

Council's Letter Dated 22 June 2010



**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website
Email

www.warringah.nsw.gov.au
council@warringah.nsw.gov.au

22 June 2010

Freshwater Village Development Pty Ltd
C/O City Plan Strategy & Development
Po Box Q 1647
Qvb Post Office
Sydney NSW 1230

Dear Sir/Madam,

Re: Development Application No: DA2010/0697 for demolition of existing buildings and construction of mixed-use retail and residential development comprising 3 to 5 storey shop top housing buildings, 3 storey residential flat buildings and 2 storey townhouse style buildings with 2 levels of basement carparking, gym and pool (within the Freshwater Village Centre) at 22-26 Albert Street Freshwater.

I refer to your application for the above-mentioned proposal that was received by Council on 10 May 2010 and your letter dated 18 June 2010. An assessment of your application and briefing with the Joint Regional Planning Panel (Sydney East Region) has revealed that there are significant deficiencies in the supporting documentation submitted and fundamental planning concerns with the proposal. The following is a list of the major deficiencies:

External Referrals

Energy Australia

Reference is made to the Energy Australia letter dated 18 June 2010 (copy attached).

In summary, Energy Australia objects to the proposed development on the grounds that the documentation accompanying the development application has not adequately demonstrated that the operational, health and amenity impacts of Energy Australia's Harbord Zone Substation have been adequately considered in the design of the proposed development.

Roads and Traffic Authority (RTA)

Reference is made to the RTA Letter dated 21 June 2010 (copy attached).

In summary, the RTA has raised a number of concerns with the proposed development in relation to the location of the service area, the possibility of providing a roundabout at the intersection of the proposed development access and Moore Street and a request for the crash history at the intersection of Lawrence Street and Oliver Street to determine if any intersection improvements are required.

Council's Letter Dated 22 June 2010

Further to the above, the RTA has also requested that the layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed to achieve compliance with AS 2890.1 – 2004 and AS 28902-2002 for heavy vehicle usage.

Internal Referrals

Attached to this correspondence are specific comments made by the following sections of Council that have raised issues with the proposed development:

- Strategic Planning;
- Urban Design;
- Development Engineers;
- Traffic Engineer;
- Natural Environment; and
- Waste Officer

Planning Issues

Warringah Local Environmental Plan 2000

H1 – Freshwater Beach Locality

The proposed development is found to be inconsistent with the following provisions of the H1 locality;

- The proposed development is inconsistent with the desired future character statement as it does not provide detached style housing in landscape settings; and
- The proposed development fails to achieve compliance with the built form controls relating to Housing density, Landscape open space, and Building heights.

H2 – Harbord Village Locality

The proposed development is found to be inconsistent with the following provisions of the H2 locality;

- The proposed development is inconsistent with the desired future character statement for the following reasons:
 - The proposed development does not provide low-rise shop-top housing due to the significant non-compliance with the built form control relating to building heights;
 - The proposed development does not provide vertical breaks along the façades for buildings fronting Lawrence Street and Albert Street;
 - The proposed development does not incorporate continuous footpath awnings;
 - Insufficient information submitted with the application to demonstrate that the first floor units are adaptable for business use in the future; and

- In accordance with the desired future character statement for the H2 locality, the massing of the buildings in the H2 locality is to be substantially reduced on the top floor thereby reducing the visual bulk of the development and enabling views between buildings. The proposed development does not achieve compliance with this requirement.
- The proposed development fails to comply with built form controls relating to the H2 locality, in particular the building height relating to buildings A, B, and D and the front setback control in relation to building A.

General Principles

The proposed development is found to be inconsistent with the following General Principles of development control as contained in part 4 of the WLEP 2000:

Clause 50 - Safety and Security

Inadequate separation between the commercial and residential components of the development has been provided to ensure the security and privacy of the residential component of the development is protected.

Clause 62 - Solar Access

Detailed solar access diagrams are not provided to demonstrate that the living areas and private open spaces of each unit will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter. The solar access received by the living areas and private open spaces should be shown on the floor plans to provide a more accurate presentation of compliance than is provided on the elevation drawings submitted.

Clause 63 – Landscape Open Space

Inadequate information has been submitted with the application to demonstrate that the proposed development will achieve compliance.

Clause 64 - Private open space

Inadequate information has been submitted with the application to demonstrate that the proposed 10 townhouses located in the H1 and H2 localities can achieve compliance with the requirement of this Clause.

Clause 70 – Site Facilities

Inadequate information has been submitted with the application to demonstrate compliance with the requirement of this Clause. Please refer to the specific comments provided by Council's Waste officer.

Clauses 71 – 75 – Traffic, access and carparking

Inadequate information has been submitted with the application to demonstrate compliance with the requirement of these Clauses. Please refer to the specific comments provided by Council's traffic Engineer and the RTA.

Clause 76 – Management of Stormwater

Council's Letter Dated 22 June 2010

Inadequate information has been submitted with the application to demonstrate compliance with the requirements of this Clause. Please refer to the specific comments provided by Council's Development Engineer.

Draft Warringah Local Environmental Plan 2009 (DWLEP 2009)

Part of the subject that is located within the H1 locality which under DWLEP 2009 is proposed to be zoned R2 'Low Density Residential'. The DWLEP 2009 was adopted by Council at its meeting held on 8 June 2010.

The proposed development (i.e. the provision of townhouses, which constitutes multi unit housing) is prohibited development under the R2 zone. The proposed development is also found to be inconsistent with the objectives for the R2 'low-density residential zone', which aims "to provide for the housing needs of the community within a low-density residential environment (and) to ensure that low-density residential environments are characterised by landscaped settings that are harmonious with the natural environment of Warringah.

SEPP NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

State Environmental Planning Policy No.65 (SEPP 65) applies to the development. As such, the provisions of SEPP 65 and the Residential Flat Design Code (RFDC) are required to be taken into consideration. In this regard, there is inadequate information submitted with the application to demonstrate compliance with the following requirement of the SEPP:

- Daylight Access;
- Internal Amenity;
- Visual privacy;
- Building height;
- Building separation;
- Street setbacks;
- Deep Soil Zones and Landscape Design;
- Open space and communal area;
- Building Entry;
- Stormwater management;
- Parking;
- Pedestrian and Vehicle Access;
- Internal Circulation;
- Storage; and
- Waste management.

The assessment of this application has found that the above-identified issues are problematic and will not allow for the application to be supported in its current form. The time frames required to address these issues and submit the required information to Council will not allow Council to report the proposal to the JRPP in the appropriate timeframes. In addition such action is inconsistent with Councils *"Applications for Development Handling of Unclear, Non-Conforming, Insufficient and Amended Applications"* adopted Policy hence, you are strongly encouraged to withdraw the application, attend a pre-lodgement meeting with Council staff and resubmit the application when all of the above issues are addressed.

Council will hold the processing of your application for a period of 7 days from the date of this letter to allow you time to consider your position and inform Council as to your intention to withdraw the application or rely upon the information submitted to date.

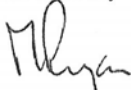
Council's Letter Dated 22 June 2010

Should you choose to withdraw the application, Council will refund a portion of the DA fees. Should you not withdraw the application the proposal will be reported to JRPP in its current form.

Should you wish to discuss any issues regarding this letter please do not hesitate to contact the responsible officer Lashta Haidari on 9942 2111 during the access hours of 9.30am to 10.30am and 3.00pm to 4.00pm Monday to Friday (excluding public holidays).

Please be assured that Council has adopted this procedure in the interests of streamlining the processing of all Applications. Your co-operation in this matter is appreciated.

Yours faithfully



Malcolm Ryan
Director of Planning and Development Services