

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2012/0242
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Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 774980 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 1 DP 803645 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2026 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2611 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 573 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2641 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097
Proposed Development:	Modification of development consent DA6000/6478 granted for new retirement village known as Greenhaven
Zoning:	LEP - Land zoned SP1 Special Activities LEP - Land zoned SP1 Special Activities LEP - Land zoned SP1 Special Activities LEP - Land zoned SP1 Special Activities LEP - Land zoned SP1 Special Activities LEP - Land zoned SP1 Special Activities LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	RSL Lifecare Limited
Applicant:	RSL Lifecare Limited

Application lodged:	27/11/2012
Application Type	Local
State Reporting Category	Other
Notified:	18/01/2013 to 05/02/2013
Advertised	19/01/2013
Submissions	0

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 Local Environmental Plan 2011 - Zone SP1 Special Activities
Warringah Development Control Plan - War Veterans Village, Narrabeen

RECOMMENDATION

Approval

SITE DESCRIPTION

Property Description:	Lot 1 DP 774980 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 1 DP 803645 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2026 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2611 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 573 DP 752038 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097 Lot 2641 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 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	Determination
6000/6478 Mod 1	Amendments to the conditions of consent in relation to the road access and stormwater management arrangement	17/09/2008 by the Council
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.	5/10/2008 by Council
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 .	28/05/2009 by Council
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	4/03/2009 by Council

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification seeks to modify Development Consent No. DA6000/6478 approved by the Land and Environment Court in May 1998. Specifically, the proposed modification relates to Units 52 - 65 (14 Units in total) which comprises the third (3rd) precinct of the Stage 2. The specific details of the proposed modification is detailed in the table below and stipulated within the Statement of Environmental Effect (SEE) prepared by Ingham Planning Pty Ltd:

Unit No.	Proposed Modification
52	Internal floor configuration; Balcony added to the rear; Front entry street facade updated for dual columns; and Roof plan amended to reflect above modification.
53	Internal floor configuration; Balcony and study location revised; Front entry street facade updated for dual columns; and Roof plan amended to reflect above modification.
54	Internal floor configuration; Balcony and study location revised; Front entry street facade updated for dual columns; and Roof plan amended to reflect above modification.
56	Internal floor configuration; Balcony and study location revised; and Kitchen location reversed.
57	Internal floor configuration; Balcony and study location revised; Front entry street facade updated for dual columns; and Roof plan amended to reflect above modification.
58	Internal floor configuration; and Study door configuration revised.
61	Enclosed balcony to provide sunroom; Study doors and layout reconfigured; and Main bathroom linen cupboard reversed.
62	Internal floor configuration; Kitchen and study location relocated; and Main bed ensuite layout amended.
63	Laundry configuration amended internally; and Roof form over balcony and study amended and ridge lowered.
64	Laundry configuration amended internally; and Roof form over balcony and study amended and ridge lowered.

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 DA6000/6478 for the following reasons: • The proposed changes are minor in nature and generally relate to internal modification for some of the units within stage 2 of the approved development. There is no increase or decrease in the footprint of these units; • 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	The original Development Application DA6000/6478 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

Section 96AA - Modification of a development consent granted by the Court	Comments
by these bodies?	that was issued as part of a Section 96 Application (Mod2008/0158) dated 10 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)(iiia) – 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 'Matters for Consideration'	Comments
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

REFERRALS

Internal Referral Body	Comments						
Development Engineers	Development Engineers raise no objections to the release of the Modification with no ad						
Heritage Advisor	<table border="1"> <tr> <th colspan="2">HERITAGE COMMENTS</th></tr> <tr> <th colspan="2">Discussion of reason for referral</th></tr> <tr> <td colspan="2"> This modification has been referred as it is within the vicinity of heritage listed items, w located on land which comprises the RSL War Veterans village. The whole site is zoned part SP1 – Special Activities and part E2 – Environmental Con under the provisions of Warringah Local Environmental Plan 2011, however the development affe this modification is located on the land zoned SP1 - Special Activities. The heritage items located within the vicinity are:- Item I30 ANZAC War Memorial, Veterans Parade This item is located at the Veterans Parade village entrance, approximately 700 metres </td></tr> </table>	HERITAGE COMMENTS		Discussion of reason for referral		This modification has been referred as it is within the vicinity of heritage listed items, w located on land which comprises the RSL War Veterans village. The whole site is zoned part SP1 – Special Activities and part E2 – Environmental Con under the provisions of Warringah Local Environmental Plan 2011, however the development affe this modification is located on the land zoned SP1 - Special Activities. The heritage items located within the vicinity are:- Item I30 ANZAC War Memorial, Veterans Parade This item is located at the Veterans Parade village entrance, approximately 700 metres	
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Internal Referral Body	Comments
	proposal. Item I31 - Building known as “Legacy Park”, Veterans Parade This building, now known as “Anzac House”, is located in the middle of the village on C This is located approximately 600 metres from the proposal. Item I32 – Ruins of Wheeler Homestead, Veterans Parade This item is located close to the western side of the site, near Narrabeen Lakes. This is heritage item to the proposed modification, but is still some 220 metres away. Details of heritage items affected Details of the heritage listed items in the vicinity, as found on the Heritage Inventory Sh items, are:- Item I30 ANZAC War Memorial, Veterans Parade Description: Stone mural of dressed ashlar sandstone with stepped plinth and straight edged cappir centre panel features bas-relief sculpture of armed ANZAC soldiers. Statement of Significance: This memorial has local historical, social and aesthetic significance both as an individual memorial and due to its association with the War Veterans Village. Typical example of bas-relief monuments erected during this period. Item I31 - Building known as “Legacy Park”, Veterans Parade Description: Two storey brick building with tiled, gabled roof and projecting square tower with clock entrance. Two projecting semi-circular wings at rear with colonnades, providing views of Narrabeen Lakes. Statement of Significance: This building has social & historical significance as the first major building of the War V village complex. Retains much of its original fabric & detailing and is a good representative of 1930's domestic architecture. Item I32 – Ruins of Wheeler Homestead, Veterans Parade Description: Site of the Wheeler Homestead is in a small clearing overgrown with weeds. Only parts building slab are evident. An important feature of the site is the remnant fruit trees from orchard. Site may have further archaeological potential. Photographic evidence from the farm & homestead provides a valuable means of interpreting the history of the site. Statement of Significance: The site has rare & representative qualities through its association with James Wheeler original settlers of Warringah and for its potential to demonstrate 19th Century land use farming in the area. Other relevant heritage listings

Internal Referral Body	Comments		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	NO	
	Consideration of Application		
	This application is for the modification of an existing consent, being Consent 6000/6476 granted by the Land and Environment Court in 1998. This consent approved 130 x 2 bed care units and a community building, to be known as the Dardenelles Retirement Village. The development is being built in stages and this application is for alterations to the approval of the units in Stage 2. The modifications are largely changes to the internal configuration with some resultant changes to the roof plan and the design of front entrances.		
	The number of units is unaltered and the scale and bulk of this proposal will essentially be as that previously approved.		
	The heritage items on the War Veterans Village are all located a considerable distance from the proposal. The modifications are minor and do not greatly change the proposed development outcome. As a result, it is considered that there will be no adverse impact upon the heritage items on the site.		
No objections are raised to this modification on heritage grounds and no conditions required.			
Consider against the provisions of Clause 5.10 of WLEP 2011.			
Is a Conservation Management Plan (CMP) Required? Has a CMP been provided? Is a Heritage Impact Statement required? Has a Heritage Impact Statement been provided?			
Natural Environment (Biodiversity)	No comments or conditions to the proposed modification.		
Natural Environment (Flood)	Subject site within lot is not likely to be impacted by flooding.		
Natural Environment (Riparian Lands/Creeks)	NO OBJECTION	Unlikely Significant Impact - This modification is consistent with the Original DA and past modifications.	
Natural Environment (Coastal)	No comments or conditions for the proposed modifications.		
Natural	There is no impact on Council stormwater assets from this proposal.		

Internal Referral Body	Comments
Environment (Drainage Assets)	
Parks, reserves, beaches, foreshore	Parks Reserves and Foreshores raise no objection to the modification.

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.

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	1000m ²	The subject site (known as RSL War Veterans Retirement Village) is 44ha extending across three lots.	YES
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.	N/A
	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.	N/A
	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.

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.

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	% Variation	Complies
Height of Buildings:	There is no height requirement for the subject site	varied height across the site	No changes proposed	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	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 - which permits Seniors Housing and Health Services Facility.

The part of the development that is the subject of this Application, falls within the S P1 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%	>40%	No changes proposed	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Rear Boundary Setbacks - SP1	Yes	Yes
Part F Zones and Sensitive Areas	Yes	Yes
F3 SP1 Special Activities	Yes	Yes
War Veterans Village, Narrabeen	Yes	Yes

Detailed Assessment

War Veterans Village, Narrabeen

The proposed modification is consistent with this component of the DCP requirement for the following reasons:

- 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; and
- 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.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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:

- Inconsistent 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 specified in S.5(a)(i) and (ii) 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. Mod2012/0242 for Modification of development consent DA6000/6478 granted for new retirement village known as Greenhaven on land at Lot 1 DP 774980,1 / 0 Veterans Parade, WHEELER HEIGHTS, Lot 1 DP 803645,1 / 0 Veterans Parade, WHEELER HEIGHTS, Lot 2026 DP 752038,1 / 0 Veterans Parade, WHEELER HEIGHTS, Lot 2611 DP 752038,1 / 0 Veterans Parade, WHEELER HEIGHTS, Lot 573 DP 752038,1 / 0 Veterans Parade, WHEELER HEIGHTS, Lot 2641 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 - DA18 (Rev A)	November 2012	Humel Architects

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

Lashta Haidari, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2012/410243	Plans Notification	28/11/2012

ATTACHMENT B

Notification Document	Title	Date
 2013/019573	notification map	17/01/2013

ATTACHMENT C

Reference Number	Document	Date
 2012/410247	Plans Survey - CD 16838-WAE02	29/03/2012
 2012/410226	Report Statement of Environmental Effects - CD	27/11/2012
 2012/409181	invoice for ram applications - RSL Lifecare Limited	27/11/2012
 2012/409182	DA Acknowledgement Letter - RSL Lifecare Limited	27/11/2012
 2012/410218	Plans Master Set merged from CD	28/11/2012
 2012/410208	Plans External Layout merged from CD	28/11/2012
 2012/410202	Plans Internal Layout merged from CD	28/11/2012
 2012/410243	Plans Notification	28/11/2012
 2012/410248	Applicant Details	28/11/2012
 2012/410253	Modification Application form	28/11/2012
 2012/417863	File Cover	05/12/2012
 2012/417893	Referral to AUSGRID - SEPP - Infrastructure 2007	05/12/2012
 2012/417909	Referral - Internal to Heritage	05/12/2012
 2012/418477	Heritage Referral Response - Mod 2012/0242 - War Veterans RSL Village	06/12/2012
 2012/426652	Natural Environment Referral Response - Drainage	17/12/2012
 2012/427581	Natural Environment Referral Response - Flood	18/12/2012
 2012/428165	invoice for ram applications - RSL Lifecare Limited	18/12/2012
 2012/429649	Integrated referral to RFS head office	19/12/2012
 2012/433858	Parks, Reserves and Foreshores Referral Response	31/12/2012
 2013/006286	Development Application Advertising Document - RSL Lifecare Limited	09/01/2013
 2013/011927	Manly Daily Advertisement Saturday 19 January 2013	15/01/2013
 2013/019059	referral response - MOD2012/0242 LOT 1 Veterans Parade Wheeler Heights - nsw rural fire service	16/01/2013
 2013/019569	notification letters - 182 sent	17/01/2013
 2013/019573	notification map	17/01/2013
 2013/020734	extra notification letters objectors - 3 sent	18/01/2013
 2013/040606	confirmation of payment for Mod2012/0242 modification of development consent da6000/6478 granted for new retirement village - nsw rural fire service	08/02/2013
 2013/051575	Development Engineering Referral Response	18/02/2013