

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0170
----------------------------	--------------

Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 1 DP 1198833 , 24 Beach Street CURL CURL NSW 2096
Proposed Development:	Modification of Development Consent DA2012/1509 granted for Demolition works, alterations and additions to the existing hospital, use of premises as a hospital and supported living facility and consolidation of lots
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Woodose Holdings Pty Ltd
Applicant:	Mcnally Management Pty Ltd

Application lodged:	20/08/2014
Application Type:	Local
State Reporting Category:	Other
Notified:	02/09/2014 to 17/09/2014
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	2
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided

by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

SITE DESCRIPTION

Property Description:	Lot 1 DP 1198833 , 24 Beach Street CURL CURL NSW 2096
Detailed Site Description:	The primary site is legally described as Lot 81 DP 583700 and commonly known as No.24 Beach Street, Curl Curl. The subject site has a area of 1716m² and is located on the southern side of Beach Street, approximately 120m from the intersection with Carrington Road. The site is currently occupied by a private hospital, specialising in psychiatric treatment/rehabilitation, established in 1965. The existing building on site has a maximum height of three storeys and is essentially comprised of additions made to a residential dwelling originally known as "Green Gables". The second site subject of this application is legally described as Lot 1 DP 937236 and commonly described as No.26 Beach Street, Curl Curl. The site currently comprises a single storey dwelling house. Surrounding development consists of multi-unit residential development to the east of the site (No.16-22) and a two storey dwelling to the west (No.28). Adjacent the southern boundary of the site is a large multi-unit housing development ("Coastwatchers") at No.2-4 Beach Street, which also has frontage with Carrington Drive. The predominant land uses in Beach Street are residential, with the subject site comprising the only non-residential land use.

Map:



SITE HISTORY

DA2012/1509 for demolition works, alterations and additions to the existing hospital, use of premises as a hospital and supported living facility and consolidation of lots was approved on 18 April 2013.

DA2012/0658 for demolition works, alterations and additions to an existing hospital, and use of premises as an administrative building to the existing hospital was approved on 6 September 2012.

PROPOSED DEVELOPMENT IN DETAIL

The modifications include:

The Revised Ground Floor configurations include:

- Reconfiguration of the ground floor of no. 28 to relocate the WC and reorient the kitchen.
- The stair in no. 28 has been further resolved and the outcome is additional risers which add to the length of the stair envelope.
- Relocated Main Switch room, Store and Maintenance store.
- The extent of excavation to the rear of the car park has been revised. And egress door to stair reoriented.
- Existing wall locations corrected in plan to office 1, 2 and 3. Existing reception desk configuration also retained.
- Door to store room and external window relocated.

The Revised Level 1 configurations include:

- Deletion of the Gym, Meditation room, computer room
- Reconfiguration of bedrooms to remove en-suites from rooms and create a common block of individual bathrooms along a new corridor.

- Reconfiguration and the addition of a "Group" room.
- Relocated offices from level 2 to adjacent the nurse station.
- Relocated Linen storage cupboard.
- Increased Laundry to allow for disabled access.
- Additional doorways to paved and landscaped light well.
- Bathroom walls and layout revised to level 1, no. 28.
- Kitchenette and FHR deleted from Level 1, no 28.
- Door added to under stair space for storage.
- Extent of existing planters revised, and deleted from terrace of no 28

Revised Level 2 configurations:

- Reconfiguration of work spaces and bathrooms.
- Relocation of offices.
- Relocated and enlarged staff room.
- Reconfigured entry to dining and kitchen
- Addition of a Fire Hose Reel

Minor window amendments have been made as a result of these reconfigurations. The removal of the large format glazing to the internal courtyard at the rear of the facility is for added privacy and function to the group rooms. The kitchen exhaust has also been revised as a function of the design resolution, and an additional riser is required.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2012/1509, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
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	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) 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), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2012/1509.
(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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(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.	See discussion on “Public Exhibition” in this report.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) –	None applicable.

Section 79C 'Matters for Consideration'	Comments
Provisions of any draft environmental planning instrument	
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No Additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public	No matters have arisen in this assessment that would justify the refusal

Section 79C 'Matters for Consideration'	Comments
interest	of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr John Joffre Watkins	21 Wyndora Avenue FRESHWATER NSW 2096
Mrs Ruth Mckenzie	

The following issues were raised in the submissions and each have been addressed below:

- View loss
- Safety
- The height of services (including exhaust vents)

The matters raised within the submissions are addressed as follows:

- View loss

A submission raised concerns that an extension over the existing upper deck at the front of No 28 Beach Street (the cottage at the western end of the site) would result in a loss of views.

Comment: The proposed modifications do not include any extension over the existing upper deck at the front of No 28 Beach Street. The northern end of the cottage does exceed the 8.5m height limit, however, this was discussed in the report for DA2012/1509 and is not proposed to be altered.

Therefore, this matter is not considered to be a reason for refusal.

- Safety

A submission raised concerns that the height of the boundary fence (at 900mm high) between the subject site and No. 11 Wyndora Avenue is not sufficient to prevent children from falling over the 4m drop between the two properties.

Comment: The solution to this safety issue is the construction of a higher boundary fence. In

accordance with the Dividing Fences Act 1991, a boundary fence should be agreed on by both affected neighbours. In this regard, it is recommended that the owners of both properties speak and come to an agreement for a new boundary fence.

Therefore, this is not considered to be a reason for refusal.

- The height of services (including exhaust vents)

A submission raised concerns that services seem to have moved and that they may not comply with the height controls.

Comment: The modifications include minor changes to services including two new exhaust vents on the roof. These vents will remain below the maximum approved building height and will not result in any unreasonable view loss or other amenity impacts on neighbouring properties.

Therefore, this is not considered to be a reason for refusal.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objection to proposed modification subject to no conditions.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	Supported living facility = 11.3m Hospital = 9.3m	Supported living facility = 11.3m Hospital = 9.3m	No change

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The proposed modifications will not increase the maximum height of the buildings. The previously approved non-compliance was discussed in the assessment report for DA2012/1509 and therefore no further assessment is required.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	<u>Building A:</u> North - 9m East - existing West - 5.5m - 6m <u>Building B:</u> North - 8.8m East - 8.8m West - 8.4m	Building A: North - 9m East - existing West - 5.5m - 6m Building B: North - 8.8m East - 8.8m West - 8.4m	No change
	4m	Major breaches to western	Major breaches to western	No

B3 Side Boundary Envelope		elevation Eastern elevation unchanged	elevation Eastern elevation unchanged	change
B5 Side Boundary Setbacks	0.9m	East - 0m (existing), 4m to new works West - 0.4m to stairs (existing), 1.4m to building (existing), 1.6m to new works	East - 0m (existing), 4m to new works West - 0.4m to stairs (existing), 1.4m to building (existing), 1.6m to new works	No change
B7 Front Boundary Setbacks	6.5m	<u>Building A:</u> 1.4m (balcony), 3.4m (foyer), 4.5m (additions to hospital) <u>Building B:</u> 15.6m to additions 0.6m to substation kiosk	Building A: 1.4m (balcony), 3.4m (foyer), 4.5m (additions to hospital) Building B: 15.6m to additions 0.6m to substation kiosk	No change
B9 Rear Boundary Setbacks	6m	1m to new works	1m to new works	No change
D1 Landscaped Open Space and Bushland Setting	40%	4.7% (118.42sqm)	4.7% (118.42sqm)	No change

The proposed modifications will not alter any built form controls and therefore, no further assessment is required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E10 Landslip Risk	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2014/0170 for Modification of Development Consent DA2012/1509 granted for Demolition works, alterations and additions to the existing hospital, use of premises as a hospital and supported living facility and consolidation of lots on land at Lot 1 DP 1198833,24 Beach Street, CURL CURL, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA0001 Issue C	14.08.2014	Anthony Vavayis & Associates
DA1001 Issue D	14.08.2014	Anthony Vavayis & Associates
DA1002 Issue D	14.08.2014	Anthony Vavayis & Associates
DA1003 Issue E	14.08.2014	Anthony Vavayis & Associates
DA2001 Issue C	14.08.2014	Anthony Vavayis & Associates
DA2003 Issue C	14.08.2014	Anthony Vavayis & Associates
DA2004 Issue B	14.08.2014	Anthony Vavayis & Associates
DA3001 Issue C	14.08.2014	Anthony Vavayis & Associates

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Daniel Milliken, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2014/256098	plans notification	20/08/2014

ATTACHMENT B

Notification Document	Title	Date
 2014/269918	Notification map	02/09/2014

ATTACHMENT C

Reference Number	Document	Date
 MOD2014/0170	24 Beach Street CURL CURL NSW 2096 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	20/08/2014
 2014/255203	invoice for ram applications - McNally Management Pty Ltd	20/08/2014
 2014/255204	DA Acknowledgement Letter - McNally Management Pty Ltd	20/08/2014
 2014/256075	modification application form	20/08/2014
 2014/256087	applicant details	20/08/2014
 2014/256098	plans notification	20/08/2014
 2014/256112	report - addendum - statement of environmental effects	20/08/2014
 2014/256139	plans large - external	20/08/2014
 2014/256150	plans large - internal	20/08/2014
 2014/256165	plans large - master set	20/08/2014
 2014/258458	Building Assessment - Fire and Disability upgrades - Assessment Referral - Mod2014/0170 - 24 Beach Street CURL CURL NSW 2096 - RJ	21/08/2014
 2014/259559	Building Assessment Referral Response	22/08/2014
 2014/260746	File Cover	25/08/2014
 2014/269918	Notification map	02/09/2014
 2014/269994	notification letter & plans posted	02/09/2014
 2014/275540	Online Submission - Watkins	05/09/2014
 2014/288286	Online Submission - McKenzie	18/09/2014