

ATTACHMENT 1

Pre-Lodgement Meeting Notes
Dated 7 February 2013

Notes of Pre-DA meeting

Strategic and Development Services

Application No: PLM2012/0116

Meeting Date: 7 February 2013

Property Address: Lot 100 DP 1136132, No.80 Evans Street and Lot 2 DP 579837, No.4A Lumsdaine Drive Freshwater.

Proposal: The redevelopment (Stage 1) of the Harbord Diggers Club Site for the purposes of seniors housing, new club facility and associated members service areas, child care centre, gymnasium, community centre, and respite centre.

This Pre-lodgement meeting was for a Stage 1 Development Application, that will include:

- The adaptive reuse of the majority of the existing club building envelope; and
- Buildings envelope for buildings fronting Carrington Parade and Lumsdaine Drive.

Attendees for Council: Steve Findlay – Development Assessment Manager
Joe Zappavigna - Traffic & Road Safety Manager
Lashta Haidari – Senior Development Assessment Officer
Anthony Powe – Landscape Officer
Dominic Chung – Senior Urban Designer
Craig Morrison - Environment Officer - Systems/Planning
Ray Creer - Waste Services Officer
Andrew Ho - Waste Project Officer

Attendees for applicant: Dale Hunt – Harbord Diggers
Lee Pinder – Philon
Paul Di Cristo – Cerno Management
David Hoy – Urbis
Mathew O'Donnell- Urbis
Guy Pinicerton – Architectus
Michael Harrison – Architectus

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.

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

The residential component of the development will be made pursuant to State Environmental Planning Policy – Housing for Seniors or People with Disability 2004. In this regard, the sections of the SEPP that are found to be vital to this proposal are addressed below:

Seniors Living Policy – Urban Design Guidelines for infill development

The Seniors Living Policy – Urban Design Guidelines for Infill Development will apply to the proposed development and needs to be addressed in the documentation submitted with the application. The critical component of this policy is the section dealing objectives of site planning and design which states "*to minimise the impact of new development on neighbourhood character*".

It is accepted that the building/s forming a seniors housing development can be somewhat different to that envisaged in the R2 low density residential area, however, the objective within the policy is to achieve a good design outcome, which minimises impacts on the amenity and character of the locality. The "built form" principles used in the policy will be critical in the assessment of this application, particularly with regards to the bulk and scale of the development and the compatibility with the surrounding development.

Also, your attention is drawn to the Planning Principle established by the Land and Environment Court, *Project Venture Development v Pittwater Council* [2005] NSWLEC 191, in relation to the character test, where the judgment notes in Clause 24:

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

In applying these principles to the proposed development as submitted for the pre-lodgment meeting, it is considered that the proposal's appearance will not be in harmony with the existing "local area" character, because the urban context of this local area is that of predominately low density and scale associated with detached dwellings. The proposal would introduce a significantly different visual presentation with the entire residential component being in the form of residential flat buildings, with inadequate building separation, articulation and landscaping provided to allow adequate softening of the visual impact and render the outcome compatible with the surrounding built form. This is contrary to one of the fundamental characteristics of this area, being the detached building forms in a landscape setting.

Division 2 Design Principles

As indicated above, Specific concerns are raised in relation to the design of the proposed development. The proposal is found to be inconsistent with Clause 33 of the SEPP in that the bulk and scale and front setback of the development does not reflect the predominant character of the area.

As such, it is recommended that the development be redesigned to provide a design that is more compatible with the surrounding detached style form residential development. In addition, increased opportunities should be made for landscaping between and around the buildings to reinforce the landscaped setting of the buildings.

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP (HSPD) a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	In excess of 1000m ²	YES
Site frontage	20 metres	In excess of 20m on three street frontages	YES

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	<p>The plans indicate that the development will exceed the overall height.</p> <p>Any variation sought to the Standard under the SEPP is to request a variation under Clause 4.6 - Exception to Development Standard.</p> <p>Please note that concern is specifically raised with regards to the non-compliance relating to Building D (the existing club building). The maintenance of the club building to take advantage of its height - but changing its use and appearance does not strike the right balance in planning a significant redevelopment of the site.</p>	NO
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	<p>The proposed building adjacent to Mckillop reserve is five (5) storeys. The development, as proposed, exhibits a significant departure from the permitted number of storeys and this is considered to be vital for the reasons given above, with regards to the scale of the development and the character test.</p> <p>Any variation sought to the Standard under the SEPP is to request a variation under Clause 4.6 - Exception to Development Standard and is to address the Objectives of the LEP and the zone to establish consistency.</p>	NO

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011

The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	<ul style="list-style-type: none"> • Senior's Housing and associated uses • Community centre • Respite centre • Child care centre • Gymnasium • Registered Club and associated uses (such as member's services area)
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	<ul style="list-style-type: none"> • Senior's Housing and associated uses (permissible via SEPP HSPD 2004) • Child care centre (permissible with consent) • Community facility (permissible with consent) • Respite centre (permissible with consent)

The fundamentals	
	<ul style="list-style-type: none"> • Registered Club (permissible via Schedule 1-Additional permitted uses shown as "Area 10") • Gymnasium (permissible via Schedule 1) - but only if the facility, operates in conjunction with the registered club.

Objectives of the Zone
<p>The subject site is zoned R2 Low Density Residential, pursuant to the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011). The objectives of the zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i> • <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i>
<p>The proposed development as submitted at the pre-lodgement meeting is found to be inconsistent with the following objectives of the zone for reasons stipulated below:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> <p>Comment: The development will provide housing designed specifically for seniors or people with a disability and therefore the development ensures that the housing stock caters for a broad cross section of the community. However, the design and scale of the development is not considered to constitute 'housing within low density residential environment' based on the size and scale of the buildings adjoining detached dwellings to the west and south-west and the adaptive re-use of the existing building as residential flat building.</p> <ul style="list-style-type: none"> • <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i> <p>Comment: The plans submitted for the pre-lodgement meeting indicates that the proposed development will provide deep soil planting above the basement car park at the centre of the development. It is considered that the proposed development does not provide adequate landscaping to allow adequate softening of the visual impact of the proposed development, particularly within the front setback areas along the three street frontages. In this regard, the proposed development is not consistent with the above mention objective.</p>

Standard	Permitted	Proposed
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<p>Height of Buildings:</p> <p>Note: Building heights under WLEP 2011 are taken from existing ground level.</p>	8.5m	<p><u>Seniors Housing</u></p> <p>The senior's component of the development is required to comply with the requirements of the SEPP (HSPD) 2004 in relation to building height.</p> <p><u>Other Land uses</u></p> <p>With regards to the other land uses on site, there was insufficient information submitted at the pre-lodgement to determine compliance. It recommended that all buildings comply with the standard relating to building height.</p> <p>The plans submitted with the Development Application must clearly label the existing ground level and RL's on each section and elevation.</p> <p>Any proposed variation to the building height standard must be formally requested in writing and address the provisions of Clause 4.6 in WLEP 2011 and provide full and compelling justification as to why the building is unable to comply with the height limit and what the impacts of the variation will have on views, solar access and scenic/visual amenity of the locality.</p>
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Part 5 Miscellaneous Provisions	
Provision	Comment
5.9 Preservation of trees or vegetation	The site is not identified as accommodating prescribed vegetation.
5.10 Heritage conservation	<p>The subject site is in the vicinity of heritage items or heritage conservation areas (in this case, the Duke Kahanamoku Statue and Memorial Park). The design of the proposed development is to complement the character of the heritage items. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected by the proposed development.</p> <p>A Heritage impact statement is to be submitted with the Stage 1 Development Application.</p>
Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.2 Earthworks	<p>The development will involve earthworks which may have an impact upon the environmental functions and processes, neighbouring uses and features of the surrounding land.</p> <p>The objectives contained under Clause 6.2(3) will be required to be addressed in the Statement of Environmental Effects to ensure that any impact is minimised and/or managed.</p>
6.4 Development on Sloping Land	<p>The subject site is located within Area B which is defined by a slope of less than 5° -25°.</p> <p>The development will be required to be analysed and supported in a Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with the Development Application.</p>

Relevant Schedules	
Schedule	Comment
Schedule 1 Additional permitted uses	Schedule 1- Additional permitted use shown as "Area 10" applies to the subject site.

Other Relevant WLEP 2011 Clauses

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
Side Boundary Envelope	45°/5	Insufficient information was submitted at the pre-lodgement to determine compliance with the requirement of this control.	The applicant needs to ensure that compliance with the building envelope control is achieved for the building adjacent to the boundary adjoining the reserve.
Side Setback	900mm	Nil for Building D The only side boundary for the subject site is adjacent to Mckillop reserve.	No specific concern is raised with regards to the setback, as it is considered to provide an effective and sensitive transition from the reserve to the proposed built form.
Front Boundary Setbacks	6.5m to all three (3) street frontages	Basement car park provided with nil setback to all the three street frontages. Does not comply Building D has nil setbacks to Evans Street. Does not comply.	The extent of non-compliance with front setback cannot be supported, as the development is found to be inconsistent with the DCP objectives relating to front setback and there is inadequate space for effective landscaping to be provided to screen the development, when viewed from the public domain.
Part C: Siting Factors			
Control	Comment		
C2. Traffic, Access and Safety	<p>Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimize traffic hazards, queuing traffic and pedestrian conflicts, on public roads.</p> <p>Council's Traffic Engineer has provided the following comments:</p> <p><i>"A traffic study report addressing the impact of traffic on key intersections around the site is to be submitted with the Development Application.</i></p> <p><i>The parking calculations for the development, particularly the clubs needs is to be based on patronage and car parking accumulation surveys (which the applicant has previously undertaken and acknowledged at the meeting) as the GFA is not necessarily a good indicator.</i></p> <p><i>The report and design needs to make provision for large truck deliveries to the club and this must include</i></p>		

Warringah Development Control Plan	
	<p><i>minimum height clearance requirements in accordance with Standards Australia".</i></p> <p>Generally, the location of the proposed driveway onto Evans Street (similar location to the existing entry/exist) is considered to be acceptable. However, traffic access and safety will be a critical component of this development and will require ongoing discussion with Council's Traffic Engineer and Development Engineer to ensure that the intersection of the proposed driveway and the pedestrian footpath is appropriately and satisfactorily designed and managed to ensure practical use and safety is maintained.</p>
C3. Parking Facilities	<p><u>Traffic Report</u> A comprehensive traffic report prepared by a suitably qualified person is required to be submitted with the Development Application which addresses the requirements of Clauses C2 and C3.</p> <p>In the preparation of this, you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application.</p> <p><u>Dewatering and tanking</u> With regards to the construction of the basement car parking areas, the proposal may intersect the water table and require temporary construction dewatering. The basement car park is to be tanked to prevent the need for a pumping system to be operated continuously for the life of the development, to make the structure safe, trafficable and habitable.</p> <p>If the proposal is integrated, Development under Section 91 of the EPA Act as it requires a permit under the Water Management Act 2000, a cheque for \$320 is to be provided with the Development Application.</p> <p><u>Loading and unloading facilities</u> The general location of Facilities for the loading and unloading of service, delivery and emergency vehicles are to be approximate to the size and nature of the development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction. Full details will be required at Stage 2</p> <p><u>Car parking</u> Refer to Appendix 1 of WDCP 2011 for the car parking schedule which is discussed later in these minutes.</p>
C4. Stormwater	<p>Stormwater design to be in accordance with Council's 'On Site Stormwater Technical Specification' and details regarding this can be deferred to Stage 2 Application.</p> <p>You are advised to liaise with Council's Development Engineering section (contact Robert Barbuto on 9942 2111) to identify and resolve any stormwater drainage matters prior to the lodging of a Development Application.</p>
C7. Excavation and Landfill	<p>Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.</p> <p>Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties. Details can be provided with Stage 2 Application.</p>
C8. Demolition and Construction	<p>A Construction Management Plan will be required part of the Stage 2 DA dealing with construction access, parking, storage, stockpiling, security fencing, sediment and erosion management, work zones required, crane locations, dust minimisation, noise minimisation etc. Development is not to result in noise emission which would unreasonably diminish</p>

Warringah Development Control Plan	
	the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.
C9. Waste Management	Details demonstrating compliance with C9 of WDCP 2011 including the required 'Waste Management Plan' are to be addressed in the stage 2 development application.
Part D: Design	
Control	Comment
D2. Private Open Space	Private open space for the residential component is to be provided in accordance with SEPP.
D3. Noise	<p>The development is to ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants of the seniors housing, users of the club or visitors.</p> <p>An Acoustic Report is required to be submitted with the development application for the stage 1 addressing the internal spatial arrangement of users and potential impacts on surrounding residential development. In particular, the acoustic impact of the driveway and loading dock, the impact of the proposed registered club on the residential development and impact of the child care centre. The design of the development is to include measures which mitigate acoustic impact upon neighbouring residential land.</p>
D6. Access to Sunlight	The development is not to unreasonably reduce sunlight to surrounding properties. Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building envelopes at 9.00am, Noon and 3.00pm on 21 June as well as the shadow's cast over public domain in Evans and Carrington Parade.
D7. Views	The development is to allow for the reasonable sharing of views. A detailed view analysis is to be provided from various points. In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140.
D8. Privacy	<p>Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>Particular regard is to be given to the impact of overlooking into the neighbouring residential properties and to the habitable rooms (including bedrooms) of proposed apartments. Indicative floor plans are to be provided with the Stage 1 DA to assist in determining that compliance with this Clause can be achieved with the Stage 2 DA/</p> <p>Similarly, particular attention should be given to the building separation requirements under <i>State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)</i> to address privacy between apartments within the development.</p>
D9. Building Bulk	<p>Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces. Particular regard and sensitivity is to be given to the topographical uniqueness of the site and the transitional nature of the site to development in the neighbouring zone.</p> <p>The subject site generally rises from Evans Street to Lumsdaine Drive, with the steepest portion of the site located between the northern side of the Club building and carpark and Lumsdaine Drive. The height and bulk of development, particularly on the downhill side, is to be minimised by stepping the design down the site to ensure the appearance of the buildings are generally two storeys. Further to this, any 3rd storey should be stepped back from the lower levels to emphasize a 2 storey built form when viewed from the street.</p>

Warringah Development Control Plan	
	In this respect, photographic montages and diagrammatic evidence (i.e. an urban form study) are to be provided which show how the development, as proposed in Stage 1, responds to the topography of the site and to the scale of development to the adjoining development.
D11. Roofs	Roof forms are to complement the local skyline. The design of lift overruns and any other roof top features which have to potential to disrupt the architectural line of the development (and the skyline) will be addressed in a Stage 2 Development Application.
D14. Site Facilities	Site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places. Each residential unit must have storage to comply with SEPP 65 volumes. The storage rooms need to be easily accessible such as being co-located at the end of each parking space for ease of loading/unloading. The location and design of letterboxes must meet <i>Australia Post</i> requirements.
D18. Accessibility	An access report will be required to be submitted with the Development Application, addressing the requirement of the SEPP and DDA Act. Whilst the access arrangements may be refined in a later Stage 2 Development Application (i.e.: lift access etc) it is important in the Stage 1 Development Application to show that the development can achieve level access through appropriate siting and levelling of the buildings at ground level and the open space areas within the site.
D20. Safety and Security	Whilst the development, as proposed, is for a Stage 1 concept only, consideration is to be given to the principles of 'Crime Prevention Through Environmental Design' (CPTED) and the documentation submitted with the Development Application.
D23. Signs	Any signage proposed for the development must be included in the Development Application. Alternatively, a separate application for signage may be pursued later. If included in the stage 1 Development Application, the Statement of Environmental Effects is to address the provisions of Clause 53, Schedule 4 and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .

Referral Comments
<p><u>Traffic Engineer</u></p> <p>Refer to Section C3 above for the specific comments made by Council's Traffic Engineer. In summary, Council's Traffic Engineer has requested a traffic study report addressing the impact of traffic on the key intersections around the site, parking calculation and loading and unloading.</p> <p><u>Urban Designer</u></p> <p>Positive aspects:</p> <ol style="list-style-type: none"> Consolidated vehicular access points to allow continuous footpath providing safe pedestrian routes. Provision of a central landscaped common area which is facing north. <p>Negative Aspects:</p> <ol style="list-style-type: none"> The site is located in a low density residential R2 zone with 8.5m building height. The presentation of the proposed residential flat development as perceived from external areas in the locality is considered to be a major change to the existing character. There are existing residential flat buildings along Evans Street however Carrington Parade has mostly freestanding residential houses. It is recommended that the proposal be sympathetic to the existing character of the streetscape to minimise the impact of the development especially when the site is located on a prominent headland in a highly used recreation area.

Referral Comments
<ol style="list-style-type: none"> 2. There are no deep-soil areas greater than 1 metre proposed around the site for an appropriate landscape buffer. 3. Adaptive reuse of existing multistorey building structure has to be demonstrated to be possible and feasible. It should also be setback 6.5m from the street and landscape buffer provided to lessen development impact. 4. Loss of views from surrounding areas to be mitigated with view-sharing by creating view corridors at higher levels.
<p>Conclusion</p> <p>The initial analysis demonstrates that the proposed development does not comply with the current controls. As this is a stage 1 DA proposal, no unit layouts has been shown so SEPP 65 requirements for residential flat development cannot be assessed.</p>
<p><u>Landscape Officer</u></p> <p>As it is understood that the proposal would include application for Seniors Housing under SEPP Housing for Seniors or People with Disability 2004, these comments relate to assessment under the SEPP for the residential component, particularly in relation to Division 2 of Part 3 of the SEPP.</p> <p>The site is on a prominent headland with remnant heath species located broadly to the east and south. The site is also located in a highly used recreation area comprising the function of the club itself, walking, sightseeing, fishing, swimming and surfing.</p> <p>These must be considered in the assessment of the impact of the development on local landscape character. The flavour of recreation within a natural coastal setting will be considered as significant elements in any development application submitted and the development should be designed accordingly.</p> <p>The draft designs submitted provide an external appearance predominately representing a residential flat development. This is very different in character to that provided by the current building, which is iconically 'The Diggers'.</p> <p>The change in character is significant in the local vernacular landscape. The above ground component is the most emblematic in this visually prominent site.</p> <p>The proposed design removes the identification of the site as a registered club to a residential development with a club function beneath and this is seen as a significant departure from the current character.</p> <p>The draft Visual Analysis provided leans significantly to an assessment of the potential for loss of view caused by the development, rather than the visual impact in terms of the change of character to the local landscape that the development will influence.</p> <p>The character impact needs to be assessed in a visual sense and it is currently assessed as being a significant departure from the existing character in terms of the matters raised above.</p> <p>The presentation of a residential flat development as perceived from external areas in the locality is considered to be a detrimental change to the existing character. As stated in comment on the previous development, the site provides a rare opportunity for the provision of a visual celebration of the esteem in which 'The Diggers' is held in the community and a celebration of the remarkable coastal headland upon which this lot sits. These elements should be expressed and addressed in any application submitted.</p> <p>In relation to a Stage 1 application, it is considered that the building envelopes are too heavily weighted to the residential component to the point of being overly dominant in this sensitive landscape setting.</p>
<p><u>Natural Environment Section</u></p> <p>The site of the proposed development adjoins land classified as being part of the NSW Coastal Zone. Given the existing use of the site the proposed development is considered appropriate. Due to the proximity of the site to the coastal zone, it is recommended that the Statement of Environmental Effects consider any impacts on amenity or scenic qualities of the site by addressing the relevant matters for consideration as described in Section 8 of <i>State Environmental Planning Policy No. 71 - Coastal Protection</i>.</p> <p>There are no other significant environmental values, resources or hazards relevant to the site.</p>
Other Relevant Controls within WDCP 2011
<p>Appendix 1 – Car Parking Requirements</p> <p>Compliant off-street car parking is to be provided within the subject property boundaries having regard to land use, hours of operation, availability of alternative parking in accordance with Appendix 1 of WDCP 2011 and SEPP (HSPD 2004) for senior housing component of the development. An assessment of the plans provided at the pre-lodgement meeting indicates that</p>

Other Relevant Controls within WDCP 2011

compliance with the number of parking spaces has been achieved.

Other Relevant Environmental Planning Instruments/SEPPs

SEPP (Infrastructure) 2007

Clause 45

Clause 45 of SEPP Infrastructure requires the Council 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 5m 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 5m of an overhead electricity power line

In this regard, the lodgement of the development application will be referred to Ausgrid for comments.

Clause 106

Pursuant to Clause 106(1) (a) of SEPP (Infrastructure) 2007 applies to new premises of a "relevant size or capacity".

"Relevant size or capacity" means:

"in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3"

Clause 106 'Traffic Generating Development' of the SEPP requires the application to be referred to the RMS if the development is specified in Schedule 3 of the SEPP. Schedule 3 of the SEPP applies to this application as the proposed development provides more than 200 parking spaces (total of 700 spaces) parking spaces are proposed as part of the development.

In this regard, the lodgement of the development application will be referred to the RMS for comments.

State Environmental Planning Policy 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 and must be addressed in the Statement of Environmental Effects submitted with the application. In this regard, an assessment of the proposal's ability to satisfy the provisions of the RFDC is required for the Stage 1 Application, particularly in relation to natural ventilation, visual privacy and solar access, in this regard it is highly recommended that indicative floor layouts be submitted for the residential buildings to demonstrate consistency with the rules of thumbs under the RFDC. Also, a Design Verification Statement must be lodged with the DA.

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

The Statement of Environmental Effects is to demonstrate how the development will achieve compliance with the SEPP. The Development Application is to be accompanied by a BASIX Certificate (or Certificates) which demonstrates compliance with the targets of Water, Energy Performance and Thermal Comfort and is to include a list of commitments as to the manner in which the development will be carried out. Furthermore, you are advised to strongly consider the environmental sustainability of the project and submit details of potential ESD measures and initiatives.

Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:

- Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Common vehicular access to multiple properties: LAP-PL 310
- Development Applications relating to trading hours under the Liquor Act 1982: LAP-PL 610
- Vehicle access to all roadside development: LAP-PL 315

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- All information as required on the Development Application form checklist;
- Site Analysis;
- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - All relevant sections of WLEP 2011, including demonstrating consistency with the R2 Low Density Residential zone and the compliance with the Height of Buildings Development Standard.
 - All relevant sections of WDCP 2011
 - All relevant sections of SEPP (HSPD) 2004;
 - Other relevant Environmental Planning Instruments.
- Geotechnical report;
- SEPP 65 Design verification statement from a qualified designer (given the Stage 1 concept, this should only address the relevant elements of the SEPP and RFDC)
- Indicative floor plan layouts (addressing the requirement of SEPP 65 and RFDC code)
- Model of the proposed development (given the Stage 1 concept, a block model showing the proposed envelopes)
- Shadow diagrams
- View analysis
- Photo montages
- Landscape Plan showing the conceptual layout of the landscaping within the site
- Heritage Impact Assessment
- Report on adaptive re-use of existing club building (structural engineers report)
- Acoustic report
- Traffic report
- Contamination report
- ESD report
- Integrated Development fees (if required)
- Architectural plans to clearly show:
 1. RL's for all building envelopes
 2. number of storeys for all envelopes
 3. Floor to ceiling height for all levels
 4. outline of existing buildings
 5. internal separation distance between buildings
 6. Sufficient detail on basement floor plan for identification of vehicular access, carparking, storage, loading and unloading, division between residential and commercial carparking, waste storage areas, etc.

Concluding Comments

These Minutes are in response to a pre-lodgement meeting held on 7 February 2013 to discuss the redevelopment of Harbord Diggers Club Site. The Minutes reference preliminary plans prepared by Architectus, dated 27 November 2012.

The assessment of the plans submitted for the pre-lodgement meeting has the following issues and concerns:

- The proposed development will be in the form of residential flat buildings (ranging from 3 -5 storeys with basement parking), mostly to be accommodated within the exiting building envelope, which exceeds the allowable building height under both the SEPP HSPD and WLEP 2011.
- The setback provided to all three street frontages is not consistent with the built form control relating to front setback for the locality. There are also inadequate setbacks provided to all three street frontages to allow adequate landscaping to address the visual impact of the proposed building size, mass, and bulk.
- The application includes buildings (in the form of residential flat buildings) which are not consistent with the character of the surrounding area and the development does not maintain the visual pattern and predominant scale of detached housing in the locality, which is the predominant character of the R2 zone.
- The proposed development is found not to be sympathetic to the scenic and visually sensitive character of the location and its interface with low density residential development surrounding the site.

In this regard, the following issues need to be revisited prior to lodgement of the Stage 1 Development Application:

- The issue of replicating the height of existing building needs to be justified and considered. If the proposal seeks to remove existing development and redevelop the site, it should respond, amongst other things, to current planning controls applicable (including height limits) to the site;
- A View Analysis Report is to be prepared to determine view loss impacts on the surrounding residential properties

Concluding Comments

as well as from public vantage points;

- The appearance of the individual buildings should be in form of buildings which reflect a “detached –style” to street presentation, providing substantial setbacks to all three (3) street frontages; and
- An adequate landscape buffer is to be provided around the development, especially within the three street frontages to allow for the provision of landscaping which is to be commensurate with the height and scale of the development.

Based upon the above comments, you are advised to satisfactorily address the matters raised in these minutes prior to lodging a development application.

Please note that a Stage 1 Development Application is required to be made under the provisions of Section 83B of the *Environmental Planning and Assessment Act, 1979* and address all “critical matters” relating to the assessment of the whether the concept approval is suitable for the site, will generate acceptable impacts, and will be able to address compliance with the relevant provisions of SEPP HSPD, SEPP 65, WLEP 2011, and WDCP.

You should be aware that Council will act as the assessment and reporting authority and the Joint Regional Planning Panel will act as the Consent Authority in this instance as the estimated cost of works will exceed \$20m.

Other Matters

• Requirement to Submit Correct, Clear and Accurate Information at Lodgement

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

• Privacy and Personal Information

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. www.warringah.nsw.gov.au

• Monitoring DA progress after lodgement

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au