

JOINT REGIONAL PLANNING PANEL

Sydney East Region

JRPP No	2011SYE074
DA Number	Mod2011/0143
Local Government Area	Warringah Council
Proposed Development	<p>Modification of Development Consent No DA2010/0166 issued for the re- Development of the Village Centre precinct within the RSL War Vets Retirement Village consist of the following:</p> <ul style="list-style-type: none"> • Demolition of existing structures • The construction of a Multi-purpose building consisting of residential units, communal facilities and staff offices. <p>Modifications to the Montgomery Centre and Bowling Club to accommodate a Chapel and War Museum.</p>
Street Address	Lot 1 Veterans Parade, Wheeler Heights
Applicant/Owner	TSA Management
Number of Submissions	Nil
Recommendation	Approval
Report by	David Kerr – Acting Director Strategic and Development Services

Assessment Report and Recommendation

SECTION 96 (2) MODIFICATION OF DEVELOPMENT CONSENT ISSUED BY THE JOINT REGIONAL PLANNING PANEL

Reporting Officer:	David Kerr – Acting Director of Strategic & Development Services
Address / Property	Lot 1 DP 803645 Lot 1 Veterans Parade, Wheeler Heights
Description:	<p>Modification of Development Consent No DA2010/0166 issued for the re- Development of the Village Centre precinct within the RSL War Vets Retirement Village consist of the following:</p> <ul style="list-style-type: none"> • Demolition of existing structures • The construction of a Multi-purpose building consisting of residential units, communal facilities and staff offices. • Modifications to the Montgomery Centre and Bowling Club to accommodate a Chapel and War Museum.
Modification Application No:	Mod2011/0143
Development Application No	DA2010/0166
Plans Reference:	Drawing No: 2010.11 (DA01.11 – DA1.13 – Revision C) prepared by Humel Architect.
Applicant:	TSA Management
Owner:	RSL Lifecare Limited
Application Lodged:	29 June 2011
Amended Plans:	No
Locality:	B6 War Veterans
Category:	<p>Category 1 - Housing for older people or people with a disability;</p> <p>Category 3 – Place of Worship, Office Administration & Outdoor Recreation Facilities</p>
Clause 20 Variations:	Not applicable to this application
Draft WLEP 2009	Permissible with consent under the Zoning (SP1 Special Activities)
Land and Environment Court Action:	NO
Referred to WDAP:	NO
Referred to JRPP:	YES (Section 96 (2) of Development Application determined by JRPP pursuant to Clause 13F of SEPP (Major Development) 2005.

SUMMARY

Submissions:	No submissions were received
Submission Issues:	None
Assessment Issues:	No issues
Recommendation:	Section 96 (2) Approval
Attachments:	Site and Elevation Plans

LOCALITY PLAN (not to scale)



Subject Site: Lot 1 DP 803645, Lot 1/ Veterans Parade, Wheeler Heights.

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 88 adjoining land owners and occupiers for a period of 21 calendar days commencing on 15 July 2011 and being finalised on 9 August 2011. Furthermore, the application has been advertised within the Manly Daily on 16 July 2011 and a notice was placed upon the site.

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:

- Lot 2611 – DP 752038
- Lot 573 – DP 752038
- Lot 1-DP 803645
- Lot 1 – DP 774980
- Lot 2026 – DP 752038
- Lot 2641-DP 752038

The development of the Village Centre is to be carried out on Lot 1 DP 803645, and is located in the centre of the RSL Anzac Village, in the north eastern portion of the site. The proposed Village Centre consists of a number of buildings including the village office, bowling club, Montgomery Centre as well as two bowling greens. The following is a description of development surrounding the proposed development site:

To the north of the Village Centre is a Hostel (known as Kokoda Hostel), a 2 storey building providing seniors housing in the form of a 63 bed residential aged care facility. To the north of Kokoda Hostel is Colooli Road, a public road connecting the Village to Veterans Parade and providing one of the main access points for the village. Beyond Colooli Road is the 'Anzac House' precinct which contains, Legacy Park (also known as Anzac House) building, which is a 2 storey heritage listed building and a recently constructed 3 storey building containing 18 self contained dwellings.

To the south of the proposed Village Centre is Edmondson Drive (an internal road), beyond which is the new Darby and Joan Precinct which is currently occupied by 25 single storey (self – contained dwellings).

To the east of the proposed Village Centre is the Colooli precinct which consists of 44 single and two storey self – contained dwellings (No's 200-243). To the west of the proposed development is Endeavour Drive (an internal road), beyond the road in another Hostel (known as Connie Fall Hostel).

To the west of the Village Centre is Endeavour Drive, an internal road. Beyond Endeavour Drive is Connie Fall Hostel, a single storey residential aged care facility.

The RSL village as whole contains a range of aged care and war veteran's accommodation for approximately 1200 residents, including; self care dwellings, assisted care hostels, and nursing homes.

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 Lake to the north and west.

Approved Development Application

Development Application DA2010/0166 was lodged with Council on 8 February 2010. The application was assessed and reported to the Joint Regional Planning Panel (JRPP) with a recommendation for approval. The application was granted consent by the JRPP Panel at its meeting held on 13 May 2010 (JRPP ref No. 2010SYE016). The approved development comprises the following:

1. The Construction of a 3 – 5 storey Village building containing:

- 18 self contained dwellings in the form of 10 x 2 bedrooms plus study and 8 x 2 bedrooms apartments;
 - Communal facilities (lounge, dining, billiards room, bar, brasserie);
 - 22 staff offices and boardroom;
 - 4 overnight visitor/careers units;
2. Internal and external works to the existing bowling club (including removal of Dugout Café and Diggers Inn) to accommodate a Chapel and War and Village Museums;
 3. Internal and works to the Montgomery centre and associated hardstand area to accommodate roofed outdoor assembly area with associated stage;
 4. Additional recreational areas including mini golf course, boules, children's playground and outdoor chest board;
 5. Demolition of a number of existing structures;
 6. site works including excavation;
 7. associated site landscaping including planting and paving;
 8. provision of utility services to the new building; and
 9. Stormwater management works.

PREVIOUS APPROVED MODIFICATIONS

Modification Application No: Mod2010/0283 was lodged with Council on 12 November 2010. The modification application was assessed and reported to the Joint Regional Planning Panel (JRPP) with a recommendation for approval. The consent was modified by the JRPP Panel at its meeting held on 10 February 2011 (JRPP ref No.2010SYE099). Development consent (DA2010/0166) was modified in the following manner:

- *Modify the internal layout of the apartments to improve the internal amenity and solar access and provide the apartments with larger balconies;*
- *Modify the internal layout of the ground floor community facilities and lower level office;*
- *Modify the unit mix to provide an increased number of bedrooms within the apartments (i.e. all 22 apartments will now consist of 2 bedrooms plus a study);*
- *Modify the eastern and western building façades to increase modulation and balcony spaces;*
- *Modify the building envelope which includes an increase in the footprint of the building to the south;*
- *Change the 4 overnight visitors units (approved as temporary accommodation) to three (3) residential apartments;*
- *The removal of one (1) additional tree to accommodate the modified building and minor relocation of Stack Street (internal Road); and*
- *Modifying the entry point to improve accessibility to the community facility from the existing village.*

MODIFICATION PROPOSAL IN DETAIL

The modification application seeks to amend consent (DA2010/0166 as previously modified) as follows:

- Modify the northern terrace of the skylounge by enclosing it with glass walls and roof;
- The board room eastern wall has been re-aligned to increase the floor space by 10m²;
- The concrete roof slab has been elevated above the skylounge to accommodate for services.
- The planters around the new enclosed skylounge terrace have been modified to provide 4 terraces surrounded by landscape planter boxes;
- The floor levels of the 3rd floor and roof have been increased by 100mm to accommodate the construction requirements (from RL67.000 to RL 67.100);
- The proposed modification will increase the total internal floor are by 115m² (105m² for the glazed skylounge terrace enclosure and 10m² for the boardroom).

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulation 2000
- c) State Environmental Planning Policy No. 55 – Remediation of Land
- d) State Environmental Planning Policy No. (Housing for Seniors or People with a Disability) 2004
- e) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- f) State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development
- g) State Environmental Planning Policy (Infrastructure) 2007
- h) Warringah Local Environment Plan 2000
- i) Warringah Development Control Plan
- j) Warringah Section 94A Development Contributions Plan
- k) Draft Warringah Local Environmental Plan 2009

REFERRALS

Comments from External Authorities

Rural Fire Services
The NSW Rural Fire Service has provided comments as the integrated authority (as defined by Section 91 of the EPA Act 1979). The RFS has raised no objection to the proposed modification subject to compliance with the original General Terms of Approval.

Comments from Internal Departments

No internal comments were required for the proposed modified development.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 88 adjoining land owners and occupiers for a period of 21 calendar days commencing on 15 July 2011 and being finalised on 9 August

2011. Furthermore, the application has been advertised within the Manly Daily on 16 July 2011 and a notice was placed upon the site.

No submissions were received as result of the notification process.

SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The subject application to modify Development Consent No. 2010/0166 has been lodged pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979. The relevant matters for consideration under Section 96(2) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(2) - 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 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	<p>The development as modified is considered to be substantially the same development as the development for which consent was originally granted. The changes proposed do not alter the height or scale of the approved development to any significant extent. No significant changes are proposed to the area occupied by the various uses approved within the development.</p> <p>The visual appearance of the development, as seen from the neighbouring buildings and the public domain will remain largely unchanged.</p> <p>Therefore, the subject application has been found to be substantially the same as those already approved under DA2010/0166.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The development application was 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 original General Terms of Approval.
(c) it has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and 	The application has been advertised and notified in accordance with the Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

Section 96(2) - Other Modifications	Comments
(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 as result of the notification for the proposed development.

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 following table assesses the proposed modifications against the relevant matters under Section 79C of the Environmental Planning and Assessment Act 1979.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	The proposed modifications do not alter the approved development's compliance with any environmental planning instrument. See discussion under "State Environmental Planning Policies" and "Warringah Local Environmental Plan 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Refer to discussions on Draft Environmental Planning Instruments in the body of the report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	The application was notified in accordance with Warringah Development Control Plan.
Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	<p>In accordance with Clause 115(1A) of the Environmental Planning and Assessment Regulation 2000 and 'Modification of consents' in Part 4 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65), if a S96(2) modification application relates to a residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under Clause 50(1A), the modification application must be accompanied by a design verification statement in which the qualified designer verifies that;</p> <p>(a) <i>he or she designed, or directed the design, of the modification of the residential flat development, and</i></p> <p>(b) <i>the residential flat development, as modified, achieves the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and</i></p> <p>(c) <i>the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.</i></p> <p>A design verification statement (Prepared by Ben Humel Architects) has been submitted with the application.</p>

Section 79C 'Matters for Consideration'	Comments
	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	<p>(i) The environmental impacts of the proposed development, as modified, on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed modifications will not have a detrimental social impact in the locality as only minor internal and external changes are proposed.</p> <p>(iii) The proposed modifications will not have a detrimental economic impact on the locality considering no changes are proposed to the mix of uses within the development and no changes are proposed to the area occupied by non-residential uses within the development.</p>
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	In regards to public submissions refer to the discussion on "Notification & Submissions" within this report.
Section 79C (1) (e) – The public interest	The proposed modifications are generally consistent with the planning controls applying to the site under WLEP 2000 and do not result in any unreasonable impacts on the adjoining properties. As such, the modifications are considered to be in the public interest.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Seniors Housing and associated uses

Land Use Zone: SP1 Special Activities

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not Applicable

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	The proposed development does not seek to subdivide the land	NA	NA	N/A
Rural Subdivision:	Not applicable to the proposed development	NA	NA	NA
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	The subject site is not within rural or environmental zones.	NA	NA	NA

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings:	There is no height control for this zone	NA	NA	NA

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009 as it is permissible within the SP1 zone.

State Environmental Planning Policies

Further consideration is required for the following State policies:

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

Clause 7(1) (a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

At the time of assessment of the original application, Council records did not indicate that the site was potentially contaminated. Similarly, there is no evidence at the time of this assessment to suggest the site is contaminated.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Pursuant to Clause 115(1C) and 1(D) of the Environmental Planning and Assessment Regulation 2000, a replacement BASIX certificate is not required to be submitted as the modified development is consistent with the BASIX certificate submitted with the original development application and the previous modification.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure 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; or
- Within 5m of an exposed overhead electricity power line.

The application was referred to Energy Australia to determine if the subject site was within or immediately adjacent to any of the above electricity infrastructure. Energy Australia by letter dated 14 July 2011 stated that the subject site was not affected by any of the above electricity infrastructure. In this regard, the subject application is considered to satisfy the provision of Clause 45 SEPP Infrastructure.

State Environmental Planning Policy – (Housing for seniors or People with a Disability) 2004

The subject application to modify the original consent has been lodged under the provisions for older people or people with a disability within WLEP 2000 not under the provision of State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004 (SEPP HSPD). According, no further assessment is required in this regard.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

In accordance with 'Modification of consents' in Part 4 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) if a S96(2) modification application relates to a residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under Clause 50(1A), the modification application must be accompanied by a design verification statement in which the qualified designer verifies that;

- (a) he or she designed, or directed the design, of the modification of the residential flat development, and*
- (b) the residential flat development, as modified, achieves the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#), and*
- (c) the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.*

An amended design verification statement has been submitted.

The proposed changes do not alter the proposal's consistency with the ten design quality principles in SEPP 65 therefore no further consideration of these principles is necessary.

Residential Flat Design Code

The proposed modifications only result in minor internal and external changes to the building and do not alter the proposal's consistency with the design guidelines in the Residential Flat Design Code.

Regional Environment Plans (REP's)

There are no REP's applicable to the assessment of this application

STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the B6 War Veterans Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

LOCALITY B6

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

Future development will respond to the prominence of this locality by keeping buildings below the predominant tree-line when viewed from the Narrabeen Lake 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. The redevelopment of existing

buildings so that their visual presence in the Narrabeen Lake viewing catchment is reduced will be strongly encouraged.

The scale and height of development along Veteran Parade and Lantana Avenue will be consistent with the adjacent established residential development and building are to address the street.

New buildings will be grouped in areas that will minimise disturbance of vegetation and landforms. Bushfire hazard reduction measure and stormwater detention required as a result of development will be confined to the locality.

Visually and ecologically significant vegetation species and communities and significant natural landforms will be preserved in their natural state. There will be no development within areas within the locality shown cross-hatched on the maps, except for path ways and other passive recreation purposes and the existing approved vehicular access.

The approved development incorporated the following categories of development in the B6 Locality:

Category 1

- Residential units (i.e. Housing for older people with disabilities) and all the associated communal facilities within the proposed village building (i.e. lounge and dining facilities, a library and billiard room).

Category 3

- **Place of worship** – The proposed Chapel and War and Village Museum.
- **Offices Administration** - offices and marketing offices (relocated from an existing building to the east of the bowling club building which is to be demolished).
- **Outdoor recreation facilities** - Shuffle board, Billiard room, Oversize chess board located on western terrace, mini golf course to the east and west of the building, and boules field.

All approved uses remain unchanged and the category 3 uses have been granted consent under DA2010/0166 and as such a modification of consent is not ‘granting of consent’ therefore an independent public hearing or a statement in response schedule 15 are required for the proposed modification.

Clause 12 of WLEP 2000 provides that the consent authority is to consider the development against the localities Desired Future Character Statement. The proposed modification is considered to be consistent with the DFC for the following reasons:

- The proposal modification will maintain housing for older people or people with a disability.
- The proposed modification does not purpose to introduce any additional uses onto the site which do not already exist and is an appropriate building form.
- The modified building works are not readily visible from the Narrabeen Lake viewing catchment and the works are integrated within the existing pattern of development and would not be significantly distinguishable to that of surrounding and nearby structures furthermore it will be predominately below the tree line.

- The proposed modification relating to the re-development of the Village Centre does not directly adjoins Veteran Parade or Lantana Ave.
- The proposed modifications are largely confined to the approved building envelope and therefore the scale is appropriate and no further disturbance of vegetation and landforms is anticipated as a result of the modified development.
- The proposed modification does not affect any visually or ecologically sensitive area identified in the locality.
- The proposed development is not located within the cross hatched areas as shown on the map.

Built Form Controls for Locality B6 War Veterans

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Standard	Required	Approved	Proposed	Compliance
Landscaping	40%	52%	No changes	YES

Clause 20 Variation

Clause 20 Variations are not applicable to this development.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	The modified Development does not result in overspill or glare from artificial illumination, or sun reflection, and does not unreasonably diminish the amenity of the locality. The modified development is satisfactory in addressing the General Principle.	YES
CL39 Local retail centres	NO	No Comment	Not Applicable
CL40 Housing for Older People and People with Disabilities	YES	The modified scheme retains compliance with Clause 40 and Schedule 16 as per the approved scheme.	YES
CL41 Brothels	NO	No Comment	Not Applicable
CL42 Construction Sites	YES	Appropriate standard conditions were provided in the original application that adequately addresses the construction requirements associated with the building works proposed on the site.	YES
CL43 Noise	YES	The proposed modifications will not significantly alter the acoustic impact of the development on the adjoining properties.	YES

General Principles	Applies	Comments	Complies
CL44 Pollutants	NO	No Comment	Not Applicable
CL45 Hazardous Uses	NO	No Comment	Not Applicable
CL46 Radiation Emission Levels	NO	No Comment	Not Applicable
CL47 Flood Affected Land	NO	The subject site is not flood affected	Not Applicable
CL48 Potentially Contaminated Land	YES	Based on the current and previous land uses it is considered that there is no contamination issue. (Refer to SEPP 55 heading previously for further information).	YES
CL49 Remediation of Contaminated Land	NO	No Comment	Not Applicable
CL49a Acid Sulfate Soils	NO	No Comment	Not Applicable
CL50 Safety & Security	YES	The proposed development was considered satisfactory with regard to the provisions. A condition was imposed in the original consent requiring security lighting to be installed.	YES
CL51 Front Fences and Walls	NO	No Comment	Not Applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	This general principle requires development adjacent to public open space to complement the landscape character and public use and enjoyment of that land. The proposed development (as amended) will not impact on the nearby reserve or parkland.	YES
CL53 Signs	NO	No Comment	Not Applicable
CL54 Provision and Location of Utility Services	YES	The site is satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. The development (as amended) meets the requirements of Clause 54 of WLEP2000.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	Not Applicable
CL56 Retaining Unique Environmental Features on Site	YES	The proposed amended development will not encroach into areas of rock outcrops or result in the removal of significant vegetation and is satisfactory in addressing the general principle.	YES
CL57 Development on Sloping Land	YES	The proposed modification does not result in any further excavation of the site.	YES
CL58 Protection of Existing Flora	YES	The development (as modified) will not compromise the environmental values of the area. The proposed amended development will not encroach into areas of rock outcrops or result in the removal of any significant vegetation. Accordingly the proposal satisfies the requirements of the General Principle.	YES
CL59 Koala Habitat Protection	YES	The site is not known to contain any koala habitat.	YES
CL60 Watercourses & Aquatic Habitats	YES	The proposed modification will have no impact any watercourses.	YES
CL61 Views	YES	Clause 61 states that development is to allow for the reasonable sharing of views.	YES

General Principles	Applies	Comments	Complies
		<p>The height and scale of the building form is not being altered to significant extent and therefore the impact on views will not be adversely affected as result of the changes proposed as part of this application.</p> <p>The proposed modification is considered to be satisfactory in relation Clause 61.</p>	
CL62 Access to sunlight	YES	<p>Clause 62 states that development is not to unreasonably reduce sunlight to surrounding properties. Sunlight to at least 50% of the principal private open space is not to be reduced to less than 2 hours between 9am and 3pm on June 21 and where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by the development by more than 20%.</p> <p>The proposed modifications will not significantly alter the solar access received by the adjoining properties.</p>	YES
CL63 Landscaped Open Space	YES	The landscaped open space provision for the site will not be altered as result of the proposed modification.	YES
CL63A Rear Building Setback	NO	No Comment	Not Applicable
CL64 Private open space	YES	<p>In accordance with Clause 64 Private open space of WLEP 2000, private open space is not to be located within the street setback area unless the site is a corner allotment or the applicable Locality Statement provides otherwise.</p> <p>The private open space provided for each residential development will not be altered as result of the proposed modification.</p>	YES
CL65 Privacy	YES	The proposed modification does not provide any new opening and therefore does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings and is satisfactory in addressing the General Principle.	YES
CL66 Building bulk	YES	<p>This general principle seeks to ensure that development does not dominate the streetscape by virtue of its bulk or is inconsistent with the scale of nearby development.</p> <p>The modified development is satisfactory in relation to the built form controls of the B6 War Veterans locality Statement and as such, is not excessive in size, bulk and scale. The architectural design of the modified development is acceptable and appropriately fits in with the existing design of dwellings within the village. The development satisfies Clause 66 of WLEP2000.</p>	YES
CL67 Roofs	YES	No significant changes are proposed to the roof form.	YES
CL68 Conservation of Energy and Water	YES	The modifications do not affect the approved scheme's compliance.	YES

General Principles	Applies	Comments	Complies
CL69 Accessibility – Public and Semi-Public Buildings	YES	The modification proposed does not affect the approved scheme's compliance.	YES
CL70 Site facilities	YES	The site facilities of approved development were found to be acceptable in the original consent. These facilities will not be altered as result of the proposed modification. Therefore the proposed modification is satisfactory in this regard.	YES
CL71 Parking facilities (visual impact)	No	No change proposed. The proposed modifications will not increase the visual impact of the parking facilities.	Not Applicable
CL72 Traffic access & safety	No	No change proposed.	Not Applicable
CL73 On-site Loading and Unloading	YES	The War Veteran's Village contains collective designated locations for service vehicles, delivery and emergency services. These services are satisfactory and not altered as result of the proposed modification.	YES
CL74 Provision of Carparking	NO	No changes are proposed to the number of approved car spaces.	Not Applicable
CL75 Design of Carparking Areas	NO	No change proposed.	Not Applicable
CL76 Management of Stormwater	YES	The application has been assessed by Council's Development Engineers and considered appropriate in relation to the management of stormwater.	YES
CL77 Landfill	NO	No Comment	Not Applicable
CL78 Erosion & Sedimentation	YES	Appropriate conditions were included on the original consent in regards to the requirement of this Clause.	YES
CL79 Heritage Control	YES	The War Veterans site contains a number of heritage items, with local heritage significance. The proposed modification will not result in any adverse or unreasonable impact on the heritage significance of the site, given that the items identified as bearing heritage significance are a considerable distance from the location of the proposed works.	YES
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	The subject site is not located within the vicinity of any known or potential Aboriginal sites.	Not Applicable
CL81 Notice to Heritage Council	NO	No Comment	Not Applicable
CL82 Development in the Vicinity of Heritage Items	YES	Clause 82 of the LEP provides that Development in the vicinity of heritage items or heritage conservation areas is to complement the character of the heritage item or buildings of heritage significance within that area in terms of its architectural style, scale, setback, siting, external materials, finishes, colours and setting. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected.	YES

General Principles	Applies	Comments	Complies
		<p>The subject site is located within the vicinity of a locally listed item of heritage significance as noted above in Clause 79.</p> <p>The modified development is not considered to have any adverse impact upon the existing items of heritage significance for the following reasons:</p> <ul style="list-style-type: none"> • The development will be located a considerable distance from the items; • The fact the development is considered appropriate for the site and the locality by way of design, bulk scale and the intended use; • The existing visual setting is considered to be maintained. <p>Accordingly, the proposal is considered to be satisfactory with regard to the requirements of the General Principle.</p>	
CL83 Development of Known or Potential Archaeological Sites	NO	The subject site is not located within the vicinity of any known or potential archaeological sites	Not Applicable

SCHEDULES

Schedule 8 - Site analysis

Site Analysis	Adequate site analysis documentation has been submitted with this application.
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Schedule 15 – Statement of Environmental Effect

Statement of Environmental Effect	Schedule 15 is not applicable to the modified application as there are no new Category 3 Land uses proposed.
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Schedule 16 – Principles and standards for housing for older people or people with disabilities

Housing for older people or people with disabilities	Refer to the General Principles of Development Control (Clause 40) of this report for assessment.
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Schedule 17 – Car parking Provision

Car parking Provision	Schedule 17 has been address under 'Clause 74 Provision of car parking' in the General Principles of Development Control table in this report. In summary, the proposed modification does alter the approved number of car spaces.
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POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is for the modification to an approved development under DA2010/0166. Accordingly Section 94A contribution plan does not apply to this application

MEDIATION

Mediation was not requested for this development application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C in terms of Section 96 (2) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy No. (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No 65 Design Quality of Residential Flat Development, Warringah Local Environmental Plan 2000, Draft Warringah Local Environmental Plan 2009, Warringah Development Control Plan and the relevant codes and policies of Council.

The modification proposed under this application seeks to rationalise the approved scheme for construction without compromising the original design concept. The modifications proposed are generally consistent with the relevant planning controls which apply to the site. There is no change to the overall consistency of the scheme as per the desired future character set out in B6 locality statement. The overall use of the building, being seniors housing, remains unchanged, and remains permissible as Category 1 development within this localities. The Category 3 land uses within the Village Centre were approved in the original consent remains unchanged. In this regard as the application is a modification of consent, an independent public hearing described in clause 15 of the WLEP 2000 is not required as the uses have already been '*granted consent*'.

It is considered that the proposed modification satisfies the relevant controls and that all processes have been followed. Accordingly, the proposal is recommended for approval.

RECOMMENDATION (SECTION 96 APPROVAL)

That the Section 96 (2) Application No. Mod2011/0143 to modify Development Consent No.DA2010/0166 granted by the Joint Regional Planning Panel for the demolition of existing structures and construction of a building that consists of Seniors Housing, Communal facilities, staff offices and modification to the Montgomery Centre and Bowling Club (comprising the Village Centre within the RSL War Veterans Retirement Village) at Lot 1 DP 803645 Lot 1/ Veterans Parade, Wheeler Heights be approved and the consent be modified in the following manner:

A. Modify Condition No. 1 to read as follows:

1. Approved Plans and Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended in red and by other conditions of consent:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1.01–DA1.18 (issue A)	8 February 2010	Young Metcalf Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
C-301-C-312 (issue C)	October 2009	Warren Smith & Partners Pty Ltd

As modified by the Section 96 application Mod2010/0238 received by Council on 12 November 2010, and endorsed with Council's approval stamp;

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Issue	Prepared by
DA1.01	October 2010	B	Young Metcalf Architects
DA1.03	October 2010	B	Humel Architects
DA1.05	November 2010	B	Humel Architects
DA1.06	November 2010	B	Humel Architects
DA1.07	November 2010	B	Humel Architects
DA1.08	November 2010	B	Humel Architects
DA1.09	November 2010	B	Humel Architects
DA1.10	November 2010	B	Humel Architects
DA1.11	November 2010	B	Humel Architects
DA1.12	November 2010	B	Humel Architects
DA1.13	November 2010	B	Humel Architects
DA1.15	October 2010	B	Young Metcalf Architects
DA1.16	October 2010	B	Young Metcalf Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared by
C-301-C-312 (issue E)	October 2010	Warren Smith & Partners Pty Ltd

As further modified by Section 96 application Mod2011/0143 received by Council on 29 June 2011, and endorsed with Council's approval stamp:

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Issue	Prepared by
DA1.011	2/06/2011	C	Humel Architects
DA1.12	2/06/2011	C	Humel Architects
DA1.13	2/06/2011	C	Humel Architects
DA1.14	2/06/2011	C	Humel Architects

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
LA01 –LA02 (issue A)	October 2010	Taylor Brammer

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

B. The inclusion of a new condition 2A Compliance with External Department, Authority or Service Requirements

2A Compliance with External Department, Authority or Service Requirements

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

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia/Ausgrid	Response Ausgrid Referral	14 July 2011
NSW RFS Services	RFS Referral Response	-

(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 External Department, Authority or Bodies. (DACPLB02)

Site and Elevation Plans



