

6 August 2013

Mr Stuart Withington  
Manager - Regional Panel Secretariat  
Regional Panels Secretariat  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Withington,

**Development Application for Stage 1 Development at the Harbord Diggers Site,  
Freshwater - 2013SYE031**

Thank you for your letter of offer on 28 June 2013 extending an offer to us to provide the JRPP with a submission following a review of Warringah Council's Assessment Report for the above mentioned development application.

Having reviewed Council's report made available to us on 1 August 2013 we note that Council considers the proposed development will result in the following positive aspects, which we believe are all in the Public Interest:

- The development is capable of being constructed so as not to result in any adverse environmental impacts on the natural environment.
- The proposals will not have any detrimental social impacts in the locality, and will result in an improved registered club on site for recreational and leisure opportunities. The proposal will provide positive social outcomes through the provision of housing and care facilities on site.
- The proposal will result in a positive economic impact on the locality and will assist in strengthening the economic vitality of the area.
- The proposal will not be detrimental to traffic and parking within the locality.
- The proposed land uses are permissible on site and are capable of being accommodated on site for the benefit of the locality.

Our review of Council's assessment report indicates that there is a level of Council support for the proposed Stage 1 Development Application.

It is also noted that there appears to be a significant variation in views between those expressed by the Department of Planning and Infrastructure in their assessment of the site being capable of achieving seniors housing on the site (up to 125 dwellings) and what Council envisages for the site. Indeed we believe the SEPP and its objectives have not been given appropriate weight when considered alongside their own LEP.

The following is a summary of response to Council's 11 recommended reasons for refusal as outlined in their assessment report. These are addressed in groupings of issues and not in the numerical order as outlined in Council's report so that the logic of our proposal can be simplified in its response.

## **Design**

***1. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Aims of Policy (namely Clause 2c), of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.***

Clause 2 of the SEPP (HSPD) aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

We observe that in regard to Clauses 2(a) and 2(b) the Council have confirmed the proposal is consistent with the aims of the policy.

In regard to Clause 2 (c) given that this is a Stage 1 Master Plan Development Application, which seeks consent for building uses, building envelopes and consolidation of two sites, we believe Council have prematurely arrived at a conclusion with respect to the assessment of quality design, as the proposal does not provide a level of detail with respect to design for a proper assessment to be completed. The required level of detail will only be provided with the Stage 2 DA, which will be informed by the design principles we have developed and included in the submitted SEE.

The design principles for the Precinct have been developed based upon extensive three dimensional precinct modelling, urban design analysis, technical analysis and community feedback throughout both the Site Compatibility Certificate application and the master planning process.

The design principles included in the submitted SEE will guide future development at the Harbord Diggers precinct, and include:

- Celebrate the iconic location of the precinct.
- Make the most of the views.
- Retain the club and community use.
- Achieve a high quality design outcome.
- Ensure flexibility and accessibility for all community members.
- Achieve community and commercial benefits.
- Protect and integrate the natural environment.
- Consider changing community needs.

## **Character of the Area**

***8. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2011 in that the development is inconsistent with the objectives of the R2 Low Density Residential zone.***

***9. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2011 in that the development is inconsistent with the aims of the Plan.***

A substantial portion of the (40.9% non-low density residential ref. Image 1) locality is not reflective of Council's objectives of a R2 Low Density Zone. The mix of land uses, built form scale and densities on

both the site and the Precinct all contribute to this area not reflecting the objectives of the zone. The existing character is in fact a mixture of uses and development scales, and the objectives of the zone are inconsistent with this mix. It is therefore questionable as to the amount of weight Council places on their LEP and the objectives of the Low Density zone.

Council on Page 31 of their report also acknowledges that ***'it is accepted that the new buildings forming the senior's housing development will be somewhat different to that envisaged for a R2 Low Density Residential area'***. However by contrast Council's analysis of existing local character on Page 36 fails to acknowledge that the area immediately adjacent the site to the south on Evans Street is made up of medium to high density apartment buildings (8-9 storeys in height), all of which exceed the current built form controls for the zone and are indeed amongst the highest in the locality.

We clarify that the Harbord Diggers site (15,599m<sup>2</sup> or 3.75ha) is the largest site within the surrounding R2 zone Precinct, and by far exceeds the size and orientation of the majority of other sites in the wider R2 zone. There are also a number of sites which are approximately 5,000m<sup>2</sup> or more within the R2 zone in the Precinct and LGA. Our analysis of building form in the surrounding Precinct as shown in Image 1 demonstrates the diverse mix of development in the locality. Of a total area shown in Image 1, only 59.1% is Low Density, with the balance consisting of medium and high density residential and commercial development.

The site itself is currently occupied by built forms that represents a bulk of 20,336m<sup>2</sup> above ground achieving average heights of 3 to 5 storeys and a landscape area of 29% of the total site.

In light of the diverse mix of uses and scales of existing development within the R2 zone in the locality, it is not considered the underlying objectives of the WLEP 2011 zoning of the site, and the surrounding locality accurately reflects the overall character of the area, and nor is ever likely to.

Council's assessment at Page 30 of their report acknowledges the proposed development reflected in the master plan, ***'provides greater housing choice within the locality and therefore responds positively to the housing needs of the local community'***.

It is acknowledged that the overriding policy for seniors housing development for this site is the SEPP (HSPD). Council also acknowledge in their Pre DA minutes that assessment of the proposal would be against SEPP (HSPD).

The Site Compatibility Certificate acknowledges that the site is capable of more intensive development through the acknowledgement that the site is capable of accommodating up to 125 seniors living apartments. Given that critical mass is required for operational and service efficiencies required for seniors living occupancy it is not uncommon for senior's housing developments to be different in character, form or scale to the types of development generally envisaged in R2 Low Density Zones. Given the existing scale of development on the site and its neighbouring site development the proposed built form and relationship to the streetscape of the seniors housing building envelopes are considered to be appropriate to the context and locality of the site, and are considered an acceptable urban design outcome.

Despite its acknowledgements on pages 30 and 31 of its assessment the Applicant does not understand the foundation for Council to still consider the proposed development to be out of character with the surrounding area and locality.

Image 1



## Neighbourhood Amenity and Streetscape

**2. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the requirements of Clause 33 Neighbourhood Amenity and Streetscape of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.**

Clause 33 of the SEPP states;

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and



- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
  - (i) providing building setbacks to reduce bulk and overshadowing, and
  - (ii) using building form and siting that relates to the site's land form, and
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

In response to this reason for refusal we consider Council's assessment in relation to streetscape character is contradictory. The following explains why the Applicant disagrees:

- Whilst the intention for the zone is to be low density, the actual reality of the built form of the site and some of the surrounding streetscape do not reflect the objectives of the zone.
- The existing overall site development does not contribute to the amenity or character of the streetscape. The new building envelopes fronting Evans Street and Carrington Parade will entirely reorientate the use of the site and provide active engagements towards these streetscapes, through building entries, gardens and deep soil street plantings, and views from upper level balconies. Details of this level of articulation and treatment will be generated through architectural design response to be included in a subsequent Stage 2 Development Application.
- The site itself is currently occupied by built forms that is represents a bulk of 20,336m<sup>2</sup> above ground achieving average heights of 3 to 5 storeys and a landscape area of 29 %. The partial retention of the existing club building to form Building D is considered appropriate relative to the higher density development fronting Evans Street. The proposed building envelopes are larger along the frontage of Evans Street when compared with other street frontages of the site but still 3 to 4 stories below adjacent high density development providing a transition in streetscape. They do, however present a reduction in scale and bulk to the existing development in Evans Street and result in an improvement to the overall character and appearance of the street.
- Council on Page 31 acknowledges that '***it is accepted that the new buildings forming the senior's housing development will be somewhat different to that envisaged for a R2 Low Density Residential area***'.
- Council recognises on Page 36 that the existing character of part of the surrounding streets do consist of residential flat buildings;
- Council also considers on Page 27 that the proposal should be more sympathetic to a low density detached dwellings streetscape.

- The Applicant agrees with Council's independent Urban Design consultant's (GMU) interpretation of streetscape character of Evans Street, which includes:
  - ***Evans Street changes in character along its length and close to the site. The south western side of the street consists of low side lots and sloping topography near the corner of Carrington Pde with little public domain vegetation and most landscape provided by the front gardens to dwellings. In this area built form is generally two storey detached housing on narrow lots located below street level.***
  - ***Closer to the club the character changes to high rise development. The built form varies from 3-8 storeys above street level in the form of apartment developments. There is sporadic street planting with low scale trees but the majority of planting (where provided) is within the front garden areas of the apartment developments. The street presentation of these buildings is poor with large setbacks, exposed parking areas and plant and frequent driveway crossings due to the narrow lot configurations.***

It is noted that GMU recognises the high density development of the streetscape adjacent to the site to its south on Evans Street.

- As mentioned previously the Applicant has addressed Council's concerns of building massing through the provision of increased separation distances between Buildings A, B and C and broken the massing of these buildings to more reflect the existing streetscape through the following.
  - Building A was broken into two (2) separate buildings
  - Buildings B and C were also broken into two (2) separate buildings.
  - A colonnade was introduced in Part of Building D at ground level to its frontage to Evans Street to provide a 6.5m setback.

### **Building Height**

***3. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 40 Development Standards – relating to Building Height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.***

***6. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2011 in that the development inconsistent with the objectives and requirements of Clause 4.3 – Height of Buildings.***

***7. Pursuant to Section 79C (1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2011 in that the development inconsistent with the objectives and requirements of Clause 4.6 – Exception to Development Standards in that the applicant's written request to vary Clause 4.3 Height of Buildings (WLEP 2011) and Clause 40 (4a and 4b) of SEPP (HSPD) 2004, does not address the non-compliance created by Building D.***

In response to this reason for refusal on Council's assessment in relation to Building Height is contradictory. The following explains why the Applicant disagrees:

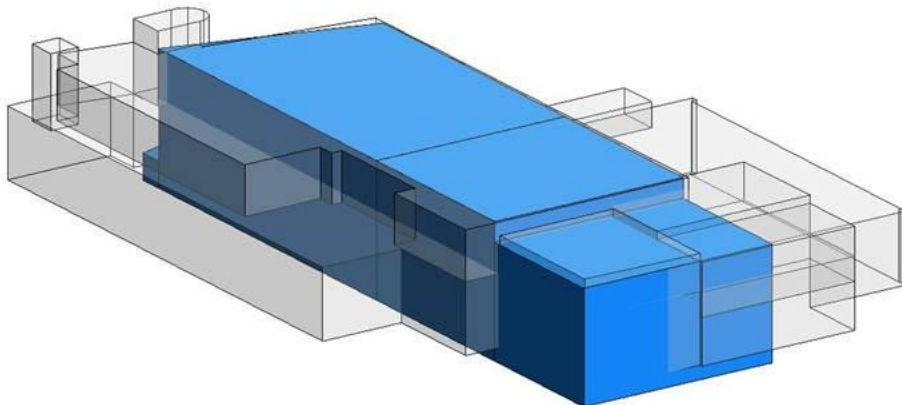
- Council's assessment of Buildings A, B and C at Page 26 of their report states that '***Buildings A, B, and C are 3 storey residential flat buildings consisting of a height of generally 8.5m***

***which is considered, in terms of metres, to be consistent with the heights of surrounding development and compliant with the overall Building Height in the R2 zone.*** Council's assessment of building height at Page 40 of the assessment report contradicts the assessment on Page 26 through their comment that '***The proposed height and number of storeys proposed for Buildings A, B, C and D of the development is considered excessive and will set an undesirable precedent for the locality that envisages low density residential. Accordingly, the height of the proposed development is not compatible and would be excessive in terms of its scale as compared to other housing developments in the surrounding locality.***

- The underlying height control for the site within the WLEP 2011 is 8.5m. The proposed new buildings A, B and C are no greater in height than the WLEP 2011 height provision and range from 3.6m to 8.5m above the existing ground level. Notwithstanding this the proposed new buildings are non-compliant with the 8m height standard of the Seniors SEPP by up to 0.5m (or 6.25% variation). As submitted in the SEE this non-compliance has been supported through a SEPP 1 objection to the SEPP (HSPD) height control.
- The SEPP 1 objection to the Seniors SEPP height standard expressed for Buildings A, B and C is relatively minor at 6.25% and is consistent with or below the scale of other buildings within the surrounding area and zone. The proposed development envelopes of Building C are below by 12 to 13 metres than the established residential apartment buildings on Evans Street on the opposite side.
- The Applicant has undertaken significant three dimensional surveying of the site and Precinct to determine 'existing ground' level across the site and adjoining developments. The overall topography of the site defines the perceived height of the proposal. With the exception of Building D, the proposed building envelopes for Building A, B and C are at or under the 8.5m building height control of the WLEP 2011, and the overall topography makes building B appear potentially up to 3 storeys in height at the corner location of site at Carrington Parade and Evans Street.
- The Applicant draws attention to the fact that significant three dimensional surveying of the site and Precinct to include the overall topography of the site has been undertaken. This surveying has identified that much of adjacent development on Carrington Parade is above the Club site by up to 8-10m. (**Note:** Subject sites ground level range – RL17.5 along Lumsdaine / RL22.6 in courtyard; Ground level of adjacent dwellings along Carrington Parade (refer to the two existing buildings shown in Building Envelope – Section B) – one house has an approx. ground level of RL32.70 and the other RL30.70)
- In regard to Building D the Applicant references the planning principle established in Michael Hesse v Parramatta City Council [2007] NSW LEC313 in its SEE in support of its adaptive re-use. The principle establishes a number of criteria which demonstrate the adaptive re-use is in the public interest. In this regard the proposal meets the following criteria: "*The new use serves the public interest better than the existing use*". Therefore the Applicant concludes it has a right to the existing building height and envelope.
- It is not considered that the building height of the proposed envelope of the Building D through its adaptive reuse requires justification as a SEPP 1 objection and the Applicant exercises its right to maintain the height of this building.
- Council's assessment of Building D indicates that in their opinion Building D does not comply with the height standards of the SEPP (HSPD) and the Warringah LEP. Council's assessment however fails to acknowledge the Clubs right to height and the significant improvements (reduction of bulk by 63%) to this building envelope.

- The following image demonstrates the proposal does not exceed the existing buildings current height, and shows the significant reduction in built form of Building D.

**Image 2**



**Evans Street Frontage**

**Existing Building D Volume (grey): 49 044m<sup>3</sup>  
18 115m<sup>3</sup>**

**Proposed Building D Volume (blue):**

#### **Landscape**

***4. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, in that proposed development does not comply with requirement of Clause 50 with regards Landscape Area.***

In response to this reason for refusal on Council's assessment in relation to streetscape character is contradictory. The following explains why the Applicant disagrees:

- Council's assessment of landscape provision within the Applicant's proposal has relied upon the requirements of Clause 50 of the SEPP (HSPD) which lists a range of development standards that cannot be used to refuse development consent for self-contained dwellings, including the landscape requirements described below. Despite the Proposal exceeding this landscape development standard, Council recommends refusal in this regard based on the Proposal being non-compliant with Clause 50.
- Clause 50 of the SEPP (HSPD) which provides a landscape development standards that requires:
  - 30% of the site to be landscaped open space, and
  - 15% of the site to have deep soil planting within that landscaped open space.



- Page 45 of Council's assessment report incorrectly assesses the provision of landscape area, suggesting the proposed development provides 0% of landscaped area for the site. The assessment then continues to acknowledge on Page 45 that the proposal provides '**in excess of 15% of the site**' in the form of deep soil planting.
- The proposed location, scale and bulk of the building envelopes within the master plan allows for the provision of 6,211m<sup>2</sup> (40%) of the site for surrounding landscaped areas which are also capable of being utilised as deep soil areas. The proposal therefore complies with both the WDCP 2011 control for landscape provision and the SEPP (HSPD). This compares with 4,574m<sup>2</sup> of landscaped area currently.
- The Applicant acknowledges the basement car park within the master plan is not set back from the site boundary and is not in accordance with the Warringah DCP 2011 requirement of 6.5m. In doing so it was conscious that the DCP setback control primarily seeks to ensure sufficient deep soil landscaping can be provided along street frontages to minimise the impacts of buildings.
  - The Applicant has submitted that the site is located on a headland with a predominantly sandstone sub surface as outlined in the Geotechnical Report at Appendix H of the SEE, and is not generally suitable for mature street tree plantings. Deep soil is capable of being provided however above the entire car park basement structure within the master plan except for locations occupied by the footprints of Buildings A, B, C and D. Soil depth is to be provided above basement parking to all setback areas for effective landscape planting. (**Note:** Generally 3m deep soil depth in all setback areas except along Lumsdaine Drive and corner of Carrington/Evans where it is 1m deep. More than 50% of the setback zone has a soil depth of 3m).
- A detailed design response for landscaping for the site will included for the Stage 2 Development Application. The objective of the Stage 2 Development Application will be to meet the Applicant's own Design Principles included on page 16 of the SEE which will enhance the overall streetscape appearance and contribute to softening the visual appearance of the proposed buildings.

### **SEPP 65 Design Principles**

#### ***1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development, in particular:***

- ***Principle 1 – Context***
- ***Principle 2 – Scale***
- ***Principle 3 – Built Form***
- ***Principle 4 – Density***
- ***Principle 6 – Landscape – as discussed above.***

### **Context**

- The built context is the existing Club building that is the equivalent of 3-5 residential storeys, mainly medium density apartment buildings of 3-8 storeys to the southwest and single dwellings of 1-2 storeys to the northwest generally set on land that is significantly higher than the Club site to the equivalent of 3-8 storeys high relative heights.

- The natural context is the coastal headland which means that a special response is needed rather than a single detached dwelling context which is not the prevailing built context of the area.
- The Proposal at mainly 3-5 storeys is compatible with the existing context of building heights.

### **Scale**

- The main building bulk of the existing Club building is 40m wide x 90m long and 5 residential storeys high. The 5 proposed buildings are 23-25m wide x 30, 35, 40, 50, and 75m long and 3-5 storeys above ground.
- The bulk of the existing Club building is considerably broken down by the proposal and is appropriate to the scale of the natural headland topography.
- The proposed buildings (A, B and C) are separated by at least 8m, not 3m as wrongly stated in Council's report.
- It is important for seniors living apartment floor plates to have at least 6-8 apartments per floor for servicing efficiency. It is to be expected under SEPP Seniors Living that floor plates are typically larger than a single detached dwelling.

### **Built Form**

- The proposal is for four x 3 storey buildings and a 5 storey building with a single storey frontage to Lumsdaine Ave. The buildings are appropriately aligned with the streets and separated from each other providing for views through the development and breeze circulation. A large central courtyard open on one side to the north-east generously opens up the development to the wider environment.
- Other built form aspects such as proportions and manipulation of building elements will be part of the Stage 2 Design and resolved through an architectural design competition.

### **Density**

- The special location of the site demands a special solution. The density is the outcome of an appropriate design response rather than the driver of the solution.
- The Council report states that landscape area is an important element in deriving an appropriate density. At least 40% of the site is landscape area where soil is at least 1m deep - an ideal soil depth for vegetation that is suited to coastal heath typical of the headland.

### **Envelope Setbacks**

***10. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Development Control Plan in that the development is inconsistent with the following clauses:***

***B3 – Side Boundary Envelope***

***B5 – Side Boundary Setbacks***

***B7 – Front Boundary Setbacks***

## **D9 – Building Bulk**

### **E7 – Development on land adjoining public open space**

- The Applicant questions the level of extent and weight Council places on imposing the DCP controls for building setbacks in relation to a seniors housing development as a reason for refusal. It is noted by the Applicant that whilst a policy statement, Council's existing DCP controls are primarily relied upon for a different intention which is to guide single dwelling development.
- The *Environmental Planning and Assessment Amendment Act 2012*, which commenced on 1 March 2013, has clarified the purpose and status of development control plans, being to '**provide guidance**' to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument. Furthermore, to assist in the assessment of DAs, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be '**flexible in applying those provisions**' and allow for '**reasonable alternative solutions**' that achieve the objectives of those standards for dealing with that aspect of the development. It is important to recall these revisions to the status and application of DCPs in development assessment.
- Design requirements for the proposal should be properly guided by the '*Seniors Living Policy: Urban Design Guidelines for Infill Development*'. Despite this the Applicant responds to each setback issue as follows:

- **B3 – Side Boundary Envelope**

- See Applicant's response earlier in this letter under **Building Height** and its right to maintain the part or all of the existing scale, bulk and height of Building D.

- **B7 – Front Boundary Setbacks**

- The WDCP 2011 requires a minimum building setback of 6.5m to Evans Street and Carrington Parade street frontages. The building envelopes for Buildings A, B and C on both street frontages have a minimum building setback from the boundary line of 6.5m to 6.8m and are considered compliant with the WDCP 2011 control.
  - The proposed adaptive reuse of part of the existing club building in Building D provides a compliant colonnade setback (6.5m) to Evans Street through the creation of a void between Ground Level and Level 1 which will create a colonnade feature and is an improvement on the existing built form of the building and its interface with Evans Street.
  - This design response is a direct result of dialogue between the Applicant and Council at the pre Development Application meeting.

- **D9 – Building Bulk**

- The above Ground GFA of the proposal's master plan is 12,713m<sup>2</sup> compared to the 9,790m<sup>2</sup> of the existing development. (**Note:** The bulk contained in existing above ground car park structures is excluded as it does not form part of GFA. If it were to be included the 9,790m<sup>2</sup> of existing development would be increased to 20,336m<sup>2</sup>).
  - The proposal's master plan increases the landscaped area of the site (40% coverage) and exceeds Council minimum 30% DCP requirement, and improves the overall distribution of bulk and scale on the site.

- On Page 25 and 57 of Council's assessment they state there is a separation of 3 to 4 metres. The proposed building envelopes for Buildings A, B, C and D show separation between the buildings of at least 8 metres to minimise the visual appearance of the proposed building bulk, and result in a significantly improved visual appearance to the site than the existing situation. The future Stage 2 Development Application will through the architectural design process will, obviously provide more design detail and further demonstrate articulation between buildings in accordance with the Applicant's own Design Principles stated on Page 16 of its SEE.
  - The layout of the proposed building envelopes respond to the site's elevation and topography, and are orientated to integrate with the proposed open space areas orientated north facing that will provide a public benefit to the community and will contribute to providing an improved outlook to and from the headland site.
  - The building envelopes in the master plan present to each of the three street frontages and the Crown Land to create sufficient articulation and separation between the existing residential building envelopes to avoid bulk and visual dominance along the street frontage.
  - The orientation of the building envelopes in the master plan will allow a high proportion of senior's accommodation to attain a high quality level of solar access as can be deduced from the shadow analysis provided with the Stage 1 Development Application. The Stage 2 Development Application through architectural design response will also demonstrate the proposal's capability of achieving SEPP 65 controls for natural light and ventilation within the building envelopes.
  - The site layout and site coverage in the master plan maintain and improves upon the existing view corridors and the scenic views across the site to the surrounding heathland and coastal environment. The proposed reuse and alterations to the existing Club building as Building D in the master plan will result in significant public benefit through a reduced footprint, scale and bulk through partial demolition of some parts of the structure. Back of house facilities will be located to the rear of this building envelope.
  - The setting within the landscape of the new club facility improves acoustic control for hospitality uses, moving them away from residential neighbours orientating them towards the ocean and also maintains the overall character of the northern frontage of the site by retaining an open and landscaped character.
- **E7 – Development on land adjoining public open space and B5 – Side Boundary Setbacks**
- The proposed adaptive reuse of Building D has an increased setback to that of the existing building on site. As described under our response to D9 – Building Bulk above a significant proportion of the building's eastern elevation will be significantly reduced in scale and bulk, resulting in an increased setback and improved opportunity for the provision of soft landscaping along this frontage.
  - The crown land portion of the site, whilst not part of this submission, remains an area that must be able to be integrated with this master plan. The interface between the two sites has been designed to allow pedestrian linkages into the crown land portion from the central landscaped area within the master plan (and vice versa).
  - The building envelope setbacks contribute to the overall residential character and appearance of the master plan. The DCP setback control primarily seeks to ensure sufficient deep soil landscaping can be provided along street frontages to minimise the impacts of buildings.

- The site is located on a headland with a predominantly sandstone sub surface as outlined in the Geotechnical Report at Appendix H of the SEE, and is not generally suitable for mature street tree plantings.

### **Impacts on Visual and Scenic Quality**

***11. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest as the development results in adverse impacts on the local character and visual and scenic quality of the locality and is an over development of the site.***

- The proposal's reduced impact on and consistency with local character is outlined at the Pages 3 and 4 of this submission.
- Presently it is not considered that a view corridor exists through the site. In particular at street level where the existing car parking and club buildings create significant obstacles to any perceived view corridors.
- The existing club building does not increase as a result of the proposal, and the overall scale and bulk of building D will be reduced by 63% or 30,929m<sup>3</sup> as identified in the Image 1. The reuse of this building ensures that existing views are not compromised and the proposed minor alterations will enhance the views for some residents to the south in Evans Street.
- The Applicant has demonstrated through its exhaustive three dimensional modelling of the Precinct and within its Visual Impact Assessment submitted with the SEE that impact on views and view corridors is generally low to moderate (refer Appendix I of the SEE). The assessment concludes that no significant loss of views or visual impacts will occur as a result of the building envelopes.
- The Visual Impact Assessment also gives consideration to the potential loss of views or visual impacts that will occur to the Freshwater headlands coastal and bushland environments as a result of the proposed building envelopes, and demonstrates that no significant loss of views will occur.
- The proposed location, scale and bulk of the building envelopes within the master plan allows for the provision of 6,211m<sup>2</sup> (40%) of the site for surrounding landscaped areas which are also capable of being utilised as deep soil areas.
- Council on Page 31 acknowledges that '***it is accepted that the new buildings forming the senior's housing development will be somewhat different to that envisaged for a R2 Low Density Residential area***'.
- The proposed redevelopment of the site as a community hub will greatly improve the form and function of the site and the Club as a key stakeholder in the community. This is evidenced by the significant level of public participation as outlined in the Community Consultation report as included at Appendix B of the SEE throughout the extensive master planning and consultation stages in the lead up to lodgement of this DA.

The overwhelming amount of public submissions received by Council in support of the proposal further demonstrates the level of public interest in the proposal and the support for the significant level of public benefit the proposal brings including both social and economic benefits for the local community, and the wider club membership.



Should the JRPP wish to discuss any aspects of this submission prior to the scheduled meeting I would be happy to make myself available. I will also be in attendance at the scheduled meeting and can answer specific questions in relation to this submission, or other matters related to the Stage 1 Development Application. I can be contacted on 02 8233 9900.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. O'Donnell', is positioned below the closing. The signature is fluid and cursive.

Matthew O'Donnell  
Associate Director - Planning