

13 September 2018

Our Ref: 18-185

Hornsby Shire Council

296 Peats Ferry Road
Hornsby NSW 2077

Attention: Garry Mahony

Dear Garry,

**RE: SECTION 4.55(1A) MODIFICATION APPLICATION TO DA/1613/2015 FOR BOWDEN
BRAE VILLAGE, NORMANHURST**

This statement has been prepared on behalf of Uniting by City Plan Strategy and Development Pty Ltd to accompany an application under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act).

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

- Amended architectural plans (inclusive of an amended site plan, floor plans, elevations, sections, amended construction staging plans and mid-winter shadow diagrams) prepared by PTW Architects at **Attachment 1**;
- Architectural Design Statement (incl SEPP 65 and ADG statement) at **Attachment 2**;
- Amended landscape plans prepared by Taylor Brammer Landscape Architects at **Attachment 3**;
- Quantity Surveyor's Cost Statement prepared by WT Partnership at **Attachment 4**;
- BASIX Certificates at **Attachment 5**; and
- Statement from Uniting addressing respite bed removal at **Attachment 6**.

1. THE SITE

The site is known as "Bowden Brae Retirement Village", has a street address of 5 Jasmine Road, Normanhurst (also known as 40-50 Pennant Hills Road, Normanhurst) and is legally described as Lot 1 in Deposited Plan 1242746.

The site currently comprises a seniors' living development including independent living units (ILUs) and a residential aged care facility (RACF).

A location plan of the site is shown in Figure 1 below.

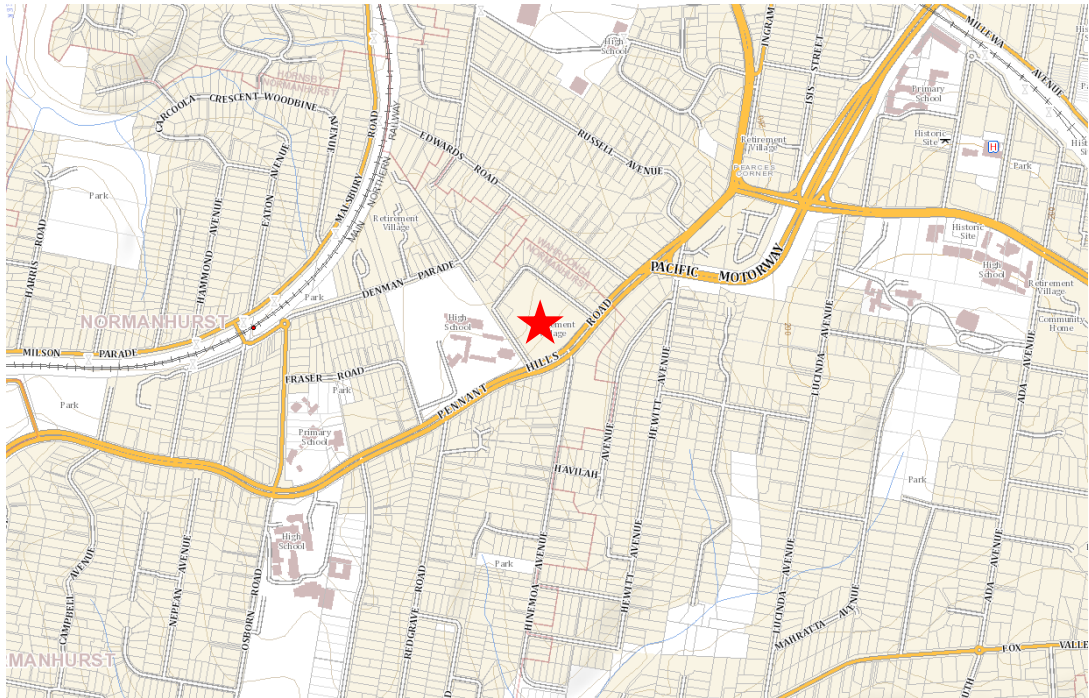


Figure 1 Location Plan, site marked by the red star (Source: SIX Maps)

The site comprises the entire street block bound by Pennant Hills Road, Frith Avenue and Jasmine Road, with the exception of a single residential allotment, as can be seen in Figure 2 below.



Figure 2 Site Plan, site outlined in red (Source: SIX Maps)

The existing RACF remains outside of the scope of the approved development and subject modifications.

The site is located in a mixed locality. To the south-west/west of the site is Normanhurst Boys High School. To the north, east and south of the site is a mix of low and medium density residential developments. Pennant Hill Road, which adjoins the site to the south-south-east, is a Classified Road.

2. THE APPROVED DEVELOPMENT

The Stage 1 concept approval issued for DA 544/2012 was determined by the Sydney West Joint Regional Planning Panel (JRPP) and granted by Hornsby Shire Council (HSC) on 18 April 2013. Consent was granted for the staged redevelopment of Bowden Brae Retirement Village including Stage 1 which was for the demolition of existing buildings and dwelling houses. Concept approval was also granted for Stage 2 which comprises demolition; construction of four three to six storey buildings comprising 112 independent living units, basement car parking and other facilities including a chapel, men's shed, library, café, wellness centre, dementia day care centre, pool and gymnasium.

Subsequent to this, on 14 July 2016, the JRPP determined to approve an amendment to the approved concept under DA 544/2012/A and a concurrent Stage 2 DA for the construction of the concept development under DA 1613/2015. The amendments related to a range of matters including minor modifications to the approved concept envelopes, number of ILUs, and rationalisation of on-site support services including the removal of the swimming pool.

On 14 February 2018, HSC approved under Delegated Authority a Section 4.55(1A) modification application (reference DA 1613/2015/A) to remove one (1) approved car parking space in the parking bay located behind the existing RACF at the end of the driveway off Frith Avenue.

On 30 May 2018, Uniting lodged a further Section 4.55(1A) modification to the approved stage 2 development (reference DA 1613/2015/B) to reinstate a swimming pool within the central communal open space. The pool was originally approved as a part of DA 544/2012 but was subsequently removed as a part of DA 544/2012/A. This application is currently under assessment by HSC.

3. PROPOSED MODIFICATION

The proposal comprises amendments to the approved Stage 2 development as follows:

- Consolidation of approved construction stages 2 and 3 into a single construction stage;
- Removal of the five (5) approved respite care units (6 beds) in Building D and replacement with three (3) ILUs;
- Minor extension of the building envelope at the upper levels of Building C to give larger living areas which we understand will better meet the emerging market expectations in this sector;
- Minor internal changes to Buildings B and C, primarily with a view to changing some of the two (2) bedroom ILUs to two (2) bed + study ILUs;
- Relocation of the approved free-standing pavilion café (internally within the site) into the main envelope of Building C at Level 4. This modification also results in a minor reduction in the areas for the approved gym and hair salon at the same level to accommodate the relocated café;

- Minor extension of the glazed corner walls within Building B at the upper levels to give more generously scaled living rooms;
- Minor increase in the extent of the basement to Building C (Level 3) to accommodate three (3) additional car spaces; and
- Minor extension of the building envelope at the entry of Building C to accommodate an additional consulting room near the entry.

The following is a table of comparative key development statistics for the approved development vs. the proposed amended Stage 2 development.

Table 1 Approved vs. Amended Development Statistics

Element	Approved Concept under DA 544/2012 (as amended under DA.544/2012/A)	Approved Stage 2 Development	Proposed Amendments
Site Area	21,580m ²	N/A – no change	N/A – no change
GFA (ILUs)	16,711m ²	16,711m ²	17,008m ² 17,207.6m ² (including proposed swimming pool under DA/1613/2015/B)
GFA (existing RACF)	6,235m ²	N/A – no change	N/A – no change
GFA (site-wide)	22,946m ² (including the RACF)	22,946m ²	23,243m ² (including the RACF)
FSR	1.06:1	1.06:1	1.07:1* 1.08:1 (including proposed swimming pool under DA/1613/2015/B)
ILUs	137	137	140
ILU Mix	N/A – concept only	15 x 1 bed 83 x 2 bed 39 x 3 bed	16 x 1 bed 84 x 2 bed 40 x 3 bed
Affordable Housing	10% - specific units not identified in concept approval	14 ILUs (10%)	14 ILUs (10%)
Landscaped Area	59% of the site	59% of the site	60.1% of the site
Deep Soil Zone	38% of the site	38% of the site	37.75% of the site
Car parking	90-130 spaces	123 resident car spaces including 29 accessible spaces 12 visitor spaces	126 resident car spaces including 29 accessible spaces 12 visitor spaces

Source: PTW Architects & Taylor Brammer Landscape Architects

* A consistent approach has been taken to calculating GFA/FSR for a like-for-like comparison with the previously approved concept plan and Stage 2 DA, noting that on-site support services have been excluded from this calculation (per the Vertical Village provisions in Clause 45 of the Seniors SEPP).

**As noted earlier, a Section 4.55 modification application is currently under assessment by HSC in relation to the reinstatement of the swimming pool. Where relevant above, two (2) sets of statistics have been provided, one (1) excluding the swimming pool and the other including it.

The plan extracts below, prepared by PTW Architects, provide a visual representation of the reduced versus increased building footprint/GFA, which only applies to approved Buildings B and C.

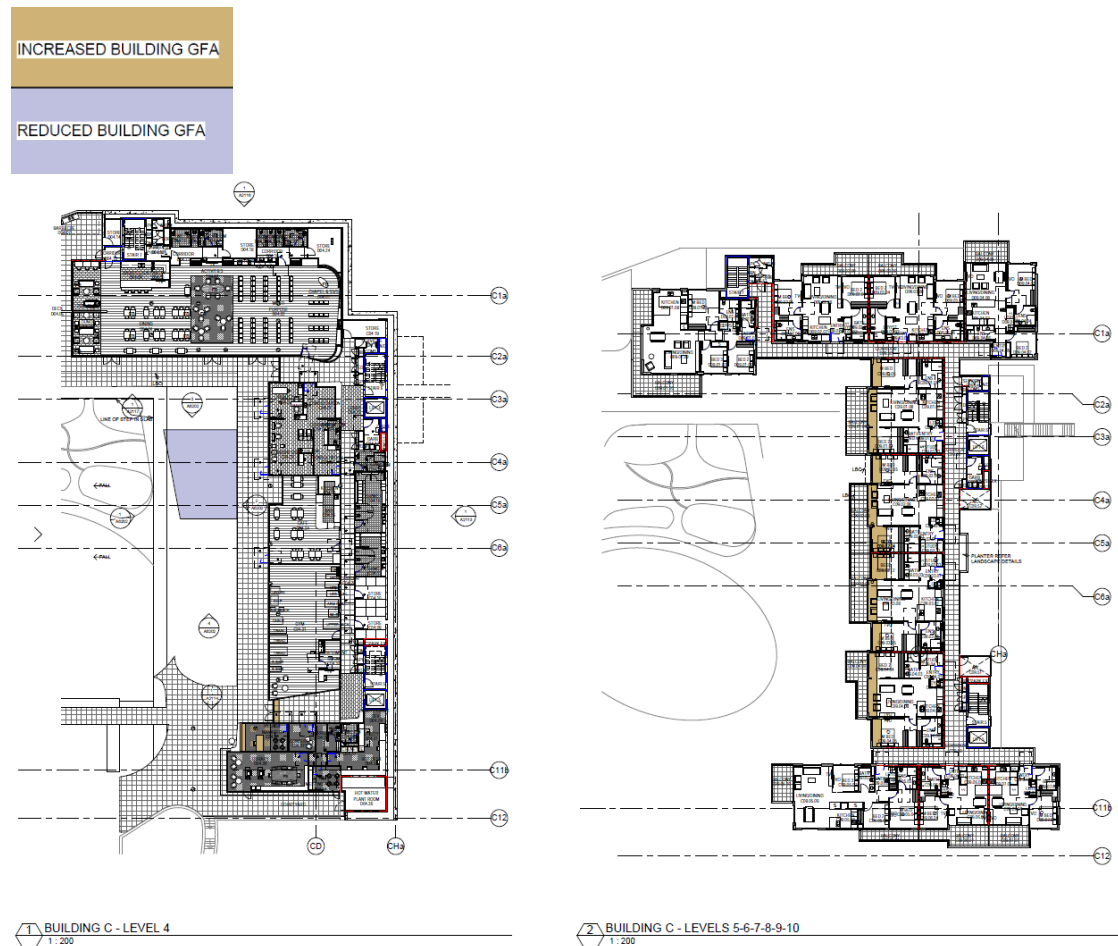


Figure 3 GFA comparison plan (Building C) (Source: PTW Architects)

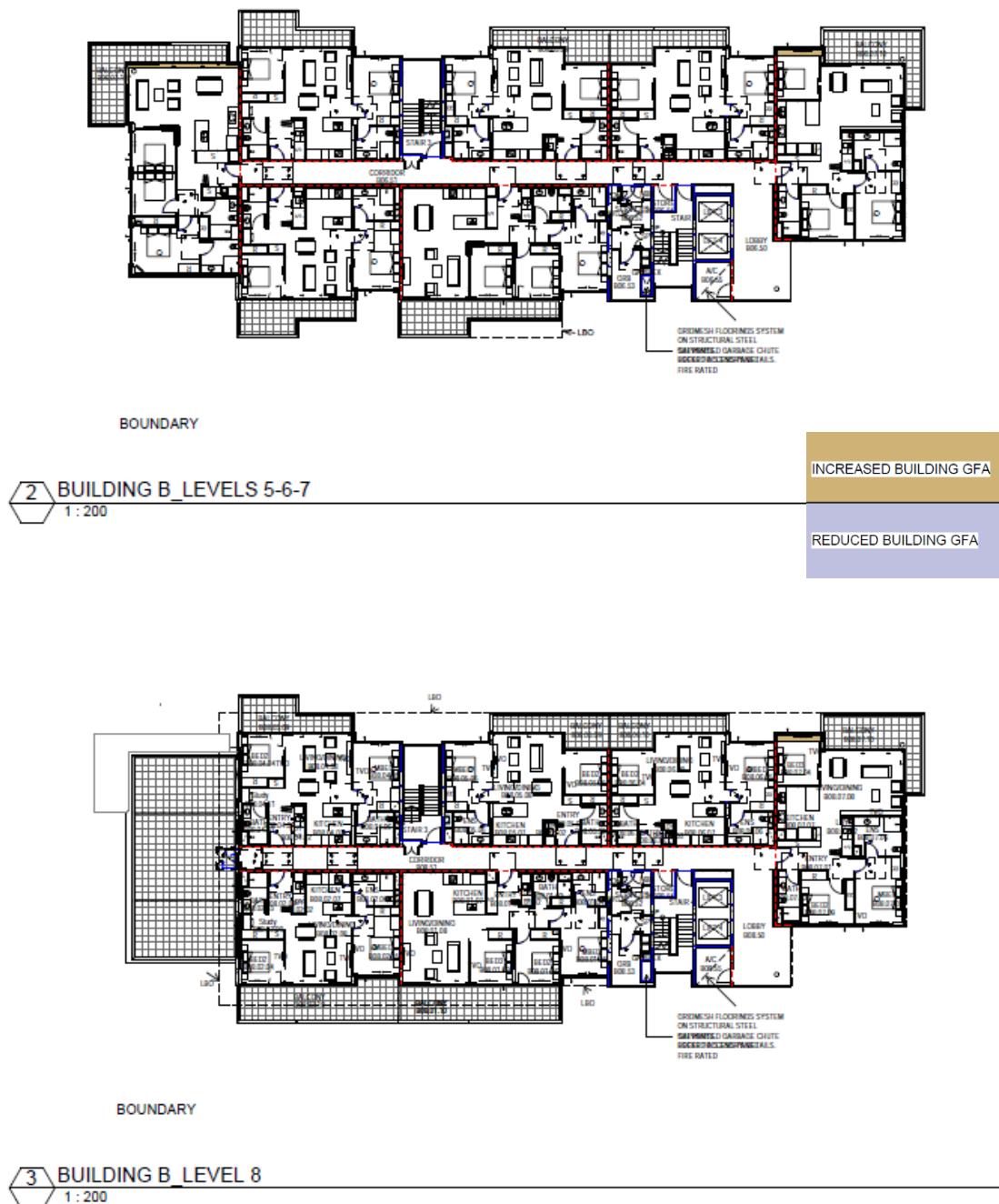


Figure 4 GFA comparison plan (Building B) (Source: PTW Architects)

Refer to the attached plans prepared by PTW Architects for details of the proposed modifications.

4. JUSTIFICATION FOR THE PROPOSED MODIFICATIONS

Justification for the proposed modifications is provided below:

- Consolidation of Stages 2 and 3 into one (1) construction stage has arisen due to reasons of constructability (efficiencies) and positive feedback from the market in terms of demand for ILUs;

- The modifications to the internal areas of Buildings B and C and some of the approved balconies seek to respond to market feedback and enhance the amenity of ILUs within these buildings;
- The minor extension of the building envelope at the entry of Building C is to accommodate an additional consulting room in this location;
- The removal of the café pavilion will allow for additional landscaping at the junction of Buildings C and D, providing additional area within the site to sit within a garden setting;
- The basement extension below Building C has arisen as a result of a desire to provide additional carparking for the proposed additional three (3) ILUs;
- In relation to the removal of the respite beds, Uniting has provided a statement, which is at **Attachment 5**. This statement notes that there have been several changes in the aged care environment since the first (concept) DA was approved for the site and that these changes have influenced demand for respite beds. Refer to **Attachment 5** for detailed justification, but in summary, we note that changes to aged care legislation seek to ensure that seniors are able to “age in place” and live independently in their home for as long as possible, thereby reducing the demand for respite accommodation. Taking the reduced demand into consideration, and the fact that all of the ILUs within the development support the ageing in place principle, the removal of the respite beds is supported and not considered to be of any consequence, particularly given they comprised a very small proportion of the extent of seniors’ accommodation approved within the development.

5. MODIFICATION TO CONDITIONS OF CONSENT

The proposal will necessitate a modification to the approved development description and conditions of consent as follows:

- **Development Description:** The approved development description refers to 137 independent living units. The proposed modifications will necessitate an amendment to this description to reflect 140 independent living units;
- **Condition 1 – Approved Plans and Supporting Documentation:** This condition will need to be amended to reflect the amended architectural plans prepared by PTW Architects (Attachment 1) and the additional annexures from the consultant team which accompany this Statement (Attachments 2 to 6);
- **Condition 4 – Amendment of Plans:** Condition 4(c) requires “*the approved floor plans, elevation plans and landscaping plans.....detail the Stage 1, Stage 2 and Stage 3 Construction Stages*”. As the proposed amendments now seek to consolidate construction stages 2 and 3 into a single construction stage, this condition will need to be amended accordingly to reflect construction stages 1 and 2 only.
- **“Requirements prior to the issue of a construction certificate – Stages 1, 2 & 3 and as noted”** will need to be amended to read “Requirements prior to the issue of a construction certificate – Stages 1 **and 2** and as noted”
- **Conditions 21 and 22 – Footpath:** These conditions stipulate requirements for footpaths adjacent to the site. Consolidation of these conditions into one (1) condition will be required, requiring the Jasmin Road footpath works to be completed in one (1) stage.

- **Conditions 23 and 24 – Stormwater Drainage:** As with the conditions above, these conditions for stormwater drainage were broken down into the three (3) approved construction stages. Conditions 23 and 24 will now need to be amended to be consolidated into a single condition.
- **“Requirements prior to the commencement of any works – Stages 1, 2 & 3”** will need to be amended to read “Requirements prior to the commencement of any works – Stages 1 **and 2**”
- **“Requirements during demolition and construction – Stages 1, 2 & 3”** will need to be amended to read “Requirements during demolition and construction – Stages 1 **and 2**”
- **“Requirements prior to the issue of an occupation certificate – Stages 1, 2 & 3 and as noted”** will need to be amended to read “Requirements prior to the issue of an occupation certificate– Stages 1 **and 2** and as noted”
- **“Operational Conditions – Stages 1, 2 & 3”** will need to be amended to read “Operational Conditions – Stages 1 **and 2**”
- **Condition 82 – Excavation Works:** This condition refers to Stage 3 and requires concurrence from RMS prior to any excavation works for Buildings C and D. As Buildings C and D are covered by newly consolidated Stage 2, the only amendment required to this condition is to change the staging reference to Stage 2.

6. MATTERS FOR CONSIDERATION UNDER SECTION 4.55

6.1 Overview

Section 4.55 of the Environmental Planning and Assessment Act, 1979 (the Act) confers on a consent authority the power and discretion to modify a consent granted under the Act.

The relevant provisions of the Act state:

“Modification of consents

(1A) Modifications involving minimal environmental impact. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- c) it has notified the application in accordance with:*
 - i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the*

notification or advertising of applications for modification of a development consent, and

d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections 4.55 (3) states as follows;

"(3) In determining an application for modification of a consent under this section, the consent authority must 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."

The matters prescribed under Section 4.55 are addressed below.

6.2 Minimal Environmental Impact (Section 4.55(1A)(a))

The proposed modifications do not involve any substantial change to the approved development that was assessed as having acceptable environmental impact pursuant to the approval of DA 1613/2015. Whilst there are a number of modifications proposed, on a qualitative basis, as assessed below, we consider the amendments to be of "minimal environmental impact".

6.2.1 Height, Bulk and Scale

The height, bulk and scale of the approved development will remain largely unchanged. The primary change to the building envelope relates to the north-western façade of Building C (shaded brown in the figure below) where the building envelope is marginally increasing to enhance internal amenity of the ILUs within this elevation/building. The free-standing café will be removed (shaded in blue) and relocated internally within Building C. The figure on the page over, prepared by PTW Architects, provides a visual representation of the primary areas of reduced and increased built form.

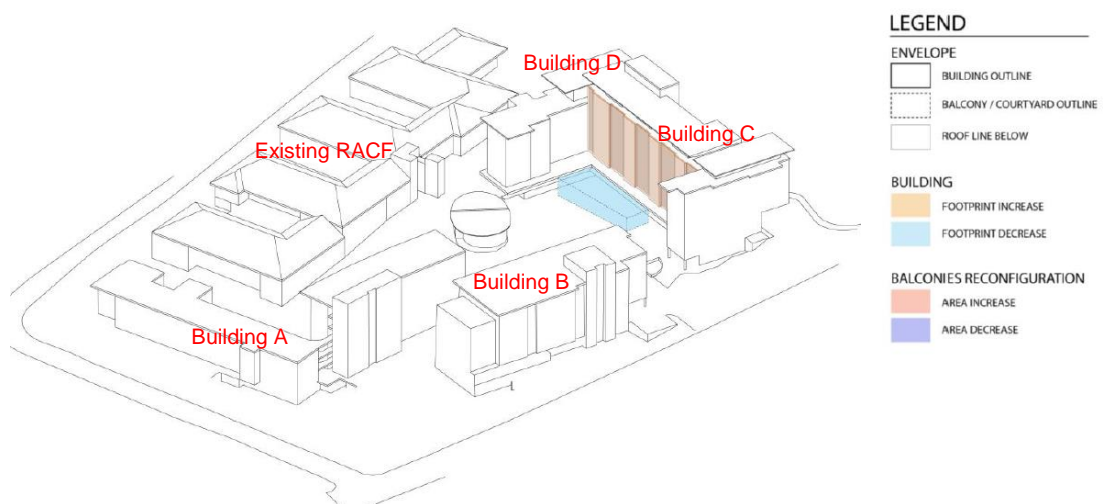


Figure 5 Massing Axonometric (Source: PTW Architects)

The proposed increase of the building envelope of Building C (brown shading above) is minor and acceptable for the following reasons:

- This part of the building is well separated from other existing and approved buildings on-site and the minor increase in built form will not change the relationship, nor result in any impact on, adjoining (approved) Building D;
- This part of the building is well setback from the site's respective boundaries and as can be seen in the figure above, would generally not be visible from surrounding streets (only a distant view of the upper levels may be visible);
- In a quantitative sense, the increase in GFA associated with this modification to the building envelope is partly offset by the removal of the free-standing café (in blue in the figure above);
- The amendment does not compromise the original design intent for all building facades within the development; which is to provide a variety of materials and finishes and an articulated façade; and
- As will be discussed further below, the additional built form will not result in any loss of amenity within the approved development or within the surrounding area.

The extension of the basement below Building C will not result in any additional bulk and scale as the basement is subterranean.

The extension of the building envelope at the entry of Building C to accommodate an additional consulting room is minor and will not result in any external visual impact as it is located internally within the site and is not visible from the streetscape.

For the reasons set out above, we consider that the proposed amendments to the approved built form are minor in terms of impact and within the context of the scale of development approved under DA 1613/2015.

6.2.2 Materiality

The approved materials and finishes of the development will remain unchanged.

6.2.3 Overshadowing and Solar Access

PTW Architects have advised the following:

- The proposed modifications will result in a minor reduction in overshadowing as a result of the removal of the café pavilion. The other modifications to Buildings B and C are so minor that they do not alter the provision of solar access or extent of overshadowing within the development (or to the surrounding area); and
- The proposed modifications will not alter the quantum of ILUs that receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter (73%).

Refer to the shadow diagrams (drawing A-DA-009) prepared by PTW Architects at **Attachment 1** for further detail.

6.2.4 Privacy

The proposed amendments will not result in any impact to privacy within the site or to any nearby properties. Sufficient separation will be retained between buildings on the site and any approved balconies and/or living areas.

6.2.5 Tree Removal and Landscape

The proposed amendments will not result in any additional tree removal on-site but will necessitate minor amendments to the approved landscaping scheme. Whilst there will be a minor decrease in deep soil planting as a result of the Building C basement extension, there will be additional landscaping in place of the approved free-standing café (which is proposed to be relocated internally within Building C) resulting in a better landscaped outcome for the site.

6.2.6 Water Management/Drainage

We have been advised by PTW Architects that the approved stormwater drainage design does not require any modification as a result of the proposed amendments.

6.2.7 Carparking and Traffic

The proposed amendments will result in a very minor increase in the total carparking provision with three (3) additional spaces provided for residents. This additional provision will be sufficient to cater for the additional three (3) ILUs proposed and is such a minor increase that it will not generate any adverse traffic impacts.

Further to the above, we note that the proposed amendments to construction staging will necessitate some changes to construction traffic management. A construction traffic management plan was prepared by Varga Traffic Planning for the approved Stage 2 DA. This plan addressed arrangements for each of the three (3) approved construction stages. We note that arrangements outlined in the plan with regards to construction parking, access, truck routes, works zone, neighbouring properties, traffic control plans and site inductions will remain unchanged as a result of the consolidation of construction stages 2 and 3 into a single construction stage. However, as the plan refers to the three (3) separate stages, for completeness and consistency, we would recommend that this plan be updated prior to the commencement of construction to reflect the amended construction staging.

6.2.8 Access

Access arrangements within the development will remain unchanged as a result of the proposed amendments.

6.2.9 Services

The minor increase in ILUs is considered to be offset by the loss of respite beds from a servicing perspective. The proposed amendments will therefore not alter the capacity of water, sewer, gas and electricity services for the development.

6.2.10 Waste

A construction waste management plan was prepared for the approved Stage 2 DA by Waste Audit and Consultancy Services. This plan addressed construction waste management for the three (3) approved construction stages. The plan notes the estimated waste generation per construction stage but noted that the same management process will apply for all stages. Therefore, it is our view that this plan does not need to be updated for the proposed amendment to reflect the consolidation of construction stages.

Waste and Audit Consultancy Services also prepared an operational waste management plan for the Stage 2 DA. The management measures in terms of segregation, containment and disposal of waste will remain unchanged as a result of the amendments.

6.2.11 Construction Management

Construction waste and traffic management are addressed above.

The construction noise and vibration management plan prepared by Acoustic Logic and the dust management plan prepared by Benbow Environmental for the approved Stage 2 DA did not take into consideration any staging of construction and therefore, these reports do not require any update. The recommendations/requirements outlined in those reports remain unchanged.

6.2.12 Social

The proposed amendments do not alter the ability for the development to offer social benefits in the form of:

- A wellness approach to delivering aged care;
- Delivery of holistic care which takes into account the needs of the older person, their history and contribution to society, their preferences and the needs of their family carers;
- Integrated services across differing levels of care need;
- Pastoral care established and accessible to all clients and residents;
- 10% affordable housing accommodation; and
- A mix of ILUs, noting that some of the amendments to internal planning seek to enhance the quality of accommodation within the development.

With regard to the removal of the six (6) approved respite beds, we refer to the statement prepared by Uniting at **Attachment 6** which addresses this issue. The statement confirms that changes to aged care legislation following approval of the concept DA mean that there is now a focus on enabling people to live independently in their home for as long as possible, thereby reducing demand for respite accommodation. Responding to these legislative reforms, Uniting ensures that all ILU developments, inclusive of Bowden Brae, incorporate a range of measures to enable “ageing in place”. These measures are reflected in the design/adaptability of all ILUs and facilities and the provision of on-site support services for all residents. The provision of three (3) additional ILUs in lieu of the approved respite beds is considered to be appropriate in this context as it will provide additional homes for seniors within a development that fully supports the ability for residents to age in their own home. Furthermore, in the context of the scale of the seniors living development approved, in quantitative terms, the replacement of the respite beds with ILUs is considered to be acceptable and not of any consequence.

6.2.13 Concluding Remarks

Based on the assessment undertaken above, it is appropriate to categorise the proposed modifications as having “minimal environmental impact”.

6.3 Substantially the Same Development (Section 4.55(1A)(b))

In our view, “substantially the same development” means “essentially or materially or having the same essence” as defined by Pearlman C.J. in *Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251. Accordingly, it is the substance of the proposal relative to the substance of the development as originally approved. The proposed development is essentially, and materially, the same as the approved development for the following reasons:

- The proposed modifications that relate to the internal areas of the approved buildings will have no visual or other environmental impact. Where external changes are proposed, the impacts are either minor (such as minor modifications to balconies, the entry of Building C and a minor increase in the extent of the basement to Building C) or positive (such as additional landscaping in the location of the approved free-standing café). In the case of the modification to the envelope of Building C, as assessed in Section 6.2 above, the impacts are either minor or negligible. The removal of the approved respite beds only represents a very minor aspect of the much larger development approved, noting that sufficient on-site support services are being retained. ILUs are being provided in lieu of the respite beds which have been designed to be adaptable and to enable residents to “age in place” (which is further supported by the provision of on-site services for all residents);
- The general design intent, overall massing and intensity of use of the approved development remains unchanged. The minor increase in ILUs on-site only represents 2% of the total approved yield and is partly offset by the removal of the respite beds;
- The proposed modifications will not result in any change in the relationship of the development with adjoining properties or any adverse impact on the surrounding area. The presentation of the approved buildings to the site’s respective boundaries will remain largely unchanged and there will be no impacts on the surrounding area in terms of overshadowing, visual and acoustic privacy, visual impact, traffic generation etc; and
- The approved construction management documentation prepared for the Stage 2 DA is sufficiently flexible to enable approved construction stages 2 and 3 to be consolidated into a single construction stage. Consolidation of the approved construction stages does not change the substance or essence of the development approved.

We therefore consider that the development (as modified) will remain substantially the same as the development that was originally approved, under DA 1613/2015.

6.4 Section 4.15(1) Considerations (Section 4.55(3))

The environmental assessment matters relevant to the proposed modified development under Section 4.15 (1) (a), (b), (c), (d) and (e) of the Act are addressed below.

6.4.1 Environmental planning controls

Overview

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) applies to the proposal.

The Hornsby Local Environmental Plan 2013 (HLEP) also applies to the proposal, but only to the extent where there is no inconsistency with Seniors SEPP. We note that there has been a change in the zoning regime for the site under the HLEP since the original concept DA was determined, with the HLEP gazetted after the consent for DA 544/2012 was issued.

The Hornsby Development Control Plan 2013 (HDCP) also generally applies where there is no inconsistency with SEPP Seniors and the HLEP, but as a guideline. Despite this, we note that the concept approval effectively acts as a site specific DCP.

A summary of the key planning considerations under SEPP Seniors, SEPP 65, the HLEP, the HDCP and the Apartment Design Guide, is provided below.

Seniors SEPP

The modifications do not substantially alter the assessment of the approved Stage 2 DA with regards to the relevant provisions of the Seniors SEPP. We note the following:

- The site related requirements in Part 2 were addressed in the original approved Stage 1/concept plan and subsequent Stage 2 DA. The modifications do not change the assessment of the Stage 2 DA with regard to the provisions in this Part;
- The proposed modifications do not change the assessment of the approved development with regard to the Design Requirements in Part 3;
- With regard to the development standards in Part 4, we note the following:
 - The maximum height of the development (and each approved building) will remain unchanged as a result of the proposed modifications and therefore, the assessment against Clause 40 will remain unchanged;
 - The proposed modifications will not alter the assessment of the approved development with regard to the standards in Clause 41 for self-contained dwellings;
 - With regard to the deemed approval standards in Clause 50, we note:
 - The proposal will not be consistent with the building height or density/scale provisions but noting that this is consistent with the approved concept and subsequent Stage 2 DA approval.
 - In relation to landscaped area and deep soil, we note the modifications will result in a very minor decrease in the overall provision of deep soil planting on-site, as a result of the Building C basement extension. Notwithstanding this, the development will remain consistent with the standards in the SEPP and the decrease will be minor so as to not decrease amenity on-site or result in an outcome that is inconsistent with the approved development. The overall landscaped area will increase as a result of the removal of the café, enhancing amenity in this regard.
 - The proposed amendments will not alter the overall provision of solar access to the development as originally approved, which complied with the relevant standard in the SEPP.
 - The proposal results in three (3) additional car spaces which remains consistent with the standard in Clause 50 of the SEPP.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)

The subject application is supported by an Architectural Design (and Verification) Statement from PTW Architects which addresses the proposed modifications with regard to the nine (9) Design Quality Principles of SEPP 65. The statement concludes that the development, as amended, is consistent with these design quality principles and the ADG. The only change to

the assessment of the development pursuant to the ADG design criteria relates to deep soil provision. The development was approved with a total deep soil provision of 38% of the site area. The proposed amendments result in a total provision of 37.75%. The minor reduction is as a result of the extension of the Building C basement. This minor decrease is inconsequential in terms of site amenity and we note that the remaining provision is well in excess of the 7% minimum stipulated in the ADG.

Refer to **Attachment 2** for a copy of the design statement.

Hornsby Local Environmental Plan

Consideration of the key HLEP provisions is undertaken below:

Table 2 HLEP Key Provisions

Key HLEP Provision	Comment	Complies?
Clause 2.2 Zoning of land to which Plan applies	The site is zoned R2 Low Density Residential.	N/A
Clause 2.3 Zone objectives and Land Use Table	Permissibility is established by the Seniors SEPP and the concept approval for the seniors living development.	N/A
Clause 4.3 Height of buildings 8.5m maximum	The proposed modifications do not result in any change to the approved height of buildings on the site.	N/A
Clause 4.4 Floor space ratio	The site is not subject to a maximum FSR.	N/A
Clause 5.9 Preservation of trees or vegetation	Tree removal was addressed as a part of the Stage 2 DA.	N/A
Clause 5.10 Heritage conservation	The site is not identified as a heritage item, nor within a heritage conservation area.	N/A
6.2 Earthworks	This clause was addressed in the Stage 2 DA. The modifications do not change the assessment of the Stage 2 DA with regard to this clause.	N/A

Hornsby Development Control Plan

Consideration of the key HDCP provisions is undertaken below:

Table 3 HDCP Key Provisions

Key HDCP Provision	Comment	Complies?
7.2 Community Housing		
7.2.1 Seniors Housing		
Desired Outcomes a. Development with a bulk, scale and intensity that is compatible with the character of the area.	This clause was addressed in the Stage 2 DA. The modifications do not change the assessment of the Stage 2 DA with regard to this clause. Despite some very minor changes to the bulk of Building C in particular, the changes are not of any consequence in terms of compatibility of the development with the character of the area.	N/A
Prescriptive Measures	Refer to the Seniors SEPP discussion above.	Generally, complies or

a. Development for Seniors Housing should comply with the planning controls in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (as amended).		complies with intent/concept approval.
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The remainder of the HDCEP provisions are not relevant to the proposal, with the approved concept plan operating effectively as the site-specific DCP for the land.

6.4.2 Environmental Impacts and Site Suitability

There is nothing with respect to the modifications that would result in any adverse environmental impact (as assessed above in Section 6.2) or affect the suitability of the site for the development as approved or as proposed to be modified.

6.4.3 The Public Interest

No public interest issues arise as a consequence of the proposed modifications, particularly given there will be no adverse impacts. Further, the modifications are in the public interest as they promote an enhanced quality of accommodation for seniors, enabling them to “age in place”. The JRPP’s intentions in imposing conditions to preserve the public interest are not affected, since the proposed modification continues to give effect to those intentions.

7. CONCLUSION

The proposal relates to a range of modifications to the approved seniors living development under DA 1613/2105. The impacts of the modification are assessed in this statement as being minor, and the development will remain substantially the same as approved under DA 1613/2015. The change, being amendments, which maintain the integrity of the approved development and the intent of the conditions, will have no adverse environmental impacts. Accordingly, the modification is within the ambit of Section 4.55(1A) of the Act.

Further, the assessment of the modified proposal pursuant to the relevant Section 4.15(1) evaluation criteria does not alter the assessment undertaken in the SEE and the Council and JRPP’s assessment of the original Stage 2 DA. Therefore, we see no reason why the modifications should not be approved.

Should you require any further clarification or information in respect to this application, please do not hesitate to contact the undersigned.

Yours Sincerely,



Mel Krzus
Director



Attachment 1

Amended Architectural Plans



Attachment 2

Design Statement



Attachment 3

Amended Landscape Plans



Attachment 4

Cost Report



Attachment 5

BASIX Certificates



Attachment 6

Statement from Uniting