

2 May 2022

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The Chief Executive Officer  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

## **SECTION 4.55(1A) MODIFICATION APPLICATION TO DA2018/1332 - GLENAEON RETIREMENT VILLAGE – 199 & 207 FOREST WAY, BELROSE**

This application has been prepared by Ethos Urban on behalf of Lendlease-Retirement Living (LL-RL) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA2018/1332 relating to the Glenaeon Retirement Village at 199 & 207 Forest Way, Belrose (the site).

As discussed in **Section 2.0**, the proposed modification seeks consent for the replacement of the existing sewer pumping station that services the village, with a 'like-for-like' replacement for a new system incorporating present day best practice safety measures and environmental risk mitigation. This application should be read in conjunction with the following supporting documents:

- Civil Plans and Statement prepared by SCP (**Attachment A**);
- Electrical and Structural Design Certification prepared by SCP (**Attachment B**);
- Civil and Hydraulic Design Certification prepared by SCP (**Attachment C**);
- Arborist Statement prepared by Footprint Green (**Attachment D**);
- Acoustic Statement prepared by Resonate (**Attachment E**);
- Bushfire Statement prepared by Stuart McMonnies (**Attachment F**); and
- Geotechnical Investigation prepared by JK Geotechnics (**Attachment G**).

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act.

### **1.0 Consent Proposed to be Modified**

Development consent DA2018/1332 was granted by the Sydney North Planning Panel on 1 May 2019 for demolition works and the construction of major additions to Glenaeon Retirement Village (207 Forest Way), including self-contained dwellings and a new residential care facility on a neighbouring lot (199 Forest Way), with associated carparking, landscaping and public road modifications.

This consent has been previously modified as follows:

- Section 4.55(1A) Modification Application (Mod2019/0307), which was approved by Council on 1 August 2019, and amended a number of conditions to enable the staging of Construction Certificates and Occupation Certificates for the development; and
- Section 4.55(1A) Modification Application (Mod2019/0308), which was approved by Council on 1 August 2019, and removed the requirement to provide Section 7.12 developer contributions on the grounds that the facility is to be run by a not-for-profit service provider; Catholic Healthcare.
- Section 4.55(1A) Modification Application (Mod2020/0299) which was approved on 6 October 2020 and relates to minor design development refinements and discrepancies in the approved architectural plans;
- Section 4.55(1A) Modification Application (Mod2020/0365) which was approved on 30 September 2020 and relates to amendments to condition 11 of the development consent;

- Section 4.55(1A) Modification Application (Mod2020/0508) which was approved by Council on 19 November 2020 for the removal of one tree to allow for the installation of an Ausgrid substation.
- Section 4.55(1A) Modification Application (Mod2020/0624) which was approved by Council on 10 December 2020 for amendments to conditions 11 relating to road and footpath reconstruction works;
- Section 4.55(2) Modification Application (Mod2020/0431), was refused by the Sydney North Planning Panel on 27 January 2021;
- Section 4.55(1A) Modification Application (Mod2021/1000) was approved by Council on 12 April 2022 for 5 new garages to replace 8 garages, new potable water generator, removal of Building D detention basin and minor updates to the landscape scheme.

This application represents the tenth (10) modification application to date.

## 2.0 Description of Proposed Modifications

The proposed modifications to DA2018/1332 are illustrated in the Civil Plans prepared by SCP (**Attachment A**) and other supporting subconsultant technical reports and plans. The existing sewer pumping stations is located in the lower south eastern portion of the allotment and is accessed via a concrete service road. The proposed sewer pumping station is proposed to be located adjacent to the existing pumping station (refer to **Figure 1**) on the rock shelf, just east of South Avenue. The proposal will only involve minimal excavation and will include a strengthened raft slab for the foundation of the tank. The proposal will remove and decommission the existing pumping station and ancillary services and install a like for like new pumping station.

The proposed new sewer pumping station will be designed to provide 8 hours of sewer storage, with total emergency storage volumes of 48,480litres. The upgraded sewer pumping station will be sufficient to serve the existing and future development on the site. The existing rising main pipe that extends to the Sydney Water infrastructure on Forest Way will not be impacted by the proposed development. The proposal will not involve the removal of any trees.



**Figure 1**      **Proposed development site**

Source:      *Nearmap / Ethos Urban*

### 3.0 Proposed modifications to the consent

#### 3.1 Modifications to conditions

The proposed modification requires amendments to the conditions of consent. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***. For clarity, only those plans and documents subject to change have been included below.

#### 14. Detailed Design of Stormwater Quality Systems

*A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed in accordance with the following stormwater plans and as amended as required by this consent:*

- 199 Forest Way
  1. *Stormwater Drainage Plans prepared by Wood & Grieve Engineers, Project No. 30916-7, Rev. F, dated 21/01/2019*
  2. *Site Stormwater Management Plan prepared by Wood & Grieve Engineers dated 4 February 2019.*
- 207 Forest Way
  1. *Proposed Detention Basin Plans, Drawing No. 256773\_CD\_SK-006 to 256773\_CD\_SK-007, Rev. 1, dated December '18.*
  2. *Civil Infrastructure Report, Glenaeon Retirement Village prepared by Cardno dated 27 July 2018.*
  3. ***Civil Infrastructure Plans and Report prepared by SPC dated 16 March 2022.***

Drawing Number	Drawing Title	Prepared By
GLN-H-D-00000	HYDRAULIC SERVICES COVER SHEET AND DRAWING INDEX	SCP
GLN-H-D-00001	HYDRAULIC SERVICES LEGEND AND NOTES	SCP
GLN-H-D-00002	DESIGN DATA AND PUMP CURVES	SCP
GLN-H-D-00003	MACERATOR DETAIL	SCP
GLN-H-D-00004	ACOUSTIC DOOR DETAIL	SCP
GLN-H-D-00005	SPOON DRAIN DETAIL	SCP
GLN-H-D-20001	SPS DEMOLITION AND STAGING PLAN	SCP
GLN-H-D-20002	SPS PROPOSED PLAN	SCP
GLN-H-D-50001	SECTIONS 01	SCP
GLN-H-D-70001	DETAILS 01	SCP
GLN-H-D-90000	PERSPECTIVE VIEW	SCP
GLN-H-D-90001	HYDRAULIC SCHEMATIC	SCP
GLN-E-D-20001	SPS ELECTRICAL DEMOLITION AND STAGING PLAN	SCP
GLN-E-D-20002	SPS ELECTRICAL PROPOSED PLAN	SCP
GLN-E-D-90000	ELECTRICAL SERVICES SCHEMATIC	SCP
GLN-S-D-20001	GENERAL NOTES SHEET 1	SCP
GLN-S-D-20002	GENERAL NOTES SHEET 2	SCP
GLN-S-D-20101	TANK PLANS	SCP
GLN-S-D-20201	TANK DETAIL SHEET 1	SCP
GLN-S-D-20301	PIPE SUPPORT DETAILS SHEET 1	SCP

Reason: Condition 14 is proposed to be amended to make reference to the updated civil documentation which addresses the proposed new sewer pumping station in place of the existing sewer pumping station. The Civil Infrastructure report submitted with the original development application noted that the waste water currently discharges to an existing private Sewer Pump Station in the south east of the site with a rising main traversing up Glenaeon Avenue and discharging to Sydney Water Corporation's waste water network along Forest Way. The new Plans and Report should be read in conjunction with the original documentation and are proposed to be an addendum to the previously submitted civil infrastructure reports.

The Civil Infrastructure report submitted with the DA made reference to the existing sewer pumping stations which is over 30 years old and generates excessive noise. The flow rates of the village have since been revised following a review of Cardno's assessment under the original DA. Accordingly, Condition 14 and the associated civil plans are proposed to be amended to account for the new sewer pumping station which has been assessed as being adequate to accommodate the existing site, Stage 1 works and any future development.

This report is to be read in conjunction with the approved Civil Plans and Reports, noting that where the existing sewer pumping station is referred to, this will be replaced by the proposed SCP design. Further discussion is provided in **Attachment A** and **Attachment B**.

## 4.0 Substantially the same development

Section 4.55(1A) 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 the 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 alterations do not substantially change the whole or essential character of the approved development. The development is consistent with that originally approved, self contained dwellings, car spaces, and the construction of a new residential aged care facility on the neighbouring lot;
- The modifications do not result in an increase the maximum height of buildings, or alter the approved floor space, and will not result in any changes to the approved buildings; and
- The qualitatively essential parts of the approved development all remain in intact, including the overall built form and urban design, the impacts on surrounding development, traffic and parking, public domain, and residential amenity.

The proposed modification is in simple terms a result of a review of the civil infrastructure requirements on site and will replace the existing sewer pumping station for an upgrade system that meets the site's operational requirements.

## 5.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if "*it is satisfied that the proposed modification is of minimal environmental impact*". Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The proposed modification will not give rise to any environmental impacts outside of those already assessed in the original SEE. Likewise, the proposed modifications do not affect the approved development's compliance with the relevant planning instruments as follows:

- *Water Management Act 2000*;

- *Rural Fire Services Act 1997*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors);
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Building* (SEPP 65);
- *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy (BASIX) 2004* (SEPP BASIX);
- *Warringah Local Environmental Plan 2000* (WLEP 2000); and
- *Warringah Local Environmental Plan 2011* (WLEP 2011).

### 5.1 Design Compliance

SCP Consulting have undertaken a review of the design and documentation in relation to the proposed upgraded sewer pumping station. SCP confirm the proposal will comply with the relevant Australian Standards and BCA relating to electrical, structural, hydraulic and civil requirements. Refer to the Design Certification Statements at **Attachment B** and **Attachment C**.

### 5.2 Tree Impact

An Aboricultural Impact Assessment has been prepared by Footprint Green and is included at **Attachment D**. The report has assessed nine (9) trees in the vicinity of the site and which are to be retained as part of the proposed application. Two (2) of the nine (9) trees have been assessed as having a high landscape significance.

As no trees are proposed for removal, the Aboricultural Impact Assessment includes tree protection zones to ensure all trees are appropriately retained during the construction of the new sewer pumping station. The Arborist Report confirms that through the implementation of tree protection measures, the proposed development will not have a significant impact on the long term health of the trees identified. Further discussion is provided at **Attachment D**.

### 5.3 Bushfire

A Bushfire Statement has been prepared by Building Code and Bushfire Hazard Solutions and is included at **Attachment G**. The Statement confirms that given the sewer pumping station is more than 6m from any building, there is no additional construction requirements in accordance with the *Planning for Bushfire Protection – 2019* documentation and there is a reasonable level of bushfire protection provided. Therefore, the proposal is supported from a bushfire perspective. Further discussion is provided in **Attachment E**.

### 5.4 Acoustic Impact

An Environmental Noise Assessment has been prepared by Resonate and is included at **Attachment F**. The Assessment confirms that the proposed upgrade of the existing sewer pump station will comply with the NPI project noise criteria.

### 5.5 Geotechnical

A Geotechnical Assessment has been prepared by JK Geotechnics and is included at **Attachment G**. The report has assessed the site and the subsurface conditions. The report provides recommendations to be implemented during the construction phase of the project.

### 5.6 Impact on surrounding development

As discussed, the proposed modifications will replace and upgrade the existing sewer pumping station. The proposed modification is supported by relevant technical reports that confirm it will be designed in accordance with the relevant standards and will not have an adverse impact on surrounding development. Accordingly, the proposal



will not change the approved impacts to surrounding development in terms of overshadowing, privacy or visual impacts or view sharing.

## **5.7 Site Suitability and Public Interest**

The site remains suitable for the proposed development given that:

- The development will continue to accelerate the supply of seniors housing commensurate to the forecast demand for the LGA, within an existing village and long standing seniors community;
- The site is well situated in proximity to public transport and is regularly serviced by an array of bus routes that connect the site to Sydney CBD, Chatswood, Frenchs Forest and Terry Hills;
- The proposed development appropriately manages the site sensitivities and constraints; and
- The development is permissible under the B2 Oxford Falls Locality and is consistent with the Desired Future Character Statement.

## **5.8 Reasons given for granting consent**

In accordance with Section 4.55(3) of the Act, the consent authority is required to take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Planning Panel's reasons for granting consent have been summarised below:

- the social benefit of a residential care facility being on the same site as a retirement village with independent living units;
- the panel considered that use was permissible under the Warringah LEP 2000; and
- the panel considered that the proposal is consistent with the desired future character within the B2 Locality.

The proposed modifications will not undermine these original reasons for granting consent. The proposed changes do not alter the positive social benefits of the development, the permissibility of the development, or the development's adherence to the desired future character of the area. The proposed amendments will provide an upgraded and suitable stormwater design in line with future capacity and demand.

## 6.0 Conclusion

The proposed modification seeks consent for the replacement of the existing sewer pumping station that services the village, with a 'like-for-like' replacement for a new system incorporating present day best practice safety measures and environmental risk mitigation. Accordingly, Condition 14 and the associated civil plans are proposed to be amended to account for the new sewer pumping station which has been assessed as being adequate to accommodate the existing site, Stage 1 works and future development.

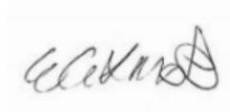
These proposed modifications do not impinge on the approved bulk and scale, capacity of intended operation of the approved development. The proposed development remains substantially the same as that approved, and the proposed changes will not significantly or adversely alter the approved environmental impacts of the development.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- it is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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