

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2017/0045
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Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 2611 DP 752038, 1 / 0 Veterans Parade NARRABEEN NSW 2101
Proposed Development:	Modification of development consent DA2008/0802 for demolition of the existing 34 dwellings and the reconstruction of 34 new dwellings in Cutler Village at the RSL War Veterans Village
Zoning:	LEP - Land zoned SP1 Special Activities LEP - Land zoned E2 Environmental Conservation
Development Permissible:	Yes - Zone SP1 Special Activities Yes - Zone E2 Environmental Conservation
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	RSL LifeCare Limited
Applicant:	TSA Management Pty Ltd

Application lodged:	01/03/2017
Application Type:	Integrated
State Reporting Category:	Residential - Seniors Living
Notified:	30/03/2017 to 18/04/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
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

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 2611 DP 752038 , 1 / 0 Veterans Parade NARRABEEN NSW 2101
Detailed Site Description:	The 'subject site' is commonly known as the 'RSL War Veterans Retirement Village' located on Veterans Parade, Wheeler Heights. The site is approximately 44 hectares in area and occupies land (comprising 6 Lot titles) between Veterans Parade, Lantana Avenue and an unmade portion of South Creek Road. The site contains a range of aged care and war veteran's accommodation for approximately 1200 residents, including; self-care dwellings, assisted care hostels, and nursing homes. The form of accommodation varies from one and two storey detached bungalows to a large nursing home and hostel buildings of up to five storeys in height. The buildings are dispersed amongst landscaped areas, bushland and internal roads. This application relates to a section of land located at the end of Colooli Road, known as Cutler Village, which forms part of the RSL Lifecare Retirement Village at Narrabeen. The area that the proposal pertains to is currently occupied by approximately 120 dwellings, which are located adjacent to the eastern boundary of the site and accessed via the public road known as Colooli Road and internally the Village road known as Cutler Circuit. Surrounding development outside the Village is characterised by residential dwellings to the east and south, bushland within Jamieson Park to the north and north-west and Narrabeen. Lake to the north and west.

Map:



SITE HISTORY

Development Application No. DA2008/0802

Development Consent No. DA2008/0802 was approved by Warringah Council on 9 December 2009 for the demolition of existing 34 dwellings and the re-construction of 34 new dwellings in the Cutler Village precinct of the RSL War Veterans Retirement Village at Veterans Parade, Wheeler Heights.

Section 96 Modification No. Mod2015/0294

This modification to original consent (DA2008/0803) was approved by Council on 23 March 2016, which sought design amendments to 24 of the replacement dwellings in order to comply with accessibility codes, to improve internal design and configuration, and to meet current expectations of seniors housing amenity.

PROPOSED DEVELOPMENT IN DETAIL

The proposed modifications include alterations to the internal layouts of Unit 4 Culter and overall building footprint. The revised scheme provides for an enclosed garage to replace the approved covered carport.

The modifications to Unit 4 results in a minor increase in building footprint width and a minor reduction in building footprint length.

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 C.

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 DA2008/0802 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 DA2008/0802.
(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.	No submissions were received in relation to this application.

Section 79C Assessment

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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) – Provisions of any draft environmental planning instrument	None applicable.
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.
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 interest	No matters have arisen in this assessment that would justify the refusal 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 of the application Council received no submissions.

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 objections subject to conditions.
Development Engineers	The proposed modifications do not impact upon Council's road or drainage infrastructure. No objection to approval and no additional or modified conditions are recommended.
Environmental Investigations (Acid Sulphate)	No additional conditions
Landscape Officer	No objections to the proposed modifications.
Natural Environment (Biodiversity)	Council's natural environment - biodiversity section raise no objections to the proposal.
Natural Environment (Coastal)	No objection to the proposed development as it is not impacted by coastal processes.
Natural Environment (Flood)	The area of works is outside the Probable Maximum Flood extent. No flood related development controls apply.
Natural Environment (Riparian Lands/Creeks)	No objection to approval with no additional conditions.
Traffic Engineer	There is no objection to the proposed modifications with regard to traffic.
Waste Officer	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	The application (as modified) was referred to NSW Rural Fire Services as integrated Development in accordance with section 96 of the 'Environmental Planning and Assessment Act 1979. The NSW RFS has issued an amended conditions, which have been incorporated within the recommendation of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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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)

SEPP (Building Sustainability Index: BASIX) 2004

Amended BASIX certificate for Unit 4 has been submitted with the application. A condition has been included in the recommendation of the original report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21-day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Zone SP1: Yes Zone E2 : 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

Compliance Assessment

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Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
5.3 Development near zone boundaries	Yes
5.5 Development within the coastal zone	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Warringah Development Control Plan

Built Form Controls

The proposed modification does not alter the approved built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - SP1	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	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

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Clause	Compliance with Requirements	Consistency Aims/Objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	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
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
F3 SP1 Special Activities	Yes	Yes
War Veterans Village, Narrabeen	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

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;

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- 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. Mod2017/0045 for Modification of development consent DA2008/0802 for demolition of the existing 34 dwellings and the reconstruction of 34 new dwellings in Cutler Village at the RSL War Veterans Village on land at Lot 2611 DP 752038,1 / 0 Veterans Parade, NARRABEEN, 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
DA1 (Rev D)	Feb 2017	Humel Architect
DA08 (Rev D)	Feb 2017	Humel Architect
DA09 (Rev D)	Feb 2017	Humel Architect
DA15 (Rev C)	Feb 2017	Humel Architect
DA50 (Rev B)	Feb 2017	Humel Architect
DA56 (Rev B)	Feb 2017	Humel Architect

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Assessment Report	16 December 2015	Blackett Maguire Goldsmith

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	22/02/2017	Humel Architect

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

B. Add Condition <1A - Compliance with Other Department, Authority or Service Requirements> to read as follows:

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference
NSW Rural Fire Service	Response NSW RFS

(NOTE: For a copy of the above-referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

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

Lashta Haidari, Senior Development Planner

The application is determined under the delegated authority of:

Anna Williams, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2017/061327	Plans - Notification	24/02/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/081634	Notification Map	23/03/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/061335	Report - Geotechnical	21/02/2017
 2017/061330	Report - BASIX and NatHERS Certificates	21/02/2017
 2017/061333	Report - Bushfire	21/02/2017
 2017/061332	Report - BCA Assessment	21/02/2017
 2017/061339	Report - Waste Management	22/02/2017
 2017/061327	Plans - Notification	24/02/2017
 2017/061321	Report - General Statement	27/02/2017
 2017/061336	Letter - Accessibility	27/02/2017
 2017/061318	DA Receipt	27/02/2017
 2017/061343	Letter - Master Transmittal Register	27/02/2017
 MOD2017/0045	Lot 1/ Veterans Parade WHEELER HEIGHTS NSW 2097 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	01/03/2017
 2017/057707	DA Acknowledgement Letter - TSA Management Pty Ltd	01/03/2017
 2017/061354	Plans - Master Set	03/03/2017
 2017/061349	Plans - Internal	03/03/2017
 2017/061312	Modification Application Form	03/03/2017
 2017/061313	Applicant Details	03/03/2017
 2017/061353	Plans - External	03/03/2017
 2017/074360	Waste Referral Response	16/03/2017
 2017/075832	Natural Environment Referral Response - Flood	17/03/2017
 2017/076690	UNUSED Development Application Advertising Document - TSA Management Pty Ltd	20/03/2017
 2017/077216	Environmental Investigations Referral Response - acid sulfate soils	20/03/2017
 2017/081417	Natural Environment Referral Response - Riparian	23/03/2017
 2017/081634	Notification Map	23/03/2017
 2017/081649	Notification Instructions to Applicant	23/03/2017
 2017/084287	Building Assessment Referral Response	27/03/2017
 2017/085062	Natural Environment Referral Response - Biodiversity	28/03/2017
 2017/087926	Development Engineering Referral Response	29/03/2017
 2017/096451	Natural Environment Referral Response - Coastal	06/04/2017
 2017/121946	Referral - RFS - Lot 1 Veterans Parade Wheeler Heights	03/05/2017
 2017/124775	Referral - RFS - Lot 1 Veterans Parade Wheeler Heights	05/05/2017