

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0199
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 2611 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097
Proposed Development:	Modification of Development Consent DA6000/6478 granted by the Land and Environment Court for a new Retirement Village known as Greenhaven
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:	Warringah Council
Land and Environment Court Action:	No
Owner:	RSL Lifecare Limited
Applicant:	TSA Management Pty Ltd

Application lodged:	11/09/2014
Application Type:	Integrated
State Reporting Category:	Other
Notified:	26/09/2014 to 14/10/2014
Advertised:	27/09/2014
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

Environmental Planning and Assessment Act 1979 - Section 96AA -

Warringah Development Control Plan - War Veterans Village, Narrabeen

Warringah Local Environmental Plan 2011 - Zone SP1 Special Activities

SITE DESCRIPTION

Property Description:	Lot 2611 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097
Detailed Site Description:	The subject site is legally defined as Lot 1, DP 774980, Lot 1, DP 803645, Lot 2026, DP 752038, Lot 2611, DP 752038, Lot 573, DP 752038, & Lot 2641, DP 752038, Lot 1/ Veterans Parade, Wheeler Heights. The site (subject of this modification), is part of a large area being approximately 44 ha in area and is generally bounded by Veterans Parade to the east, Colooli Road and Jamieson Park to the north, Lantana Avenue and James Wheeler Place to the south and the Narrabeen Lagoon foreshores to the west. The existing War Veterans Village occupies part of the eastern and northern part of the War Veterans land. The site contains a range of aged care and War Veterans accommodation for a total of 1200 residents, including self care dwellings, assisted care hostels and nursing homes. The War Veterans land contains remnant bushland and some disturbed areas with some weed infestation and is classed by the bush fire prone land map (certified under Section 146 of the EPA Act 1979 as "Bush Fire Prone Land - Vegetation Buffer". Part of portion 2611, which comprises approximately 4ha of a total of 11ha of undeveloped land at the western end of the War Veterans Land, received development consent from the Land and Environment Court on 28 May 1998. The Greenhaven (now renamed to Dardanelles) development is divided into 3 stages. The current modification application

before Council only relates to stage 2 of the approved development. The subject site is visually and topographically separated from the existing village, which is elevated above it.

Construction of the approved development initially commenced with the construction of an access road extension off Snake Gully Drive. Construction of stage 1 comprising 41 units in the south – west corner of the site is near completion. A S96 modification relating to a stage 1 was approved by Council on 5 October 2006 to provide for a reduction in the number of units from 43 to 41, with an increased number of 3 bedroom units.

Surrounding development outside the Village is characterised by residential dwellings to the east and south, bushland within Jamieson Park to the north and northwest and Narrabeen

Map:



SITE HISTORY

Approved Development Application

Development Application DA6000/6478 was lodged with Council in 1996 and was granted consent by the Land and Environment Court on 28th May 1998 (proceedings 10566 of 1996). The approved development was for the construction 130 x 2 bedroom self care units as an extension of the existing RSL War Veterans Retirement Village, located off Lantana Ave. The works approved also included a community building, road access and stormwater drainage and associated infrastructure.

Previous Approved Modification.

Development consent No. 6000/6478 has been modified on the following occasions:

Modification Number	Description of Application
6000/6478 Mod 1	Amendments to the conditions of consent in relation to the road access and stormwater management arrangement
6000/6478 Mod 2	Reduction in the number of self-care units in stage 1 of the development, changes to levels, reduction of building footprints, modification to roads and driveways and additional retaining walls.
6000/6478 Mod 3	Modification to the design and footprint of the approved community building to make the individual buildings into a single multi-purpose community centre, with a total floor area of approximately 460m ² .
Mod2008/0158	Reduce the number of units, building area and building footprint, modify the level, roadways, driveways and entry gradients, Internal unit design and changes to roof profile and ancillary facilities
Mod2012/0242	The proposed modification related to Units 52 -65 (14 Units in total) which comprises the third (3rd) precinct of the Stage 2
Mod2014/0206)	The proposed modification related to Stage 2 of the approved Development.

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification relates to Stage 2.5 & 2.6 of the approved development and includes (which is stipulated in a Statement from the Architect) :

- Internal changes to floor layout/configuration.
- Kitchen, study bedroom 1 and ensuite locations changed in several units.
- Bathroom and laundry configuration changed in a number of units and locations switched in some units.
- Bedroom 2 locations switched with balcony, study or kitchen in 3 units.
- Kitchen, laundry and dining room locations changed in some units.
- Living rooms and entry and balcony layout revised in several units.
- Some garage locations amended slightly and changes to garage access for several units.
- Minor changes to unit and building footprints.
- Small reduction in landscaped area.
- Minor changes to elevations
- Minor changes to internal facilities such as linen cupboards
- Additional skylights added to a number of first floor units.
- Feature stone cladding added to columns and garages.
- Minor changes or enlargement of some balconies and inclusion of some additional balconies.
- Changes to hallways in a number of units.
- Changes to windows and extent of glazing and changes to doors.
- Modification of end elevations of buildings.
- Minor changes to roof layout/configuration to suit amended unit layouts.

The proposed modification does not propose any changes to the total number of apartments, the number of bedrooms approved for each apartment. There will be a very minor 0.4% (54.5m²) increase in total residential floor area.

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 Land and Environment Court judgement relating to DA6000/6478, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96AA of the Environmental Planning and Assessment Act, 1979, are:

Section 96AA - Modification of a development consent granted by the Court	Comments
A consent authority may modify a development consent granted by the Court provided that the consent authority as part of the assessment process take into consideration the following matters:	
a) Is the proposed development as modified substantially the same development as originally approved by Council?	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 DA 6000/6478 for the following reasons: • The proposed changes are minor in nature and generally relate to minor modification for some of the units within stage 2.5 and 2.6 of the approved development; • The changes proposed do not alter the intensity or scale of the approved development. The layout of buildings, access roads, parking will remain substantially the same as approved; and • The proposed changes do not result in any increase in amenity impacts on neighbouring units within the development or on properties adjoining the site. There is no material change to solar access, privacy, views or visual impact as result of the proposed development.
b) Whether the application requires the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?	The original Development Application DA 6000/6478 identified the development as integrated development requiring the general terms of approval of the RFS. The proposed modification was referred back to NSW Rural Fire Service and no objections were raised subject to compliance with the amended General Terms of Approval that was issued as part of a Section 96 Application dated 8 September 2010.
c) Whether any submissions were made in respect of the proposed modification	As discussed in the 'Notification and Submissions' section of this report, the application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan. No submissions have been received as result of the proposed modification.

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) – 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 and has been considered within the context of this report.
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)	All relevant provisions of the EP&A Regulation 2000 have been taken into consideration during the assessment of the development application and this modification application.
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, as modified, on the natural and built environment are addressed under the Development Control Plan section of this report and found to be satisfactory. (ii) The proposed modifications will not have a detrimental social impact in the locality as only minor internal and external changes are proposed. (iii) The proposed modifications will not have a detrimental economic impact on the locality considering no changes are proposed to the use of the development and no changes are proposed to the area occupied by non-residential uses within the development.
Section 79C (1) (c) – the suitability of the site for the development	The proposed modifications do not alter the site’s suitability for the proposed use.
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	The proposed modifications are generally consistent with the planning controls applying to the site and do not result in any unreasonable impacts on the adjoining properties. As such, the modifications are considered to be in 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
Development Engineers	The proposed modifications do not impact the approved stormwater system. The proposed amendment to the garage to unit 124 is satisfactory. No objection to approval and no modified or additional conditions are recommended.
Environmental Health and Protection (Acid Sulphate)	No objection to the proposed development.
Landscape Officer	No objections to the proposed modification to the approved buildings.
Natural Environment (Biodiversity)	No objection to the proposed modification.
Natural Environment (Coastal)	The property is not impacted by coastal erosion or coastal inundation. As a result there are no objections to this application
Natural Environment (Drainage Assets)	Please see the Development Engineering comments for any relevant stormwater drainage asset comments and conditions.
Natural Environment (Flood)	As the proposal does not include changes to the ground floor elevations of Block B, the proposed modification is not considered to increase flood risk. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	Recommended for approval with no conditions.
Parks, reserves, beaches, foreshore	No objection to the proposed development.
Waste Officer	Waste Services Assessment Waste has no issues with the proposed.

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 – head office	The Application was referred to NSW RFS as integrated Development in accordance with section 96 of the Environmental Planning and Assessment Act 1979/ The RFS by letter dated 15 December 2014, raised no objection to the proposed modified development subject to 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)

SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) come into effect in 1 October 2005. The development was approved in 1998 and therefore was not effected by the requirement of this SEPP. Accordingly, the requirement of this SEPP is not applicable to the proposed modification.

SEPP (Housing for Seniors or People with a Disability) 2004

The original application was lodged under the provisions of WLEP 2000 and not SEPP (Housing for Senior's or People with a Disability) 2004 (SEPP HSPD). Warringah Local Environmental Plan 2011 (WLEP 2011) is now in force as of 9 December 2011. It is noted that Clause 1.8A (the transitional provision) within WLEP 2011 is not applicable to Modification Applications. Further, WLEP 2011 does not contain any provisions relating to Seniors Housing and therefore pursuant to Section 79C of the EPA Act 1979, the assessment of this modification has taken into consideration the relevant provisions of SEPP HSPD with regard to the relevant urban design provisions of SEPP HSPD, outlined as follows:

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development applications made pursuant to SEPP (HSPD). However, this application is a modification to an approved development (made pursuant to WLEP 2000), and its not a Development Application. Chapter 3 of SEPP HSPD contains a number of development standards that are applicable only to development applications made pursuant to SEPP HSPD. However, as the modification application was made pursuant to WLEP 2000, and now WLEP 2011, an assessment against the applicable development standards of SEPP HSPD, has been carried out below.

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP (HSPD) a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	The subject site (known as	Yes

Control	Required	Proposed	Compliance
		RSL War Veterans Retirement Village) is 44ha extending across three lots	
Site frontage	20 metres	The area relevant to the proposed modifications does not have a frontage. The development is therefore considered to comply.	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	The proposed modifications will not increase the approved height.	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	The proposed modification does not alter the approved number of storeys.	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	The building is not located at the rear of the RSL retirement village.	Yes

Part 5 Development on land adjoining land zoned primarily for urban purposes

Clause 42 Serviced self-Care housing

Clause 42 requires that:

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:

- (a) home delivered meals, and*
- (b) Personal care and home nursing, and*
- (c) Assistance with housework.*

(2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).

The proposed modification relates to minor changes to the approved buildings, which were not approved under SEPP HSPD. No written evidence has been submitted in relation to the requirements of clause 42, however, given that the development is already approved, and the modifications relate to the layout and design of the building, the requirements of this clause are not applicable.

Clause 43 – Transport Services to local Centre

Clause 43 states:

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development"

No advice regarding a bus has been provided by the applicant, however as stated above, given that the development is a previously approved development, and the modifications relate only to minor changes to the layout and design of the building, this clause is not considered applicable as compliance with the transport services as per the previous requirement of Clause 40 of WLEP 2000 is achieved by the proposed development.

Clause 44 - Availability of facilities and services

Clause 44 states that:

"A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation".

Again, the current proposal relates to minor modifications to the building design which was not approved under SEPP HSPD. There is no reason to suspect that the development will not provide the approved services as a result of the proposed modifications.

Chapter 4 – Miscellaneous

The proposed development is not inconsistent with the provisions contained in Chapter 4. The site where the proposed modification is located is not on environmentally sensitive land, is not affected by amendments to other SEPPs, and the special provisions do not apply to this land.

Accordingly, no further assessment of the application is required under Chapter 4 of the SEPP.

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 is not within or immediately adjacent to any of the above electricity infrastructure and as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provision of Clause 45 SEPP Infrastructure.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Minimum subdivision lot size:	Not Applicable	N/A	No changes proposed	N/A	N/A
Height of Buildings:	No height limit apply to the site	N/A	No changes proposed	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
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

Detailed Assessment

Zone SP1 Special Activities

The original development was approved by the Land and Environment Court in 1998, was permissible under the "Special Uses War Veterans Home" zoning which then applied to the site. Warringah LEP 2011 now applies to the site, the subject site falls within two (2) different zones under WLEP 2011, being part E2 Environmental Conservation and part SP1 Special Activities. Senior's housing and associated uses are only permitted within the SP1 Special Activities zone.

The proposed development subject of this Application, falls within entirely within the SP1 Special Activities zone and is therefore permissible development.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
Landscaped Open Space and Bushland Setting	40%	in excess of 40%	in excess of 40%	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - SP1	Yes	Yes
War Veterans Retirement Village: Veterans Parade, Wheeler Heights	Yes	Yes
Rear Boundary Setbacks - SP1	Yes	Yes
B10 Merit assessment of rear boundary setbacks	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
Residential accommodation - 3 or more dwellings	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
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

Detailed Assessment

War Veterans Village, Narrabeen

An assessment of the application against the requirement of this clause is addressed as follows:

The War Veterans site will continue to provide housing for older people and associated uses to meet the needs of residents within the locality.

Comment: The proposed modification does not seek to change the use of the approved development and will therefore continue to provide housing for older people and people with a disability.

Future development will respond to the visual prominence of this site by keeping buildings below the predominant tree line when viewed from the Narrabeen Lagoon viewing catchment. Articulated building forms, landscaping and colours will combine to break up apparent building mass and reduce the impact of new development on long distance views of the locality. Landscaping and the redevelopment of existing buildings so that their visual presence in the Narrabeen Lagoon viewing catchment is reduced will be strongly encouraged.

Comment: The approved development is not visible from the Narrabeen Lake and the works proposed as part of this application will continue to integrated within the existing pattern of development and would not be significantly distinguishable to that of surrounding and nearby structures.

The scale and height of development along Veterans Parade and Lantana Avenue will be consistent with the adjacent established residential development and buildings are to address the street. New buildings will be grouped in areas that will minimise disturbance of vegetation and landforms. Bushfire hazard reduction measures and stormwater detention required as a result of development will be contained within the site.

Comment: The development subject of this application is along Veterans Parade and Lantana Ave, and therefore this component of this clause is not applicable to this application.

Visually and ecologically significant vegetation species and communities and significant natural landforms will be preserved in their natural state.

Comment: The proposed modification are relatively minor in the context of the entire proposal. They will not prevent the spread of indigenous tree canopy, and will not impact on any unique environmental features, such as rock outcrops or remnant bushland. The development will continue to integrate with the natural landscape and topography.

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. Mod2014/0199 for Modification of Development Consent DA6000/6478 granted by the Land and Environment Court for a new Retirement Village known as Greenhaven on land at Lot 2611 DP 752038,1 / 0 Veterans Parade, WHEELER HEIGHTS, subject to the conditions printed below:

A. Add Condition No.1B - 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
DA0 - DA20 (Issue C)	September 2014	Humel Architects

All the proposed changes to the approved Development is to be in accordance with:		
Report No. / Page No. / Section No.	Dated	Prepared By
Schedule of Proposed Amendments to Approved Plans	September 2014	Humel Architects

- 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)

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

Other Department, Authority or Service	eServices Reference
RFS Response	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:

Steven Findlay, Development Assessment Manager

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2014/295530	notification map	25/09/2014

ATTACHMENT C

Reference Number	Document	Date
 2014/284777	plans - survey from CD	29/03/2012
 2014/284791	report statement of environmental effects from CD	09/09/2014
 2014/284785	plans notification from CD	11/09/2014
 MOD2014/0199	Lot 1/ Veterans Parade WHEELER HEIGHTS NSW 2097 - Section 96 Modifications - Section 96 (AA) Court Consent	11/09/2014
 2014/280896	invoice for ram applications - TSA Management Pty Ltd	11/09/2014
 2014/280897	DA Acknowledgement Letter - TSA Management Pty Ltd	11/09/2014
 2014/282754	RSL Lifecare Correspondence - GM meeting request	12/09/2014
 2014/284751	modification application form	16/09/2014
 2014/284753	applicant details	16/09/2014
 2014/284814	plans - external from CD	16/09/2014
 2014/284832	plans - internal from CD	16/09/2014
 2014/284839	plans - master set	16/09/2014
 2014/286807	Environmental Health and Protection (Acid Sulphate) - Assessment Referral - Mod2014/0199 - 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097	17/09/2014
 2014/286874	Natural Environment Referral Response - Drainage	18/09/2014
 2014/286888	Natural Environment Referral Response - Coastal	18/09/2014
 2014/286936	Waste Referral Response	18/09/2014
 2014/286968	Natural Environment Referral Response - Biodiversity	18/09/2014
 2014/287088	Natural Environment Referral Response - Riparian	18/09/2014
 2014/287635	Natural Environment Referral Response - Riparian	18/09/2014
 2014/288082	RSL LifeCare - Request for Meeting - DA for access to James Wheeler Place	18/09/2014
 2014/288645	File Cover	19/09/2014
 2014/288685	Referral to AUSGRID - SEPP - Infrastructure 2007	19/09/2014
 2014/288720	Integrated referral to RFS head office	19/09/2014
 2014/290266	Development Application Advertising Document - TSA Management Pty Ltd	22/09/2014
 2014/291908	Request for Comments - Lot 1/ Veterans Parade WHEELER HEIGHTS - Ausgrid	22/09/2014
 2014/293158	Natural Environment Referral Response - Flood	24/09/2014
 2014/295525	notification letters - 94 sent	25/09/2014
 2014/295530	notification map	25/09/2014
 2014/296753	notification letter and plans posted	26/09/2014
 2014/310995	Environmental Health and Protection Referral Response -	10/10/2014

acid sulfate soils

	2014/314600	Landscape Referral Response	15/10/2014
	2014/325036	Additional information covering letter - Stage 2.5 & 2.6 Dardanelles S96	22/10/2014
	2014/325044	Report Bushfire Hazard Assessment - Stage 2.5 & 2.6 Dardanelles S96	22/10/2014
	2014/325056	Report APZ Extension Environmental Review - Stage 2.5 & 2.6 Dardanelles S96	22/10/2014
	2014/336446	Development Engineering Referral Response	31/10/2014
	2014/356793	Traffic Engineer Referral Response	19/11/2014
	2014/356930	NSW RFS Referral Acknowledgement	19/11/2014
	2014/383479	referral Mod2014/0199	15/12/2014