make limited use of outdoor communal areas, with enclosed communal spaces being preferred. Enclosing the verandah will provide better use of the space whilst retaining a consistent visual appearance to adjacent areas of the development.

The modified design will include a small extension to the roof over the new enclosed area and will retain the planter box along the edge of the verandah. The modified floor plan will increase the floor area of the residential dining area and overall gross floor area of the development by 34m². The proposed modifications will not adversely affect the visual characterises of the building's façade of this part of the building.

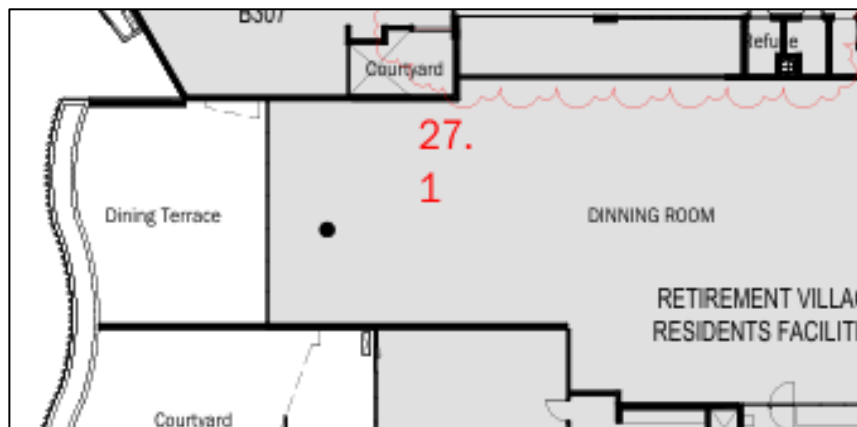


Figure 12 – Approved Floor Plan (DA571/2017) – Dining Terrace, western side Level 3

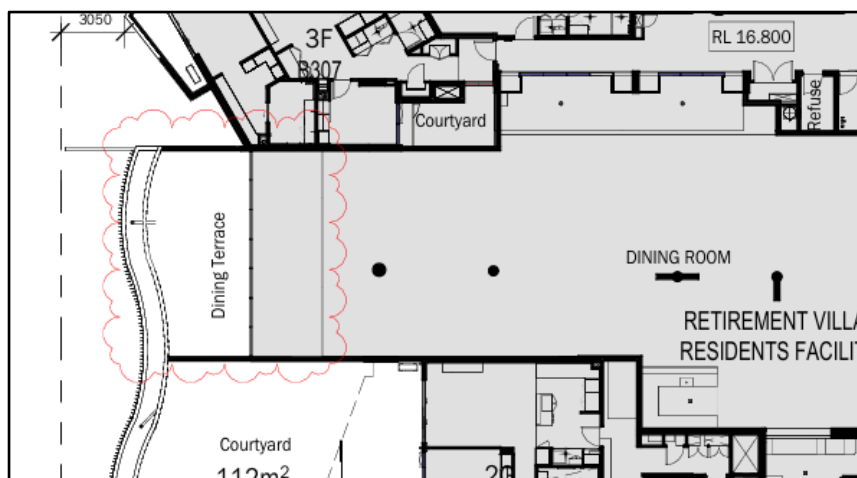


Figure 13 – Proposed Floor Plan, Dining Terrace, western side Level 3

iv. Reconfiguration to Residents communal external area – Level 3 between Buildings C & D

The approved development includes a courtyard space on Level 3 on the western side of the development between Buildings C and D. As depicted in *Plan no. 5490.27 (13)- Level 3 Floor Plan, prepared by TVS Architects* in **Appendix A**, the proposed modification seeks to formalise and delineate this area to create a communal external space for residents to enjoy. Figures 14 and 15 below demonstrate the approved plan and proposed changes to the communal external area between Buildings C & D on Level 3.

The proposed modification to this area includes a roof over part of the area with new access doors opening onto the space from a communal corridor. The modified floor plan will include a new glass balustrade feature along the edge of the terrace allowing for casual surveillance and interaction by residents with the street below.

As a result of the proposed changes to create this communal area, the adjacent courtyards and planter boxes associated with Typical Units 3H will require configuration. Figure 16 below demonstrates the approved plan and proposed changes to the Typical Units 3H adjacent to the communal external area on Level 3. The modified plans will result in a minor decrease in private courtyard space for Unit 3H of 38m².

The proposed modifications to this space will not increase the internal floor area of the building and will not adversely affect the visual characterises of the building's façade of this part of the building.

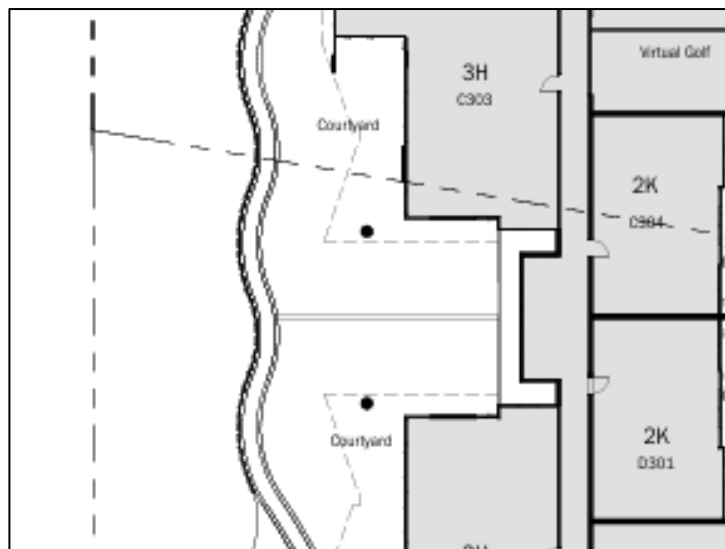


Figure 14 – Approved Floor Plan (DA571/2017) - Communal Space, western side Level 3

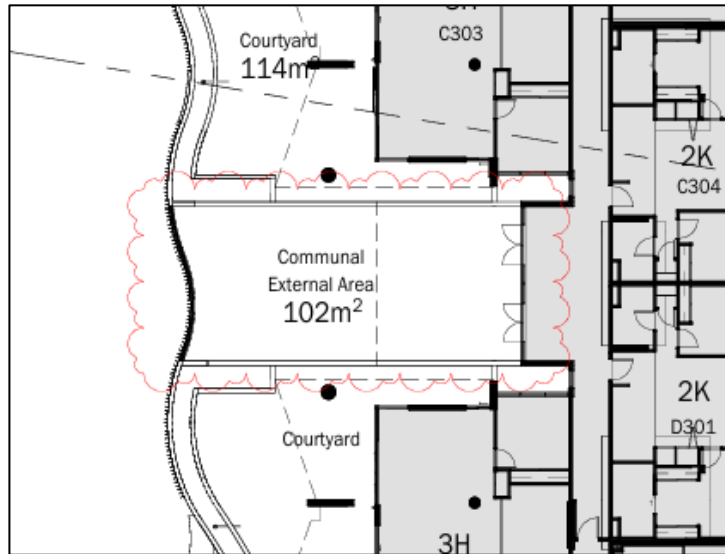


Figure 15 – Proposed Floor Plan, Communal External Space, western side Level 3

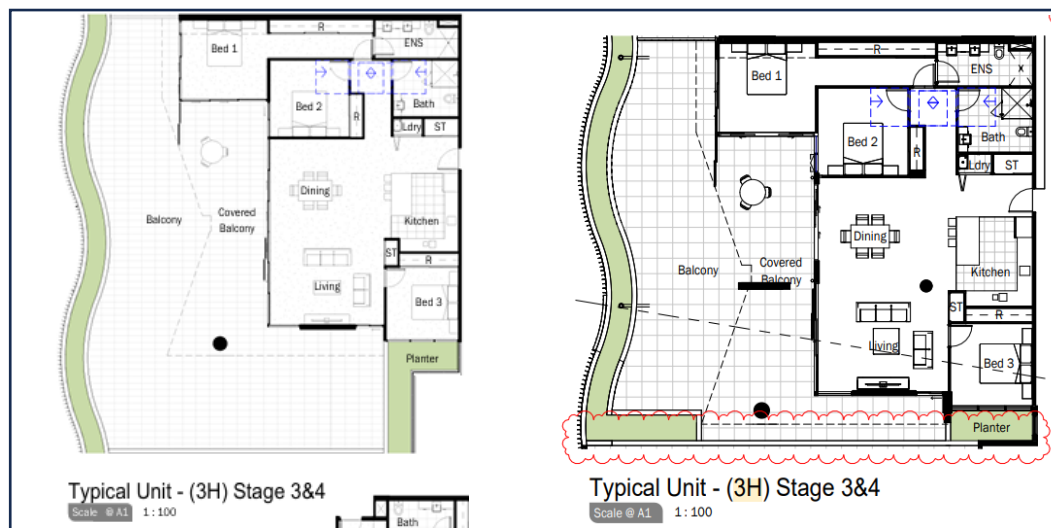


Figure 16 – Approved and Proposed Floor Plan Typical Unit 3H Level 3

v. Minor increase of lift overrun – Building C

Recent changes to the *Design and Building Practitioners Regulation* and National Construction Code (NCC) were introduced in 2025 to establish new design requirements for structural clearances and safety devices for lift shafts. The changes were introduced to improved safety during trapping scenarios with emphasis on protecting maintenance technicians from crushing hazards at the top of the shaft. As a result, the approved lift overrun associated with Building C of the approved development requires alteration to accommodate the increased clearance heights.

As shown in Section A, *Plan no. 5490.60 (7) - Site Sections, prepared by TVS Architects* in **Appendix A**, the completed height of the lift overrun associated with Building C will be increased by 1.0m, from RL 41.8m to RL 42.8m.

No changes are made to any other lift shafts associated with the development.

vi. Alterations to Staging for public road works

The proposed modification seeks to modify the timing for the completion of Stage 3 civil works. Due to delays in construction and potential damage to new works caused by ongoing construction works associated with Stage 3, the proposal seeks to alter the timing of completion of civil works associated with Stage 3.

The current approval includes civil works to be undertaken within the adjoining public roads of Lake Street, West Street and Middle Street. The works are to be undertaken in five (5) stages, as per the stages set out in Condition 45 of the consent.

All works associated with Stage 1 have been completed and a Public Engineering Works Permit (PEWP) has been issued for Stage 2 works. Stage 2 civil works will be completed prior to the occupation of Stage 2, Building B, which is currently under construction.

Pursuant to Condition 45 the Stage 3 civil works have been divided into two (2) groups, 'Prior to issue of CC for Stage 3' and 'Prior to issue of OC for Stage 3'. The current timing of the Stage 3 civil fails to recognise the nature and scheduling of these works relative to the additional construction works required for Building C within Stage 3. Heavy vehicles such as concrete trucks and pumps, and other trucks delivering materials, will utilise the public road for unloading and other activities. The current staging will result in likely risk of damage to newly completed civil works caused by ongoing construction of Building C.

Subsequently the proposed modification seeks to delay the full completion of all Stage 3 civil works until the completion of Stage 3. It is proposed that condition 45 be amended to reallocate all of the Stage 3 civil works into one group that are to be completed Prior to the issue of Occupation Certificate for Stage 3.

The PEWP assessment for stages 1 and 2 by Council encountered a 9 month delay, severely impacting the commencement of construction and delaying works. Consequently, the project incurred avoidable economic losses due to holding costs and faced significant challenges in retaining construction contractors.

To ensure that the issue of the PEWP for stages 3 and 4 do not cause construction delays it is requested that Condition 16 be amended to allow an exclusion of a construction certificate to be issued for structural and fitout works for stages 3 and 3, allowing these

stages to commence. The intent of Condition 16 is to ensure ground works design plans associated with the development are compliant with adjacent public infrastructure requirements. As the ground works within the boundary have already been completed with previous stages 1 and 2 in accordance with the current PEWP approvals, this condition is not essential for stages 3 and 4.

Commencement of structural and fitout works for Level 3 to the roof top of Building C and D, comprising concrete foundations for each level, will have no effect on the PEWP. Subsequently a separate construction certificate can be issued for these works, prior to the construction certificate for the remainder of the works within stages 3 and 4.

4.1. Plan Changes

The following tables provide a detailed description of changes on relevant sheets of the modified plans of the proposal compared to the plans listed in the consent. Each change is referenced to the proposed modifications where applicable.

Cover Sheet – Plan no. 5490.01

Reference	Approved Plan	Modification	Comment
	Drawing List	Drawing List has been updated to reflect modified set	Alteration to reflect modified plans

Design Intent –Plan no. 5490.08

Reference	Approved Plan	Modification	Comment
i	Design Intent	Change to the wording to clarify the number of units proposed given changes to Level 10.	Change as a result of modified floor plan of level 10 from 2 penthouse units to 5 units.

Development Statistics –Plan no. 5490.09

Reference	Approved Plan	Modification	Comment
i	Stage 2B & Stage 3 areas and number of units for the approved development	Minor increase in floor area of 2 Bedroom Units and 3 additions of 2 Bedroom Units Level 10 in Stage 3.	Legacy issue for Stage 2B statistics from previous modification. Changes to Stage 3 statistics as a result of modified floor plan of

			level 10 from 2 penthouse units to 5 units.
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Communal Open Space – 5490.16

Reference	Approved Plan	Modification	Comment
iii & iv	Plan designates public domain space and communal spaces for residents.	Minor changes to floor plan for residents dining area and communal outdoor area on Level 3 as per modified proposal	Change as a result of the proposed modification to communal areas

Staging Plan – 5490.18

Reference	Approved Plan	Modification	Comment
i, ii, iii & iv	Provides staging detail over approved floor plans	Floor Plan updated with modified floor plans shown	Change to plans to be consistent with proposed modification

GFA Plan – 5490.19

Reference	Approved Plan	Modification	Comment
i, ii, iii & iv	Provides detail of areas contributing to GFA over floor plans	Floor Plans updated with modified floor plans shown and GFA areas for each level updated	Change to plans to be consistent with proposed modifications.

Site Plan – 5490.21

Reference	Approved Plan	Modification	Comment
i, ii, iii & iv	Provides detail of building configurations and setbacks relative to boundaries	Change to roof elements and configuration of Building C	Change to plans to be consistent with proposed modification

Level 3 – 5490.27

Reference	Approved Plan	Modification	Comment
iii & iv	Plans show existing layout of residents dining area and communal outdoor area on western side of Building C	Minor changes proposed to external extend residents dining area and create formal communal external courtyard.	Changes to plans to be consistent with proposed modification

Level 4 – 5490.28

Reference	Approved Plan	Modification	Comment
iii & iv	Plans show existing roof over residents dining area and unroofed communal outdoor area on western side of Building C	Minor changes to extend roof associated with residents dining area and new roof to communal external courtyard.	Changes to plans to be consistent with proposed modification

Level 5 – 5490.29

Reference	Approved Plan	Modification	Comment
ii	Plans show existing floor layout of Building C and Units 2I and 2G on the eastern side of the building	Minor changes to eastern balconies and floor plan of Units 2I and 2G	Changes to plans to be consistent with proposed modification

Level 6 – 5490.30

Reference	Approved Plan	Modification	Comment
ii	Plans show existing floor layout of Building C and Units 2I and 2G on the eastern side of the building	Minor changes to eastern balconies and floor plan of Units 2I and 2G	Changes to plans to be consistent with proposed modification

Level 7 – 5490.31

Reference	Approved Plan	Modification	Comment
ii	Plans show existing floor layout of Building C and Units 2I and 2G on the eastern side of the building	Minor changes to eastern balconies and floor plan of Units 2I and 2G	Changes to plans to be consistent with proposed modification

Level 8– 5490.32

Reference	Approved Plan	Modification	Comment
ii	Plans show existing floor layout of Building C and Units 2I and 2G on the eastern side of the building	Minor changes to eastern balconies and floor plan of Units 2I and 2G	Changes to plans to be consistent with proposed modification

Level 9 – 5490.32a

Reference	Approved Plan	Modification	Comment
ii	Plans show existing floor layout of Building C and Units	Minor changes to eastern balconies and floor plan of Units 2I and 2G	Changes to plans to be consistent with

	2I and 2G on the eastern side of the building		proposed modification
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Level 10 – 5490.33

Reference	Approved Plan	Modification	Comment
i,	Plans show existing floor layout of Building C comprising 2 x Penthouse Units	Changes to reconfigure floor plan to create 5 units with minor changes to external elements	Changes to plans to be consistent with proposed modification

Roof Plan – 5490.34

Reference	Approved Plan	Modification	Comment
i & v	Plans show approved roof plans for Buildings A, B C & D	Changes to roof plan for Building C to remove private rooftop terrace and lift overrun.	Changes to plans to be consistent with proposed modification

Typical Unit Plans Stage 2, 3 & 4 - 5490.40

Reference	Approved Plan	Modification	Comment
ii	Plans show typical floor plans for units	New Typical Units 2G (accessible) and minor changes Typical Units 2I & 3H	Changes to plans to be consistent with proposed modification

Penthouse Unit Plan – C1001 - 5490.46

Reference	Approved Plan	Modification	Comment
i	Plans show typical floor plans for units C1001	New Unit floor plan for level 10 floor plan.	Changes to plans to be consistent with proposed modification

Penthouse Unit Plan – C1002 - 5490.47

Reference	Approved Plan	Modification	Comment
i	Plans show typical floor plans for units C1002	New Unit floor plan for level 10 floor plan.	Changes to plans to be consistent with proposed modification

Elevations 5490.51

Reference	Approved Plan	Modification	Comment
i, iii, iv & v	Plans show approved western elevations	Changes to Level 10 and roof design and lift overrun of Building C, and roof area on level 3, between building C and D associated with communal external area, and residents dining area.	Changes to plans to be consistent with proposed modification

Elevations 5490.52

Reference	Approved Plan	Modification	Comment
i & v	Plans show approved eastern sectional elevations of Buildings A, B, C & D	Changes to Level 10, roof design and lift overrun of Building C	Changes to plans to be consistent with proposed modification

Elevations 5490.53

Reference	Approved Plan	Modification	Comment
I & v	Plans show approved southern sectional elevations of Buildings A, B, C & D	Changes to Level 10, roof design and lift of Building C	Changes to plans to be consistent with proposed modification

Site Sections 5490.60

Reference	Approved Plan	Modification	Comment
i & v	Plans show approved Sections A and B for Buildings A, B, C & D	Changes to Level 10, roof design and lift overrun of Building C	Changes to plans to be consistent with proposed modification

4.2. Modification to Conditions Changes

The proposed modification seeks changes to the approved plans, thus seeking to amend Condition 1 of the consent DA521/2017 as above reference the modified plans.

To facilitate the changes to the staging of the construction of the civil works for Stage 3 it is requested that Condition 45 be modified. The modified condition would require all civil works to be completed as part of Stage 3 and prior to the issued of Occupation Certificate for Stage 3:

DA Condition 45 to be amended ad follows:

For Stage 3 (Prior to the issue of an Occupation Certificate)

- *Redesign the roundabout at the intersection of West and Lake Streets including profile/mill the existing to have a minimum 50mm thick AC10 resheet.*
- *Profiling/milling of road pavement (where required) and full width 30mm asphaltic concrete road carriageway re-sheet and tack seal along the full site frontage in Lake Street starting from the existing roundabout at the intersection of Lake and West Streets up to and including the new roundabout that will services the Lake Street driveway/entrance.*
- *Construction of kerb returns at the intersection of Lake and West Streets.*
- *Landscaping that includes/provides a minimum 1.2m wide footpath within Lake Street and West Street.*
- *Street stormwater drainage pipeline if required.*
- *Street lights for the Lake and West Street roundabout.*
- *Bus shelter and associated works including bus zone signage, paving and tactile marking in accordance with Commonwealth Disability Standards for Accessible Public Transport.*

- *Undergrounding of electricity along the southern side of Lake Street from the western side of West Street to the power pole outside 6 Lake Street.*
- *Reconstruct the kerb and gutter in West Street.*
- *Kerb blister for the Norfolk Island Pine tree in West Street.*
- *Stormwater drainage and treatment facilities in West Street.*
- *All required street signage including:*
 - o *A vehicle space for a person with a disability in West Street and Lake Street.*
 - o *3 timed vehicle spaces in West Street.*
- *Adjust the roundabout and any associated stormwater drainage in Lake / West Street intersection including profiling/milling of road pavement (where required) and re-sheet.*
- *Milling of road pavement (where required) in West and Middle Streets.*
- *Full width 30mm asphaltic concrete road carriageway re-sheet including profiling/milling of road pavement (where required) along the full site frontages in West and Middle Streets.*
- *Raised threshold including upgrading street lighting.*
- *Underground of electricity in West Street from the north side of Lake Street to Short Street.*
- *Dedication of corner splay (3m x 3m) at the intersection of West / Middle Streets.*
- *Stormwater drainage and treatment facilities in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Reconstruct the Kerb and gutter in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Milling of road pavement (where required) in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Full width 30mm asphaltic concrete road carriageway re-sheet including profiling/milling of road pavement (where required) along the full site*

frontage in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.

- *Stormwater drainage and treatment facilities in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Reconstruct the Kerb and gutter in West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Landscaping that includes/provides a minimum 2.5m wide footpath/cycleway within West Street from the northern side of the commercial driveway entrance into the development to the intersect of West and Middle Streets.*
- *Underground of electricity in West Street from the north side of Lake Street to Short Street.*
- *All line marking.*

To enable to a construction certificate to be issued for the structural works associated with Stages 3 and 4, it is requested that Condition 16 be modified as follows:

16. Works within the Road Reserve

An application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for works within the road reserve, prior to the issue of a Construction Certificate for the relevant stages.

A construction certificate to excavate and construct basement level, and structural and fitout works associated with Stages 3 and 4 (Buildings C and D) for level 3 to roof level, may be issued prior to this condition being fulfilled. No construction certificate for ground level slab may be issued until this condition is met.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

4.3. Development Statistics

The following table compares key statistics of the approved development and the proposed modification.

Relevant Statistic	Original Consent	Approved Development	Proposed Modification
Site Area	12,153m ²	12,153m ²	12,153m ²
Gross Floor Area	36,541m ²	32,475m ²	32,228m²
FSR	3.01:1	2.67:1	2.652:1
Landscape Area	21%	23%	23%
Deep Soil Areas	5%	9%	9%
Unit Numbers	245	200	203
Basement Parking Spaces	294	265	265
Podium Residential Parking Spaces	219	253	253
Max Building Height RL	Building A – 31.2m AHD Building B – 41.8m AHD Building C – 41.8m AHD Building D – 31.6m AHD	Building A – 34.4m AHD Building B – 41.8m AHD Building C – 41.8m AHD Building D – 32.1m AHD	Building A – 34.4m AHD Building B – 42.8m AHD Building C – 42.8m AHD Building D – 32.1m AHD
Maximum Building Heights above existing ground level	Building A – 25.9m Building B – 36.2m Building C – 36.0m Building D – 26.0 - 28.0m	Building A – 29.1m Building B – 36.2m Building C – 36.0m Building D – 26.0 - 29.1m	Building A – 29.1m Building B – 37.2m Building C – 37.2m Building D – 26.0 - 29.1m

5. Planning Controls & Environmental Assessment

5.1. Section 4.55 Environmental Planning & Assessment Act 1979

The proposed modification has been lodged under the provisions of Section 4.55 of the EP&A Act. There are issues in this statute which need to be addressed.

There are three (3) kinds of modifications identified under the statute as follows:

- Section 4.55(1) – Minor modification involving a minor error, misdescription or miscalculation.
- Section 4.55(1A) – Modification involving minimal environmental impact.
- Section 4.55(2) – Other modifications.

The proposed modification has been lodged under the provisions of Section 4.55(1A) – *Involving Minimal Environmental Impact*. The proposed modification relates to minor changes to the approved plans and does not involve significant changes which would substantially alter the environmental impacts of the development.

The proposed modified development will remain substantially the same as that which was originally approved by Council and can be modified under the provisions of clause 4.55 (1A).

Section 4.55 (3) provides that Council shall have regard to the matters for consideration under Section 4.15(1).

Relevant to the matters for consideration, the proposed modification does not significantly alter the approved uses, building envelope, activity levels of the site and, as demonstrated below, does not alter compliance with planning instruments applying to the site.

5.2. Justification for modification to condition

Substantially the same development

The proposed modification is consistent with the intent of the original proposal approved by the Council. The proposed modifications include minor internal alterations to reconfigure floor plans, as well as minor external changes to balconies, and glazing associated with Level 10 of Building C. The proposal seeks changes to the roof design of Building C which complements the architectural design styling of adjacent residential towers.

It is considered that the proposed modifications to the building's design are substantially the same development to that which was approved. The proposed modification will have minimal environmental impact and can be considered pursuant to clause 4.55(1A) of the EP&A Act.

5.3. State Environmental Planning Policies

5.3.1. State Environmental Planning Policy (Housing) 2021

Chapter 4 of *State Environmental Planning Policy (Housing) 2021* commenced on 14 December 2023 following the consolidation of *SEPP 65 (Design Quality of Apartment development)* in the Housing SEPP and *Environmental Planning & Assessment Regulation 2021*. Chapter 4 of the SEPP and the Apartment Design Guide apply to all residential flat buildings.

The proposed modification comprised several minor internal and external changes to the approved building design. The modified plans ensure compliance with the provisions pursuant to Chapter 4 and the ADG. A revised ADG Assessment has been prepared with consideration of the changes to units on Level 10 of Building C and is provided in **Appendix B**.

5.3.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapters 2 of *The State Environmental Planning Policy (Resilience and Hazards) 2021* is applicable to the proposed development.

5.3.2.1. Chapter 2 Coastal Management

The site is identified as being located within a "coastal use area" and "coastal environment area" under the SEPP, as shown in Figure 17 below:

The modified proposal is consistent with the provisions contained within Chapter 2 Coastal Management of the SEPP. The proposed development maintains sufficient separation distance from nearby water bodies. The proposed modified development is for mixed use comprising commercial, residential and civic community use. The modified development will not result in any new concerns which have not previously been considered during the assessment of the original application or subsequent modification.

5.3.3. State Environmental Planning Policy (Sustainable Buildings) 2022

Ref. SP20/A/2025 | SWIFT PLANNING | ABN 172 060 762 29 | Contact: 0493 115 995 | peta@swiftplanning.com.au
Statement of Environmental Effects

5.4. Local Environmental Plan

5.4.1. Great Lakes Local Environmental Plan (LEP) 2014

The site is zoned E2 Commercial Centre Zone pursuant to the provisions of the Great Lakes Local Environmental Plan 2014 (LEP). The development will continue to demonstrate compatibility with the predominant land use in the surrounding area and is consistent with the relevant objectives of the E2 zone which include:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To enable a range of residential accommodation and tourist and visitor accommodation to be located above commercial uses*

Detailed consideration of the relevant provisions of the LEP is provided below:

Development standard	Comments
4.1 Minimum Subdivision Lot Size	N/A
4.3 Height of Buildings	Allowable maximum height: 36.3m with 10% additional height under former clause 4.3. Proposed: 37.2m VARIATION Requested See Appendix D - Clause 4.6 Variation to Development Standard <i>NB: The proposed plans depict a height exceedance associated with lift overrun of Building B and C. A minor variation to the height exceedance for Building B is sought via MOD 2026/156 currently under assessment by Council.</i>
4.4 Floor Space Ratio	Allowable: 3.33:1 (with 10% additional height under former clause 4.4)

	Proposed FSR: 2.65:1
4.6 Variation to Development Standards	The proposed development seeks a variation to the development standard for height of building. See Appendix D - Clause 4.6 Variation to Development Standard
5.21 Flooding	The subject land is predominately not mapped as being flood prone, with the flood planning area limited to a small area in the extreme south-western part of the site. The previous flood impact assessment remains unchanged by the proposed modification.
7.1 Acid sulfate soils	The site is mapped as containing class 4 potential Acid Sulfate Soils. The proposed modified development will not result in the exposure of acid soils.
7.2 Earthworks	Earthworks are required for foundations of the development, basement level, driveway construction and connection of services. Suitable mitigation measures will continue to be installed during construction to prevent the movement of soils off site. The proposed modified development will not alter the previous assessment for soil impacts or have a detrimental effect on drainage patterns.
7.5 Stormwater management	The approved development includes details to mitigate the impacts of stormwater created by the development which includes stormwater detention and bioretention systems. The modified development does not alter the previous outcomes of the approved stormwater design strategy.
7.21 Essential services	The site will remain capable of connecting to all essential services including reticulated sewer, electricity and water services. The proposed minor modification will effect no changes to connection of services.

5.5. Development Control Plan

5.5.1. Great Lakes Development Control Plan 2014

The Great Lakes Development Control Plan 2014 (DCP) makes detailed provisions which are applicable to the proposed development. The proposed modification seeks minor changes to the approved design plans which will have minimal environmental impact.

The modified plans do not alter the location, setbacks, uses or scale of the approved development. The proposed changes are predominantly internal, with only minor changes to external elements which will not impact on the visual characteristic of the development.

The modified development will not give rise to any new concerns or non-compliances with the DCP which have not previously been considered during the assessment of the original application or subsequent modifications.

The modified development is consistent with the objectives of the DCP and is compliant with all relevant provisions.

Detailed consideration of the modified development against the relevant provisions of the DCP is provided in **Appendix E**.

5.6. Guidelines and other policies

5.6.1. Crime Prevention

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications:

Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four (4) Crime Prevention through Environmental Design (CPTED) principles. The existing conditions of the consent required specific measures to mitigate crime related concerns. This includes access control to the basement car parking and pedestrian entry points, as well as surveillance in communal areas such as the ground floor lobby.

The proposed modified development will not alter previous measures imposed to achieve crime prevention within internal and external areas of the building. The modified development will continue to allow opportunities for surveillance of the street and does not create concealed passageways.

5.7. Impacts

5.7.1. Impacts on the Natural and Built Environment

The modified proposal involves the construction of a multi-storey building on land adjacent to the Forster CBD. The site is relatively unconstrained, and the approved development has been designed to comply with relevant state and local planning requirements.

The modifications to the development are located within the development site and comprise minor internal reconfigurations of floor plans and minor changes to external elements of the approved buildings. The proposed modified development will have minimal impact on the natural and built environment, and is unlikely to give rise to adverse social and economic impacts.

It's considered that the external appearance of the proposed modified development will remain substantially the same. The modified development will continue to complement the existing streetscapes and achieves the desired future character of the Forster township.

The proposed modified development is unlikely to have any adverse impacts on the existing streetscape and will be consistent with the desired future character of the locality.

5.7.2. Traffic and Parking Impacts

The modifications to the development do not give rise to any adverse impacts to the approved access and carparking arrangements. The proposed modification includes three (3) additional 2-bedroom units on Level 10, resulting in a nett increase in five (5) bedrooms. The proposed modification will result in an increase in parking demand of 2 parking spaces for Stage 3.

The existing approved parking current has a surplus of on site parking as a result of previous modifications reducing the overall demand for parking. A detailed analysis of the parking demand calculation is provided in **Appendix F**.

The proposed modification will not generate additional traffic movements not previous considered by the original proposal. The modified development will remain consistent with the requirements of Council's DCP and the consent conditions.

No changes are prosed to the access points to the development will occur as a result of the proposed modification.

5.7.3. Social and Economic Impacts

The development provides significant, high-quality civic precinct facilities, together with commercial and residential uses, to deliver a mixed-use precinct that benefits the broader community. The provision of commercial facilities within the central town area is also consistent with established economic strategies for Forster.

The proposed modification improves the minor changes to reconfigure floor plans associated communal area and several residential units in Building C. The proposed changes to the development will better support the objectives and intended use of the affected spaces and improve the amenity for future occupants.

Overall, the proposed modification is expected to enhance the social and economic benefits of the approved development.

6. Site Suitability & Public Interest

The site is considered suitable for the proposed modified development. The original and modified proposals support the ongoing development of the town centre and civic precinct in a manner consistent with Council's policies and strategic objectives.

The approved development will have access to all essential services and will not impact upon the environment or amenity of adjoining lands.

The proposed modified development remains consistent with the design and intent of the original approval, and with the objectives of all relevant legislative planning controls. The modified development is considered to be within the public interest.

7. Conclusion

Consent is sought for minor modifications to development consent DA521/2017, a mixed-use multi-storey development in Forster. The approved development, known as Solaris and the Forster Civic Precinct, is a landmark development comprising civic facilities (library, tourist and community centres) as well as commercial and residential uses.

The proposed modification seeks to amend the approved plans associated with the development. The modifications include minor internal alterations to reconfigure floor plans, as well as minor external changes Level 10, the roof design and lift overrun associated with Building C.

The modified development remains predominantly compliant with the Great Lakes LEP 2014. The proposed alterations to the lift overrun for Building C will result in a minor exceedance of the maximum building height standard under clause 4.3. Accordingly, a minor variation to the height standard is sought pursuant to clause 4.6 of the Great Lakes LEP.

The modified proposal does not substantially alter the previous assessment of the development against the objectives and provisions of the Great Lakes DCP 2014. The modified proposal remains compatible with the character of the local area and is unlikely to result in any adverse effects on adjoining lands.

As demonstrated by this document, the proposed modified development is unlikely to have any significant environmental impacts with regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Appendix A

Plans for Modified Development

See Attached

Appendix B**Apartment Design Guideline Assessment**

See Attached

Appendix C Basix Certificate
See Attached

Appendix D

Clause 4.6 Variation to Development Standard

See Attached

Appendix E**Great Lakes DCP 2014 Compliance Table**

See Attached

Appendix F

Off Street Parking Analysis

See Attached