

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2015/0204
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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
Proposed Development:	Modification of Development Consent DA2014/1171 granted for Alterations and Additions to existing chapel building and change of use to two (2) self-contained dwellings
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:	09/09/2015
Application Type:	Integrated
State Reporting Category:	Other
Notified:	24/09/2015 to 09/10/2015
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 1 DP 774980 , 1 / 0 Veterans Parade WHEELER HEIGHTS NSW 2097						
Detailed Site Description:	SITE DESCRIPTION The 'subject site' is commonly known as the 'RSL War Veterans Retirement Village' located on Veterans Parade, Wheeler Heights. The site is approximately 44 hectares in area and occupies land (comprising 6 Lot titles) between Veterans Parade, Lantana Avenue and an unmade portion of South Creek Road. The Village comprises the following Lot titles: <table border="1"> <tbody> <tr> <td>• Lot 2611 – DP 752038</td><td>• Lot 1 – DP 774980</td></tr> <tr> <td>• Lot 573 – DP 752038</td><td>• Lot 2026 – DP 752038</td></tr> <tr> <td>• Lot 1-DP 803645</td><td>• Lot 2641-DP 752038</td></tr> </tbody> </table> The form of accommodation within the village varies from one and two storey detached bungalows to a large nursing home and hostel buildings of up to five storeys in height. The buildings are dispersed amongst landscaped areas, bushland and internal roads. This application relates to an existing chapel building, which is located on Lot 1 DP 774980 on Endeavour Drive. Vehicle access to the existing chapel is via the internal village road (being Edmondson Drive). Edmondson Drive is one of the main internal roads in the village and intersects with Veterans Parade, which provides the main vehicular access to the village. The Chapel is located on the northern side of Endeavour Drive and is a single storey building, which was constructed in the 1970s. The building is designed in the same manner as residential dwellings around the village. Surrounding development outside the Village is characterised by residential dwellings to the east (Veterans Parade) and south (Lantana Ave), bushland within Jamieson Park to the north and north-west and Narrabeen Lake to the north and west.	• Lot 2611 – DP 752038	• Lot 1 – DP 774980	• Lot 573 – DP 752038	• Lot 2026 – DP 752038	• Lot 1-DP 803645	• Lot 2641-DP 752038
• Lot 2611 – DP 752038	• Lot 1 – DP 774980						
• Lot 573 – DP 752038	• Lot 2026 – DP 752038						
• Lot 1-DP 803645	• Lot 2641-DP 752038						

Map:



SITE HISTORY

On 3 February 2015 consent was granted to DA2014/1171 for alterations and additions to existing chapel building and change of use to two self-contained dwellings.

The approved development comprises:

- The internal floor plan of the Chapel is modified to provide 2 x two bedroom units;
- The units are configured in a semi-detached arrangement and generally utilise the building envelope of the existing building;
- Independent cooking and sanitary facilities are provided to each dwelling;
- Minor additions to the rear floor area (i.e.. filling in existing balcony areas) are proposed to each unit; and
- Rear balcony additions are provided to each dwelling.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify Development Consent No. DA2014/1171 in the following manner:

Unit 1:

- Enclosing an approved balcony space to provide a larger north facing living room and main bedroom;
- Adjustments to the on the north western wide of the unit;
- Minor changes to facade elements including extended glazing to dining area;
- Extension of the existing roof over proposed entry.

Unit 2:

- Enclosing a small existing balcony to increase the size of Bedroom 2;
- Adjustments to the entry to provide improved laundry facilities;
- Extension of the north facing balcony;
- Minor changes to facade elements including new and altered window arrangements as shown on the drawings.
- The roof over the existing car port affecting both units would be removed.

The roof over the existing car port affecting both units would be removed.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2014/1174, in full, with amendments detailed and assessed as follows:

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

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2014/1171.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning

Section 96(1A) - Other Modifications	Comments
(i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 79C Assessment

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

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(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)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.

Section 79C 'Matters for Consideration'	Comments
	Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent. Clause 98 of the EP&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. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public 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	No Development Engineering objection is raised to the proposed

Internal Referral Body	Comments
	MOD.
Landscape Officer	No objection to approval.
Natural Environment (Biodiversity)	Modification Proposal mostly involves internal changes. there are no additional impacts to biodiversity in this area.
Natural Environment (Coastal)	The proposed development is not impacted by coastal processes and can be approved without condition.
Natural Environment (Flood)	The proposed modification includes minor changes to the existing dwellings which are predominantly aesthetic in nature. They are not considered to increase flood risk. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	Riparian Assessment complete. The development application is for minor modifications to DA2014/1171. The modifications are for extension of a balcony and internal works. The modifications will have minimal impact on the watercourse. No objection to approval and no conditions are recommended.
Parks, reserves, beaches, foreshore	No objection

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 NSW Rural Fire Service has provided comments dated 11 December 2015, as the integrated authority (as defined by Section 91 of the EPA Act 1979). The NSW RFS has raised no objection to the proposed modifications subject to compliance to with the previous Bush Fire Safety Authority, dated January 2015.

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 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 seniors housing 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 proposed land use land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 578720M_03).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	40

A condition has been included in the original report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environment Plan 2011

Is the development permissible?	Zone SP1: Yes Zone E2 : Yes
After consideration of the merits of the proposal, is the development consistent with: aims of the LEP?	Yes

zone objectives of the LEP?	Yes
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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

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
D1 Landscaped Open Space and Bushland Setting	40%	In excess of 40%	No significant changes are proposed	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - SP1	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
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
Facilities for People with a Disability, Allambie Heights	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2015/0204 for Modification of Development Consent DA2014/1171 granted for Alterations and Additions to existing chapel building and change of use to two (2) self-contained dwellings on land at Lot 1 DP 774980,1 / 0 Veterans Parade, WHEELER HEIGHTS, subject to the conditions printed below:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA00 (Rev: A)	30/10/2014	Humel Architects
DA (Rev: SN 1)	08/09/2015	Humel Architects
DA02 (Rev:A)	30/10/2014	Humel Architects
EX01 (Rev:SN1)	08/09/2015	Humel Architects
DA03 (Rev: SN1)	08/09/2015	Humel Architects
DA -05A (Rev:SN1)	28/08/2015	Humel Architects

DA04 (Rev:A)	30/10/2014	Humel Architects
DA-05B (Rev: SN1)	08/09/2015	Humel Architects
DA06 (Rev:SN1)	08/08/2015	Humel Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effect	31 August 2015	BBC Consulting Planners

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

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

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 Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 MOD2015/0204	Lot 1/ Veterans Parade WHEELER HEIGHTS NSW 2097 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	09/09/2015
 2015/267633	DA Acknowledgement Letter - TSA Management Pty Ltd	09/09/2015
 2015/271125	Modification Application Form	14/09/2015
 2015/271134	Applicant Details	14/09/2015
 2015/271136	Plan - Survey	14/09/2015
 2015/271152	Plans - Notification	14/09/2015
 2015/271153	Report Statement of Environmental Effects	14/09/2015
 2015/271340	Plans - External	14/09/2015
 2015/271342	Plans - Internal	14/09/2015
 2015/271357	Report BASIX Certificate - Thermal and NatHERS Certificate	14/09/2015
 2015/271367	Plans - Stamped Energy Rating - Architectural	14/09/2015
 2015/271372	Report - Updated Bushfire Assessment Statement	14/09/2015
 2015/271379	Report - Water Impact Statement	14/09/2015
 2015/271427	Plans - Master Set	14/09/2015
 2015/275873	File Cover	17/09/2015
 2015/275891	Referral to AUSGRID - SEPP - Infrastructure 2007	17/09/2015
 2015/282308	Sea Map Notification	23/09/2015
 2015/282489	Notification Letters - 57 - Posted 24/9/2015	23/09/2015
 2015/284564	Development Engineering Referral Response	25/09/2015
 2015/306803	Natural Environment Referral Response - Biodiversity	19/10/2015
 2015/306872	Integrated referral to RFS head office	19/10/2015
 2015/308190	Natural Environment Referral Response - Coastal	20/10/2015
 2015/312134	Landscape Referral Response	22/10/2015
 2015/314605	Natural Environment Referral Response - Flood	23/10/2015
 2015/318253	Acknowledgement of Referral - NSW Rural Fire Service	27/10/2015
 2015/329882	Natural Environment Referral Response - Riparian	06/11/2015
 2015/336058	Parks, Reserves and Foreshores Referral Response	12/11/2015
 2015/368324	Referral - Mod2015/0204 - 90 Veterans Parade NARRABEEN	11/12/2015
 2015/371469	Assessment Report	15/12/2015
 2015/371521	Assessment Report	15/12/2015
 2015/371945	Assessment Report	15/12/2015
 2015/371958	Assessment Report	15/12/2015