

# NORTHERN BEACHES COUNCIL

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2020/00299
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Modification of Development Consent DA2018/1332 granted for demolition works and construction of major additions to Glenaeon Retirement Village
<b>Category of the Development</b>	Northern Beaches Council
<b>Consent Authority</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	John Frederick Lindley Colleen Lindley Catholic Healthcare Limited Lendlease Retirement Living Holding Pty Ltd
<b>Applicant:</b>	Lendlease Retirement Living Holding Pty Ltd

<b>Application Lodged:</b>	09/07/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Seniors Living
<b>Notified:</b>	21/07/2020 to 04/08/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2 letters of support
<b>Clause 20 Variation:</b>	Nil
<b>Recommendation</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The proposed modification application relates to Development Consent No. DA2018/1332 relating to the renewal of a part of the Glenaeon Retirement Village at 207 Forest Way, Belrose and the development of a residential care facility (RCF) at 199 Forest Way, Belrose.

Specifically, the subject modification seeks to amend the consent for minor design development and addressing discrepancies in the approved architectural plans in relation to the retirement village at 207 Forest Way, and not the residential aged care

# NORTHERN BEACHES COUNCIL

facility at 199 Forest Way. No change is proposed to the bulk and form, capacity, or intended operation of the approved development.

The proposed amendments are listed within the Statement of modification prepared by Ethos Urban as follows:

Level	Description of Proposed Modifications
RL 164.35	<ul style="list-style-type: none"> <li>• Converting two terraces to balconies for the Building C dwellings on this level.</li> <li>• Reconfiguring the Building C garages, and providing a more integrated pitched roof form for the garages. The revised garage design is addressed in the updated landscape plan.</li> </ul>
RL 167.40	<ul style="list-style-type: none"> <li>• Providing two, 2 bedroom units for Building C on the eastern side of the building. These apartments were captured in the overall capacity analysis for the site, including the unit numbers and mix and FSR calculations, and were visible in the approved elevations. However, these units were mistakenly omitted from the floor plans at this level. This change, therefore, seeks to align the floor plans with the approved elevations and area schedule.</li> <li>• Converting two terraces to balconies for the Building C dwellings on this level.</li> <li>• Resizing the extent of the pump room and services located on the southern edge of the basement.</li> </ul>
RL 170.60	<ul style="list-style-type: none"> <li>• Amending the finish of a terrace on the western edge of Building A.</li> <li>• Providing accessible terraces on the south-western edge of Building C, including changes to the Building C corridor, and aligning the architectural plans with the approved (and amended) Landscape Plans.</li> <li>• Including AC condensers installed across a range of balconies and terraces for Buildings A and C at this level. It is noted that the screens for these condensers were included on the approved building elevations, but were omitted on the floor plans.</li> </ul>

# NORTHERN BEACHES COUNCIL

RL 173.65	<ul style="list-style-type: none"> <li>• Converting one terrace to a balcony for Building B.</li> <li>• Including AC condensers installed across a range of balconies for Buildings A, B and C at this level. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans.</li> </ul>
RL 176.70	<ul style="list-style-type: none"> <li>• Including AC condensers installed across a range of balconies for Buildings A, B and C at this level. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans.</li> </ul>
RL 179.75	<ul style="list-style-type: none"> <li>• Providing AC condensers installed on the remaining Building B balconies. The screens for the condensers were included on the approved building elevations, but were omitted on the floor plans.</li> <li>• Installing solar panels on the roof of Building A, which have been relocated from Building B.</li> </ul>
Roof level	<ul style="list-style-type: none"> <li>• Removing solar panels from the roof of Building B, which have been relocated to Building A.</li> </ul>
Southern elevation	<ul style="list-style-type: none"> <li>• Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size.</li> <li>• Reconfiguring the windows on the southern elevation of Building C.</li> </ul>
Western elevation	<ul style="list-style-type: none"> <li>• Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size.</li> </ul>
Eastern elevation	<ul style="list-style-type: none"> <li>• Redesigning the screens for the AC condensers provided on the dwelling balconies, which have been reduced in size.</li> <li>• Including the proposed reconfiguration of the Building C garage and converting select terraces to balconies.</li> </ul>

## **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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

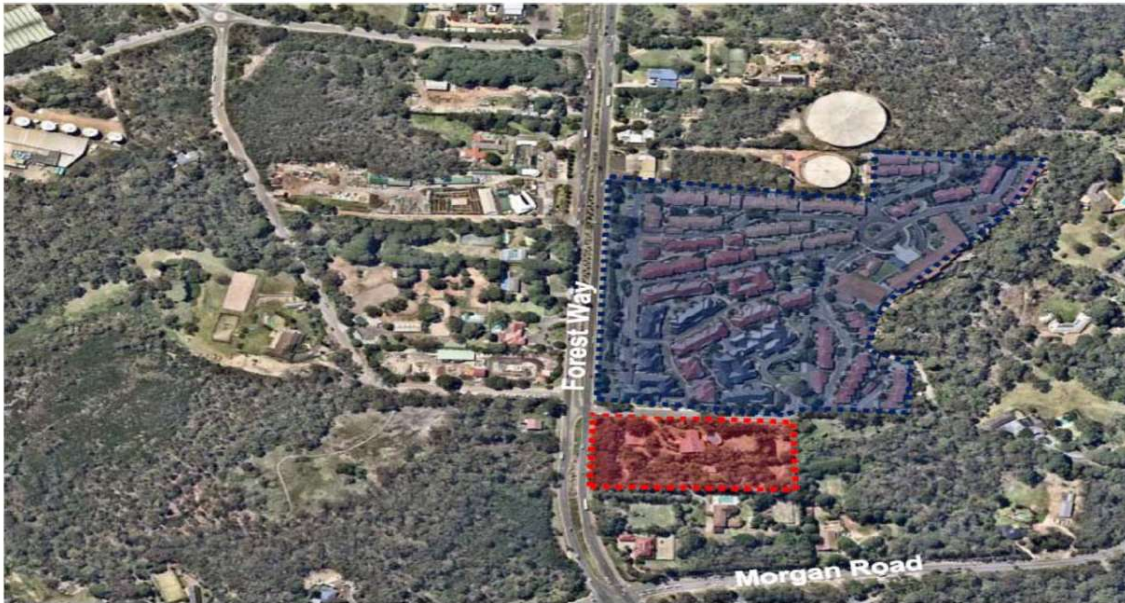
There are no assessment issues.

## **SITE DESCRIPTION**

Glennaeon Village is an existing retirement living community located at 207 Forest Way, Belrose (Lot 100 DP1114910) that predominately consists of independent living units. Serviced apartments are also provided, together with community facilities such as a pool, gym and community centre. The site has an approximate 270m frontage to Forest Way and a bus shelter is located along this frontage that is serviced by a regular public bus service.

The site at 199 Forest Way site is located immediately south of the Glennaeon Village site on the opposite side of Glennaeon Avenue. This site has an approximate area of 1.2 hectares and frontage to Forest Way of 80m. A two storey dwelling house with various outbuildings currently exists on the site. The site has a moderate fall from Forest Way to the rear boundary of the site where an unformed road is located.

The location of the site is shown in the aerial image below (199 Forest Way, Belrose (outlined red) and the adjoining Glennaeon village (outlined in blue).



**Location Plan**

## **SITE HISTORY**

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

This consent has been modified on two (2) previous occasions:

- Section 4.55(1a) Modification Application (Mod2019/0307), which was approved by Council on 1 August 2019, and amended a number of conditions to enable the staging of Construction Certificates and Occupation Certificates for the development.
- Section 4.55(1a) Modification Application (Mod2019/0308), which was also approved by Council on 1 August 2019, and removed the requirement to provide Section 7.12 developer contributions on the grounds that the facility is to be run by a not-for-profit service provider; Catholic Healthcare.

## **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:

# NORTHERN BEACHES COUNCIL

- 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 DA2018/1332, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(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	<b>Yes</b> The modification, as proposed in this application, is considered to be of minimal environmental impact as the changes are minor in nature and the development is consistent with that originally approved, comprising construction of three (3) buildings accommodating 55 self-contained dwellings <sup>1</sup> and 69 car spaces, and the construction of a new residential aged care facility on the neighbouring lot
(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 DA2018/1332.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or	The modification application was notified and two submissions were received supporting the proposed amendments. .



# NORTHERN BEACHES COUNCIL

Section 4.55(1A) - Other Modifications	Comments
(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	
(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.	Two submissions were received in relation to this application that support the proposal amendments.

## Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	None Applicable.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been</p>

# NORTHERN BEACHES COUNCIL

Section 4.15 'Matters for Consideration'	Comments
	<p>addressed via a condition in the original consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
<p>Section 4.15 (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</p>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah LEP 2000 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>



## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 21/07/2020 to 04/08/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s, which were is support the proposed amendments.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Urban Design)	<p>The proposed modifications to DA2018/1332 (and subsequent Modifications; MOD2019/0307 and MOD2019/0308) represent minor modifications resulting from minor errors in documentation, namely the omission, in plan only and not the elevations, of two (2 off) units to Building C and one (1 off) unit to building B.</p> <p>Additionally, revisions to two terraces to that of balconies along with the slight reconfiguration to garage roofs is considered minor and assessed as to not have any real significant impacts to the overall approved building envelopes, bulk, scale or height of the development.</p> <p>As indicated in the Statement of Modification from Ethos Urban dated 17 March 2020 the modifications are minor changes resulting from the detailed design development of the proposal and the development can be assessed as substantially the same development.</p> <p>As such Council's Urban Design officer agrees the changes do not impact the approved bulk, scale, capacity or architectural design integrity or materiality of the development and is thus supported.</p>
NSW RFS	The proposed modification was referred to NSW RFS, who has advised by letter dated 1 October 2020, that there no objection subject to compliance with the General Terms of approval issued on 17 October 2018.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### State Environmental Planning Policies (SEPPs)

#### State Environmental Planning Policy No 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 vacant land for a significant period of time with no substantial prior development having been undertaken. The requirements of SEPP No.55 have been addressed with the original development consent conditions.

***State Environmental Planning Policy No. 65 – Design Quality of Residential Flat (SEPP 65) (SEPP 65)***

The proposed modifications do not alter the approved development's compliance. The two apartments introduced on the floor plans for Building C in the retirement village where will improved amenity for the residents, which confirmed that the proposal will achieve the relevant standards under the Apartment Design Guide.

**Local Environment Plans (LEPs)**

***Warringah Local Environment Plan 2000 (WLEP 2000)***

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The modifications do not result in an increase the maximum height of buildings, or alter the approved floor space, and will only result in minor changes to the external appearance of the building. The proposed design changes address minor discrepancies and design development for the approved plans, and will not change the overall capacity or architectural design and integrity of the development.

No alteration to the final built form, approved use, or design of the development is proposed, and as such the proposed development, as modified, remains consistent with the requirement of WLEP 2000.

**POLICY CONTROLS**

**Northern Beaches Section 7.12 Contributions Plan 2019**

Section 7.12 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 2000; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 4.15 and Section 4.55(1A) of the EP&A Act 1979. This assessment has taken into consideration the submitted Statement of Modification, amended and all other documentation supporting the application, 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 aims of the WLEP 2000 and B2 Oxford Falls Locality Statement

#### **RECOMMENDATION**

THAT Council as the consent authority grant approval to Modification Application No. Mod2020/0299 for Modification of Development Consent DA2018/1332 granted for demolition works and construction of major additions to Glenaeon Retirement Village on land at Lot 100 DP 1114910,207 Forest Way, BELROSE, Lot 7 DP 807906,199 Forest Way, BELROSE, subject to the conditions printed below:

**Signed**



6/10/2020

---

**Lashta Haidari, Principle Planner**

The application is determined under the delegated authority of:



**Steven Findlay, Development Assessment Manager (6.10.2020)**