

8 April 2021

2200799

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

ATTENTION: Mr McLeod,

**SECTION 4.56 MODIFICATION APPLICATION
DA-483/2018/D – 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 minor detailed design amendments that seek to resolve design inconsistencies in the approved design, together with improving design and amenity outcomes. In summary, the proposed minor detailed design amendments cover:

1. Rationalisation and efficiency improvements following input of specialist consultants and detailed design;
2. Internal planning amendments to the layout of 28 independent living units (ILUs) and associated building elevations to improve occupant amenity;
3. Adjustments of selected floor level RLs to Buildings A and B whilst maintaining the top of building RL (i.e. no height increases);
4. Increase to lift overrun on Building A as the approved design does not sufficiently accommodate a suitable lift for the building; and
5. Updates to the Operational Waste Management Plan (OWMP) for the site to resolve inconsistencies between the approved development and the approved OWMP.

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. This statement should be read in conjunction with the following appended documentation:

- Revised Architectural Plans prepared by Mirvac Design (**Attachment A**);
- Apartment Planning Comparison Set prepared by Mirvac Design (**Attachment B**);
- Accessibility Statement prepared by Morris Goding (**Attachment C**);
- Vertical Transport Letter prepared by JHA Consulting Engineers (**Attachment D**);
- Design Compliance Statement prepared by Mirvac Design (**Attachment E**);
- Architectural Intent Letter prepared by Altis Architecture (**Attachment F**);
- BASIX Certificate prepared by Stantec (**Attachment G**); and
- Operational Waste Management Plan prepared by Elephants Foot (**Attachment H**).

1.0 Background

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 improvements can be made to resolve design inconsistencies in the approved design, together with improving design and amenity outcomes. The proposed minor 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 improvements and efficiencies. When considered in totality, the proposed minor design development amendments are inconsequential and improve the overall outcome and amenity of the project.

Following consent to the project being granted, three 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 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 currently under assessment.
- **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 under assessment.

The nature and scope of the minor detailed design amendments the subject of this modification application will not preclude the determination of modifications DA-483/2018/B and DA-483/2018/C.

2.0 Proposed modifications to the consent

The proposed minor detailed design amendments comprise minor changes to the architectural set of drawings to resolve design inconsistencies in the approved design, together with improving design and amenity outcomes. Importantly, the proposed minor amendments do not affect the fundamentals of the approved consent.

The refinements are inconsequential and minor in nature. They are not considered to have any material effect on the bulk and scale of the approved development. The minor amendments do not increase the Gross Floor Area amount of 9,782sqm provided in condition 9 of the Development Consent.

In summary, consent is sought for the following:

1. Rationalisation and efficiency improvements following input of specialist consultants and detailed design;
2. Internal planning amendments to the layout of 28 independent living units (ILUs) and associated building elevations to improve occupant amenity;
3. Adjustments of selected floor level RLs to Buildings A and B whilst maintaining the top of building RL (i.e. no height increases);
4. Increase to lift overrun on Building A as the approved design does not sufficiently accommodate a suitable lift for the building; and
5. Updates to the Operational Waste Management Plan (OWMP) for the site to resolve inconsistencies between the approved development and the approved OWMP.

The proposed minor amendments are identified in the Revised Architectural Plans prepared by Mirvac Design at **Attachment A**. A summary of the proposed amendments as they pertain to the architectural set is provided in the following subsections.

2.1 Amendments to architectural elevations and plans

A number of minor and negligible amendments are proposed to the architectural plans and building elevations in order to remedy design inconsistencies in the approved documentation and 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, annotations and cloud numbers 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 1**.

Table 1 Schedule of proposed minor modifications to architectural plans

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
PROPOSED BASEMENT PLAN					
DA1101.1	Proposed Basement 1 Plan	J	<p>Sprinkler and hydrant pump rooms removed from the western alignment of the basement.</p> <p>The sprinkler tank room is now located adjacent to the Building C car spaces on Basement 1.</p> <p>Storage cages relocated.</p>	<p>The existing basement footprint has sufficient room for the required sprinkler tanks. The relocation of the sprinkler tanks enables a reduced basement footprint resulting in less intrusive excavation works on site.</p> <p>Following the relocation of fire sprinkler tank room, the conflicting storage cages require relocation to ensure that the ADG storage guidelines are met.</p>	17
DA1101.1	Proposed Basement 1 Plan	J	Club motorbike spaces relocated to be adjacent to the grease arrestor room on the western end of Basement 1.	Following the relocation of fire sprinkler tank room, the conflicting motorbike spaces were relocated closer to the club lobby. The previous location at the bottom of the Basement 1 was considered an inappropriate safety risk.	18
DA1101.1	Proposed Basement 1 Plan	J	Rainwater tank room provided adjacent to the pool plant on the southern end of Basement 1.	Following detailed design, it was found that the project requires the inclusion of a rainwater tank room.	19
DA1101.1	Proposed Basement 1 Plan	J	Relocation of the onsite stormwater detention (OSD) tank from the north eastern corner to the south eastern corner of Basement 1.	<p>As per condition 66 of the Development Consent the OSD tank was not approved.</p> <p>Following specialist consultant design advice, the OSD tank has been relocated with the revised design having been coordinated with the Council Public Domain team through a submission in accordance with condition 66 of the Development Consent.</p> <p>Following review of the preliminary OSD package with Council's Engineers, the package has been updated to satisfy the requirements of the Development Consent, Waverley Council's OSD Checklist and a detailed response register to the requirements outlined by Council in their email correspondence provided on the 16 February 2021 following the meeting with Mirvac on Thursday, 11 February 2021.</p>	14

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
DA1101.1	Proposed Basement 1 Plan	J	Building B lift/stair and garbage chute reconfigured.	Insufficient allowance previously made. Minor proposed amendment to allow adequate circulation space under the garbage chute in the garbage room provided to Basement 2.	11
PROPOSED GROUND LEVEL PLAN					
DA1102.1	Proposed Ground Level Plan	P	Substation relocated to be fronting Henrietta Street to the south western end of the site.	<p>Following coordination with Ausgrid, the preferred location for the additional substation is adjacent to the existing substation. The relocation was required by a location that is more suitable for Ausgrid's ongoing maintenance of the two substations.</p> <p>On 25 March 2021, Ausgrid has approved and certified the revised substation design. The project number for the approval is AN-21951 and the certification number for this design is 2138079/20210324.</p>	13
DA1102.1	Proposed Ground Level Plan	P	Booster assembly cupboard relocated & integrated with landscaping	Following a detailed review, the booster assembly cupboard has been relocated from its previous location on Henrietta Street to be integrated in the landscaping off Langlee Avenue as this enables easier access for the Fire Brigade and is considered a more appropriate outcome for the amenity of the project.	16
DA1102.1	Proposed Ground Level Plan	P	OSD tank relocated	<p>As per condition 66 of the Development Consent the OSD tank was not approved..</p> <p>Following specialist consultant design advice, the OSD tank has been relocated with the revised design having been coordinated with the Council Public Domain team through a submission in accordance with condition 66 of the Development Consent.</p> <p>Following review of the preliminary OSD package with Council's Engineers, the package has been updated to satisfy the requirements of the Development Consent, Waverley Council's OSD Checklist and a detailed response register to the requirements outlined by Council in their email correspondence provided on the 16 February 2021 following the meeting with Mirvac on Thursday, 11 February 2021.</p>	15
PROPOSED LEVEL 1 PLAN					
DA1103.1	Proposed Level 1 Plan	N	Building B lift/stair and garbage chute reconfigured.	Insufficient allowance previously made. Minor proposed amendment to allow adequate circulation space under the garbage chute in the garbage room provided to Basement 2.	11
PROPOSED LEVEL 2 PLAN					
DA1104.1	Proposed Level 2 Plan	M	Building B lift/stair and garbage chute reconfigured.	Insufficient allowance previously made. Minor proposed amendment to allow adequate circulation space under the garbage chute in the garbage room provided to Basement 2.	11

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
PROPOSED LEVEL 3 PLAN					
DA1105.1	Proposed Level 3	M	Building B lift/stair and garbage chute reconfigured.	Insufficient allowance previously made. Minor proposed amendment to allow adequate circulation space under the garbage chute in the garbage room provided to Basement 2.	11
PROPOSED LEVEL 4 PLAN					
DA1106.1	Proposed Level 4 Plan	M	Glazed sliding door removed	<p>In relation to A404 and A504, an inconsistency between the DA approved Block A Elevations and the Level 4 and Level 5 plans requires updating in this modification.</p> <p>The location and layout of the bathroom on the approved plans cannot accommodate a sliding door to the balcony therefore the glazed sliding door is proposed to be replaced with a solid element.</p> <p>This amendment is not as a result of the proposed amendments to improve the apartment layouts and simply seeks to correct an inconsistency.</p>	12
PROPOSED LEVEL 5 PLAN					
DA1107.1	Proposed Level 5 Plan	L	Glazed sliding door removed	<p>In relation to A404 and A504, an inconsistency between the DA approved Block A Elevations and the Level 4 and Level 5 plans requires updating in this modification.</p> <p>The location and layout of the bathroom on the approved plans cannot accommodate a sliding door to the balcony therefore the glazed sliding door is proposed to be replaced with a solid element.</p> <p>This amendment is not as a result of the proposed amendments to improve the apartment layouts and simply seeks to correct an inconsistency.</p>	12
PROPOSED ROOF PLAN					
DA1109.1	Proposed Roof Plan	K	Building B lift/stair and garbage chute reconfigured.	Insufficient allowance previously made. Minor proposed amendment to allow adequate circulation space under the garbage chute in the garbage room provided to Basement 2.	11
DA1109.1	Proposed Roof Plan	K	Building A Lift Overrun roof RL amended	<p>Unfortunately, an inadequate lift overrun was provided for in Building A in the DA approved design. Other buildings in the project have appropriate lift over run allowances.</p> <p>Section 4.4 of the SEE provides further detail on the proposed minor increase in the lift overrun height to enable a suitable lift for Building A including appropriate lift headroom.</p>	1

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
BLOCK A ELEVATIONS					
DA2110.1	Block A Elevations	H	Level 1-3 RL lowered by 100mm.	<p>During the detailed design phase and as a consequence of the level 4 building A having a setback, an increase in distance between levels 3 and 4 will be required to ensure floor to ceiling compliance.</p> <p>To achieve this we are proposing to lower levels 1,2 and 3 of Building A by 100mm each, this enables an adequate floor to ceiling distance required between levels 3 and 4 to attain compliance.</p> <p>It is also noted that by taking this approach we are not changing the effective building height approved under the consent.</p>	16
DA2110.1	Block A Elevations	H	Building A Lift Overrun roof RL amended.	<p>Unfortunately, an inadequate lift overrun was provided for in Building A in the DA approved design. Other buildings in the project have appropriate lift over run allowances.</p> <p>Section 4.4 of the SEE provides further detail on the proposed minor increase in the lift overrun height to enable a suitable lift for Building A including appropriate lift headroom.</p>	1
DA2110.1	Block A Elevations	H	Apartment A404 and A504 window to bathroom to have fixed opaque glazing.	<p>It has been identified during detailed design that the location and layout of the bathroom cannot accommodate an operable window. Accordingly, opaque glazing is proposed for privacy reasons.</p> <p>This amendment is not because of the proposed amendments to the apartment layouts.</p>	2
DA2110.1	Block A Elevations	H	Building A Level 1, 2, 3 typical lobby and A404 and A504 window break up modified. Operable window added.	<p>It has been identified during the detailed design that the approved window requires slight amendment.</p> <p>An awning window has been added to Bedroom 2 as this requires ventilation. Window span is 1700mm in width and cannot accommodate a single awning window. A mullion is required to be installed.</p> <p>To maintain architectural consistency in the façade, this window break up and operability is proposed for Levels 1 -5.</p> <p>This amendment is not because of the proposed amendments to the apartment layouts but rather to ensure a suitable glazing suite is installed to the approved plans.</p>	3
DA2110.1	Block A Elevations	H	Operable windows added to Bedroom 1 of apartments A107, A207, A307.	<p>An awning window has been added to Bedroom 1 as it requires ventilation, and this was not provided in the DA approved plans.</p> <p>This amendment is not because of the proposed amendments to the apartment layouts but rather to ensure a suitable glazing suite is installed to the approved plans.</p>	4

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
DA2110.1	Block A Elevations	H	Apartment A105, A205, A305 window break up modified.	<p>It has been identified during the detailed design that the approved window requires slight amendment.</p> <p>The window span is 1700mm in width and cannot accommodate a single awning window. A mullion is required to be installed.</p> <p>This amendment is not because of the proposed amendments to the apartment layouts but rather to ensure a suitable glazing suite is installed to the approved plans.</p>	5
DA2110.1	Block A Elevations	H	Glazed sliding door removed.	<p>In relation to A404 and A504, an inconsistency between the DA approved Block A Elevations and the Level 4 and Level 5 plans requires updating in this modification.</p> <p>The location and layout of the bathroom on the approved plans cannot accommodate a sliding door to the balcony therefore the glazed sliding door is proposed to be replaced with a solid element.</p> <p>This amendment is not as a result of the proposed amendments to improve the apartment layouts and simply seeks to correct an inconsistency.</p>	12
BLOCK B ELEVATIONS					
DA2111.1	Block B Elevations	F	Building B Levels 1 and 2 RLs lowered by 100mm.	<p>As a result of details design including specialist services consultant input, it has been identified that inadequate floor to floor height was provided to Level 2 of Building B in the DA approved design. Due to level 3 of Building B having a setback, an increase in distance between levels 2 and 3 will be required to ensure floor to ceiling compliance.</p> <p>An additional 100mm is required to enable adequate floor to floor heights on Level 2. To accommodate this requirement for Level 3 without increasing the overall approved building height, extensive work was undertaken to facilitate a suitable solution. It is now proposed to lower Levels 1 and 2 of Building B by 100mm each, enabling an adequate floor to ceiling distance required between levels 2 and 3 to attain compliance.</p> <p>By taking this approach, the overall approved building does not change.</p>	6
DA2111.1	Block B Elevations	F	Apartment BG04, B103, B203 window removed from Bedroom 2	<p>Following a review of these apartments in association with adjoining properties, it was determined that both 34 and 36 Langlee are within close proximity to the façade of apartments BG04, B103 and B203. The current layouts could improve privacy by removal of a window to the façade. Accordingly, it is proposed a window is removed from B2 and made a solid element.</p> <p>This amendment is not because of the proposed amendments to the apartment layouts and improves privacy to adjoining residents.</p>	7

Drawing	Drawing title	Issue	Description of amendment	Rationale	Cloud Number
DA2111.1	Block B Elevations	F	Apartment BG04, B103, B203 window removed in bathroom	<p>It is proposed to remove a window as a result of the proposed amendments to these apartment layouts.</p> <p>The location and layout of the bathroom cannot accommodate an operable window, which has been removed due to the south facing aspect of the apartment and to ensure a high level of privacy to neighbours is provided.</p> <p>Importantly, the amenity of the selected apartments are not compromised.</p>	8
BLOCK C ELEVATIONS					
DA2112.1	Block C Elevations	I	Apartment C101 & C201 Window relocated	<p>It is proposed to relocate a window to prevent it from clashing with a wall due to the proposed internal replanning improvements of the apartment.</p> <p>Please reference the Proposed Apartment Layout Amendment Table (Table 2) for further detail.</p>	9
DA2112.1	Block C Elevations	I	Apartment C101 & C201 Balcony glazing modified	As part of the internal layout amendments sought to these apartments, a study is sought to be introduced. As a result, a solid section of balcony is required to shift, and glazed sliding doors are required to be adjusted.	10

2.2 Amendments to apartment planning

Following a thorough review of the apartment layouts and considering more recent customer feedback as a result of the COVID-19 pandemic, minor internal planning amendments to selected apartments are proposed to 28 of the 55 ILUs. The proposed apartment layout amendments are sought to improve future liveability and level of amenity to ensure it is commensurate with the level of offering required for ILUs in the existing property market.

Table 2 provides a schedule of the changes proposed to each apartment to reflect the changes to the architectural set. For ease of assessment, an Apartment Planning Comparison Set showing the proposed minor amendments to the apartment layouts alongside that approved is provided at **Attachment B**.

Table 2 Proposed apartment layout amendment table

Apartment Numbers	Description of amendment/s	Rationale
A101	<ol style="list-style-type: none"> 1. Bath added to the bathroom. 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; and - An enclosed Bedroom 2.
A201 A301	<ol style="list-style-type: none"> 1. Bath added to the bathroom. 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; and - An enclosed Bedroom 2.
A102 A202 A302	<ol style="list-style-type: none"> 1. Bath added to the bathroom. 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 4. Laundry relocated. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; - An enclosed Bedroom 2; and - Larger laundry space.

Apartment Numbers	Description of amendment/s	Rationale
A103	<ol style="list-style-type: none"> 1. Bath added to bathroom 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; and - An enclosed Bedroom 2.
A203 A303	<ol style="list-style-type: none"> 1. Bath added to bathroom 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; and - An enclosed Bedroom 2.
A104 A204 A304	<ol style="list-style-type: none"> 1. Bath added to bathroom 2. Media / storage space added. 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath - Inclusion of a media / storage space; and - An enclosed Bedroom 2.
A401 A501	<ol style="list-style-type: none"> 1. Bedroom 2 relocated to north façade. 2. Kitchen relocated to southern end of apartment. 3. Dining relocated to west façade. 4. Study room added. 5. Bathroom relocated and bath added. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a study room; - Improved kitchen, living and dining layout; and - Inclusion of a bath.
A402 A502	<ol style="list-style-type: none"> 1. Bedroom 3 relocated to north façade. 2. Living room relocated to east façade adjacent to dining. 3. Bath added to bathroom. 4. Laundry relocated. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath; - Improved kitchen, living and dining layout; and - Larger laundry space.
A403 A503	<ol style="list-style-type: none"> 1. Ensuite relocated 2. Kitchen and dining room location swapped 3. Laundry relocated 4. Bedroom 2 enclosed with the hinge door replacing sliding door. 	<p>Ensuite bathroom relocated due to it being located over a habitable room which has acoustic and drainage requirements and leads to an inability to achieve the ADG guided floor to ceiling height below of 2700mm in habitable rooms.</p> <p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath; - Improved kitchen, living and dining layout; and - Walk in laundry included.
A404 A504	<ol style="list-style-type: none"> 1. Bedroom 2 enclosed with the hinge door replacing sliding door. 2. Bathroom glazed sliding door removed. 3. Bedroom 2 window widened. 	<p>An inconsistency between the DA approved Block A Elevations and the Level 4 and Level 5 plans required updating in this modification.</p> <p>The location and layout of the bathroom cannot accommodate a sliding door to the balcony therefore, the glazed sliding door was replaced with a solid wall.</p> <p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of a bath.
BG04 B103 B203	<ol style="list-style-type: none"> 1. Bathroom added. 2. Kitchen, dining relocated closer to western façade. 3. Bathroom relocated to southern façade. 4. Laundry relocated. 	<p>Improved layout and increased amenity through:</p> <ul style="list-style-type: none"> - Inclusion of an additional bathroom; and - Larger laundry space.

Apartment Numbers	Description of amendment/s	Rationale
B301	<ol style="list-style-type: none"> 1. Kitchen and ensuite moved west away from façade. 2. Bathroom relocated 3. Bedroom 2 enclosed with the hinge door replacing sliding door. 	Improved layout and increased amenity through: <ul style="list-style-type: none"> - Inclusion of a bath; - Improved master bedroom ensuite; and - Improved kitchen, living and dining layout.
C101 C201	<ol style="list-style-type: none"> 1. Study room added. 2. Kitchen and dining relocated west. 3. Bedroom 1, ensuite and laundry relocated to east. 4. Bedroom 2 enclosed with the hinge door replacing sliding door. 	Improved layout and increased amenity through: <ul style="list-style-type: none"> - Inclusion of a study room; - Inclusion of a bath; and - Improved kitchen, living and dining layout.
C102 C202	<ol style="list-style-type: none"> 1. Bath added to ensuite. 2. Media / storage space added. 3. Laundry relocated. 4. Bedroom 2 enclosed with the hinge door replacing sliding door. 	Improved layout and Increased amenity through: <ul style="list-style-type: none"> - Inclusion of a bath to ensuite - Inclusion of a media / storage space; and - An enclosed Bedroom 2.

2.3 Amendments to Waste Management Plan

The Site Waste Management Plan (SWRMP) approved under DA-483/2018 was based on an outdated development scheme significantly larger in scale that comprised the following:

- 90 ILUs;
- 415m² leisure facility for the ILUs;
- 437m² communal facilities for the ILUs
- 1,660m² bowling club; and
- 629m² childcare centre.

As the approved development is considerably different to the development that was assessed in the approved SWRMP, a revised Operational Waste Management Plan (OWMP) has been provided at **Appendix H**. This OWMP is proposed to supersede the approved SWRMP. This also necessitates amendments to consent conditions 1a (c), 75 and 158 as described below.

As provided in the revised OWMP, there is no longer a requirement for a glass crusher due to the reduction in size of the approved development. Therefore, it is proposed that condition 158 be removed. Conditions 159 and 160 will ensure that the noise from glass removal and glass collection is appropriately managed.

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:*

<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Drawing Revision</i>	<i>Drawing (Plot) Date</i>
DA0005.1	Basix Commitments	B C	16.09.19 19.03.21
DA1101.1	Proposed Basement 1 Plan	H I J	16.09.19 16.12.20 19.03.21
DA1102.1	Proposed Ground Floor Plan	I N P	16.09.19 07.07.20 19.03.21
DA1103.1	Proposed Level 1 Plan	H M N	16.09.19 07.07.20 19.03.21
DA1104.1	Proposed Level 2 Plan	G L M	16.09.19 07.07.20 19.03.21
DA1105.1	Proposed Level 3 Plan	G L M	16.09.19 07.07.20 19.03.21
DA1106.1	Proposed Level 4 Plan	G L M	16.09.19 07.07.20 19.03.21
DA1107.1	Proposed Level 5 Plan	F K L	16.09.19 07.07.20 19.03.21
DA1109.1	Roof Plan	G K	16.09.19 19.03.21
DA2110.1	Block A Elevations	F H	16.09.19 19.03.21
DA2111.1	Block B Elevations	E F	16.09.19 19.03.21
DA2112.1	Block C Elevations	G I	16.09.19 19.03.21

(b) Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 18 June 2019 Revision B;

(c) ~~Site Waste Management Plan (SWRMP) prepared by Elephants Foot Recycling Solutions dated 18/06/2019 Revision No. 100020 Revision F;~~ Operational Waste Management Plan (OWMP) prepared by Elephants Foot Recycling Solutions dated 06/04/2021 Revision G;

[...]

8. FLOOR TO CEILING HEIGHTS

[...]

BUILDING HEIGHT

(a) The height of:

(i) Building A must not exceed RL ~~111.25~~ **111.95** (AHD) to the top of the plant and RL ~~107.25~~ **107.45** (AHD) to the roof of Level 6 the building;

(ii) Building B must not exceed RL 101.30 (AHD) to the top of the plant and RL ~~99.80~~ **100.00** (AHD) to the roof of Level 4;

(iii) Building C must not exceed RL ~~98.20~~ **98.50** (AHD) to the top of the plant and RL ~~96.70~~ **96.90** (AHD) to the roof of Level 3;

(iv) Building D must not exceed RL ~~98.20~~ **98.50** (AHD) to the top of the plant and RL ~~96.70~~ **96.90** (AHD) to the roof of Level 3;

[...]

75. WASTE AND RECYCLING STORAGE AND COLLECTION

(a) The proposal must have a bin storage point for a minimum:

- The approved number of Residential Seniors Independent Living Units (assuming weekly collection of general waste and comingled recycling).
 - ~~10~~ **8** x 660L MGB for general waste
 - ~~10~~ **8** x 660L MGB for comingled recycling
- Bowling Club, retail and other facilities – (assuming 3 x weekly collection of general waste and comingled recycling).
 - ~~4~~ **3** x 1100L MGBs for general waste
 - ~~3~~ **2** x 1100L MGB for comingled recycling
- Extra space for the storage of excess waste, bulk cardboard, packaging, and milk and bread crates.
- Collection frequencies must be adjusted to accommodate volumes of waste generated.

(b) Details of ongoing waste management strategy are to be documented within the ~~SWRMP~~ **OWMP** and reviewed every 5 years to employ updated waste reduction strategies and technologies.

[...]

(n) Ongoing management of the property is to be in accordance with the approved ~~SWRMP~~ **OWMP** to ensure that appropriate waste and recycling services are provided.

[...]

(p) Where a change in use, change of tenant or change in waste management practices will result in a variation to the ~~SWRMP~~ **OWMP**, an application is to be made to Council to revise the approved ~~SWRMP~~ **OWMP**.

[...]

~~158. GLASS CRUSHER~~

~~All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.~~

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 development as that originally approved in that:

- The nature of the proposed amendments reflect minor design development amendments typically occurring as part of the detailed design process following a Development Consent;
- 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 an ILU and bowling club use;
- The proposed minor amendments significantly improve layouts to 28 of the 55 Independent Living Units.
- The proposed minor amendments will result in less environmental impact than the approved development as the OSD tank has been relocated and reconfigured and will result in less disturbance to existing ground conditions;
- The proposed minor amendments will not introduce adverse environmental impacts, or substantially alter the environmental impact of the approved development; and
- The proposed minor amendments, including changes to apartment layout will not affect the development's consistency with either SEPP 65 or SEPP Seniors.

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 minor amendments do not alter any land use within the approved development.
4.3 – Height of building	<p>The minor increase in height of the lift overrun as a result of an unfortunate inappropriate allowance, represents only a very minor increase in the height of the development when the overall size, scale, and built form of the development is considered.</p> <p>The approved development on the site under DA-483/2018 went through an extensive Court process, which endorsed the built form and envelope. The foundation basis for supporting the building height remains, especially in light of the negligible increase in height and the fact it only relates to a small portion of essential plant (lift overrun). The objectives of the height development standard are therefore considered to be continued to be upheld.</p>
5.10 – Heritage conservation	The proposed amendments are minor in nature and will not have any impacts on heritage. No alterations are proposed to any of the heritage characteristics of the Waverley Bowling Club.

4.3 Accessibility

Morris Goding Access Consulting has reviewed the proposed amendments to the ILU layouts and confirms that they remain capable of full compliance with the Building Code of Australia 2019, the *Disability (Access to Premises – Buildings) Standards 2010* and *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors). This is confirmed in the Accessibility Statement provided at **Attachment C**.

4.4 Increase in lift overrun height

The Vertical Transport Letter prepared by JHA Consulting provided at **Attachment D** advises that the DA approved design for the Building A lift overrun is insufficient for the ILU use of the building. The approved DA design provided a headroom of 3700mm for Building A where a headroom height of 4450mm is required for a building of this height and the ILU use. Buildings B, C and D correctly accounted for a headroom of 4450mm commensurate of the ILU use in those buildings. This amendment is requested to ensure that sufficient headroom is designed for Building A and to ensure that the same design, configuration and amenity is provided to that approved in Buildings B, C and D.

The proposed increase in height at 700mm is minor in nature and will not result in any adverse environmental impacts.

Perspectives and overshadowing diagrams have been provided of the development as proposed to be amended in the Revised Architectural Plans at **Attachment A**, demonstrating that the amended overrun will generally be imperceptible when viewed from the street, and will result in only negligible additional overshadowing.

4.5 SEPP 65 / SEPP Housing for Seniors or People with a Disability

The proposed minor amendments, including changes to apartment layout will not affect the development's consistency with either SEPP 65 or SEPP Seniors. This is confirmed in the Design Statement prepared by Mirvac Design and appended at **Attachment E**. A Design Statement has also been prepared by the original architects (Altis Architecture) confirming that the integrity and intent of the approved development has been maintained (refer **Attachment F**). The applicant is of the view that the proposed minor amendments will improve the project particularly for future occupants and management.

4.6 BASIX compliance

A BASIX Certificate of the development as proposed to be amended has been prepared by Stantec, and is appended at **Attachment G**. There are no implications to the ability to achieve BASIX due to the proposed amendments.

4.7 Waste management

A revised Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot and provided at **Appendix H**. As noted above in **Section 2.3**, the amended OWMP is required to resolve inconsistencies as the approved SWRMP is for a development scheme that is substantially different from the approved development.

4.8 Reasons given for granting consent

Once a project is approved it is common practice to undertake detailed design, including specialist input from expert consultants. It is considered that the proposed minor amendments are not inconsistent with the overarching aims and objectives of the approved development. 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 configuration of the apartments, Basement level 1, or lift overrun were not an item of contention in the granting of the original consent. The revised amended layouts are considered improvements and will provide a higher level of amenity for future residents.

4.9 Site suitability and public interest

The proposed amendments:

- follow the design process which normally tends to pick up items as part of the detailed design process following a development approval;
- represent a good opportunity to provide more efficient and functional residences with a higher standard of amenity for future residents;
- resolve inconsistencies and drafting errors with the originally submitted documentation; and
- are necessary to meet the functional requirements of the development (i.e. increase in lift overrun height).

Therefore, they are considered to be suitable for the site, and in the public interest.

5.0 Conclusion

The scope of the modification relates to minor detailed design amendments that seek to resolve design inconsistencies in the approved design, together with improving design and amenity outcomes. In summary, the proposed minor detailed design amendments cover:

1. Rationalisation and efficiency improvements following input of specialist consultants and detailed design;
2. Internal planning amendments to the layout of 28 independent living units (ILUs) and associated building elevations to improve occupant amenity;
3. Adjustments of selected floor level RLs to Buildings A and B whilst maintaining the top of building RL (i.e. no height increases);
4. Increase to lift overrun on Building A as the approved design does not sufficiently accommodate a suitable lift for the building; and
5. Updates to the Operational Waste Management Plan (OWMP) for the site to resolve inconsistencies between the approved development and the approved OWMP.

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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