

17 December 2020

2200799

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

Dear Mr. McLeod,

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

This Modification 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 proposed amendments relate to minor design development driven changes to the layout of the basement in order to improve efficiency and rationalise design.

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

- Revised Architectural Plans prepared by Altis Architecture (**Attachment A**); and
- Traffic Statement prepared by Varga Traffic Planning (**Attachment B**).

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

DA-483/2018 has subsequently been modified once. Modification Application DA-483/2018/A was 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 and housekeeping amendments.*

Mirvac has recently been successful in securing the development rights. Mirvac, building on its strong track record of delivering high quality residential communities in Waverley Council, plan to commence works on-site as soon as possible. As one of Australia's leading and most innovative property groups, Mirvac in conjunction with the proposed project team have reviewed the approved development and identified areas where design development improvements can be made in order to deliver the project more efficiently, rationally and effectively.

It should be noted that another minor Modification Application (DA-483/2018/C) to introduce administrative and housekeeping changes to a small number of conditions to support project delivery from a staged Construction Certificate (CC) perspective is being lodged concurrently alongside this application. This minor modification application will seek to align consent conditions to an appropriate sequence of the project to align with its delivery. As the two applications relate to differing components of the approved development, it is considered that they can be assessed independently.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The proposed amendments to the approved development comprise minor amendments to the design of the basement to ensure that a highly efficient and rationale outcome is achieved whilst maintaining the parameters and fundamentals of the approved consent.

Importantly, the refinements are minor in nature and are not considered to have any material effect on the bulk, scale or GFA of the approved development. The minor refinements do not reduce or increase the car parking numbers in the approved development; the configuration of the loading dock; or the height of the basement. They simply provide the approved parameters in a more rationalised, efficient layout.

The proposed minor amendments are identified in the Revised Architectural Plans prepared by Altis Architecture at **Attachment A**. A summary of the proposed amendments as they pertain to each level/drawing is provided in **Table 1** below, with changes also clouded on the plans provided at **Attachment A**.

Table 1 Summary of proposed modifications to basement

Drawing	Drawing title	Issue	Description of amendment	Rationale
DA1100.1	Proposed Basement 2 Plan	G	Reduction to basement 2 footprint.	To improve basement efficiency through reconfiguration and removal of excess storage provisions. Please note the remaining storage provisions are still adequate to meet relevant requirements for the Independent Living Units.
DA1100.1	Proposed Basement 2 Plan	G	Reconfiguration of fire stair in north eastern corner.	As a result of reduced basement footprint.
DA1100.1	Proposed Basement 2 Plan	G	Residential basement ramp, parking layout and column grid reconfigured.	As a result of reduced basement footprint.
DA1100.1	Proposed Basement 2 Plan	G	Bulky good store relocated.	As a result of reduced basement footprint.
DA1100.1	Proposed Basement 2 Plan	G	Building B lift/stair/garbage chute and garbage room reconfigured.	To allow adequate circulation space under the garbage chute in the garbage room.
DA1100.1	Proposed Basement 2 Plan	G	Reconfigured fire stair adjacent to Building D lift lobby.	To improve amenity of Building D basement lift lobby by widening entry.
DA1100.1	Proposed Basement 2 Plan	G	Waste trailer bay relocated.	As a result of reduced basement footprint.
DA1101.1	Proposed Basement 1 Plan	I	Residential basement ramp and parking layout reconfigured.	As a result of reconfiguring ramp to basement 2 and aligning structure with basement 2 column grid.
DA1101.1	Proposed Basement 1 Plan	I	Motorbike parking relocated.	As a result of reconfiguring ramp to basement 2.
DA1101.1	Proposed Basement 1 Plan	I	Additional wall thickness indicative for retention piles.	To allow for retention piling thickness where required following further structural design development.
DA1101.1	Proposed Basement 1 Plan	I	Services rooms removed and replaced with pool plant and hydraulic plans rooms.	Additional pool plant and hydraulic plant room required following further design development with specialist services consultant feedback.
DA1101.1	Proposed Basement 1 Plan	I	Reconfiguration of fire stair in north eastern corner.	To align with new stair location in basement 2.

Drawing	Drawing title	Issue	Description of amendment	Rationale
DA1101.1	Proposed Basement 1 Plan	I	Building B lift/stair and garbage chute reconfigured.	To allow adequate circulation space under the garbage chute in garbage room in basement 2.
DA1101.1	Proposed Basement 1 Plan	I	Reconfiguration of resident fitness centre amenities and adjacent egress stair.	To allow additional space for pool plant.
DA3001.1	General Sections	G	Reduction of B2 footprint.	Improve basement efficiency as per DA1101.1.
DA3001.1	General Sections	G	Additional wall thickness where retention piles required.	To allow for retention piling thickness where required following further structural design development as per DA1101.1.
DA3002.1	General Sections	F	Reduction of B2 footprint.	Improve basement efficiency as per DA1101.1.
DA3002.1	General Sections	F	Additional wall thickness where retention piles required.	To allow for retention piling thickness where required following further structural design development as per DA1101.1.

2.2 Modification 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 including the following:

Drawing No.	Drawing Name	Drawing Revision	Drawing (Plot) Date
DA1100.1	Proposed Basement 2 Plan	F G	16.09.19 16/12/2020
DA1101.1	Proposed Basement 1 Plan	H I	16.09.19 16/12/2020
DA3001.1	General Sections	E G	16.09.19 16/12/2020
DA3002.1	General Sections	E F	16.09.19 16/12/2020

3.0 Substantially the same development

Section 4.56(1)(a) 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 proposed amendments relate to the basement only and are considered to be minor when the overall size and scale of the approved development is considered;
- The proposed amendments do not change the key basement parameters established in the Development Consent, including the vehicular parking spaces at the site, loading and servicing arrangements, or basement heights; and
- The proposed amendments will result in less environmental impact than the approved development as the basement has been rationalised with a more efficient footprint and will result in less disturbance to existing ground conditions; and
- The proposed amendments do not seek to alter any of the fundamental aspects or key land uses of the approved development.

4.0 Planning assessment

Section 4.56(1A) 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 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, which are limited to minor design development changes within the basement, do not affect the development's consistency with any of the relevant planning instruments and strategic documents.

4.2 Traffic and parking

A Traffic Statement has been prepared by Varga Traffic Planning and is appended to this letter at **Attachment B**. The Statement confirms that the proposed amendments to the basement are minor in nature and will have no impact on traffic and parking matters within the basement, including internal circulation, vehicular parking, site servicing, and/or accessibility.

4.3 Reasons given for granting consent

It is considered that the proposed amendments are not inconsistent with the overarching aims and objectives of the approved development in establishing an opportunity where the bowling community can continue to retain their facilities, whilst improving the ability to deliver a more efficient project with less impact on the land.

Furthermore, the design of the basement was not an item of contention in the granting of the original consent and a smaller more rationalised basement (not compromising any contentious Development Consent parameters) is seen as a positive.

4.4 Site suitability and public interest

The proposed minor amendments to the design of the basement will provide a higher quality, more efficient, and rationalised built form outcome at the site without having any impact on traffic and parking arrangements.

The rationalised basement footprint also has benefits in terms of reducing the amount of excavation required to be undertaken on site, which will in turn mean:

- A reduced period of noisy works during the construction phase;
- Greater separation between the basement and the heritage listed bowling club building. This is significant to ensure greater security of the important heritage outcome established for the site;
- Less trucks having to access the site during the construction phase; and
- A shorter overall delivery program for the development.

5.0 Conclusion

The proposed modifications relate to minor amendments to the design of the approved basement to improve efficiency and rationalise the design.

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.

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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