



**Application No:** PLM2014/0074

**Meeting Date:** 23 July 2014

**Property Address:** 80 Evans Street FRESHWATER

**Proposal:** The redevelopment of Harbord Diggers Site for the purposes of Seniors Housing, registered club, childcare centre with the associated car parking and Landscape works.

**Attendees for Council:** David Kerr – Group Manager Development Assessment and Compliance Services  
Lashta Haidari – Planning Assessment Manager  
Luke Perry – Planner  
Joe Zappavigna - Traffic & Road Safety Manager  
Rezvan Sekat – Traffic Engineer  
Anthony Powe – Landscape Officer  
Dominic Chung – Senior Urban Designer  
Robert Barbuto – Stormwater and Development Engineering Manager  
Andrew Ho - Waste Project Officer

**Attendees for applicant:** Dale Hunt – Harbord Diggers Club  
Sue McDonald – Harbord Diggers Club  
Lee Pinder – Philon  
Paul di Cristo – Cerno  
Grant Harding – Cerno  
Mark Curzon - Architectus  
Tai Ropiha – CHROFI  
Anton James – JMD Design  
Ken Hollyoak – GTA Traffic  
Steven Gible – Cerno  
Murray Donaldson - Urbis  
Jim Murray – Urbis

#### **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.



WARRINGAH COUNCIL

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## **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".

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.

In addition to the above, the Planning Principle established by the Land and Environment Court, *Project Venture Development v Pittwater Council* [2005] NSWLEC 191, is also relevant 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?*

The Stage 1 approval by the Joint Regional Planning Panel considered the design guidelines adopted within the SEPP and the above Planning Principle and in making its determination granted consent on basis of the following requirement:

- *That amended plans be submitted which requires additional setback to be provided to all upper floors of all new buildings to ensure the development's appearance and built form is in harmony with the character of Evans Street and Carrington Parade.*
- *The height of the existing club building was accepted on the basis that the proposal was for the re-adaptive use.*

In light of the above consideration, the plans, as submitted at the pre lodgement, do not appear to include the additional setback to the top floor as previously approved. Therefore, it is recommended that the design be amended to include the required setback to the upper most floor of the new buildings to ensure that the new buildings are consistent with the Stage 1 Approval.

The variation relating to building height was discussed at length at the meeting, the applicant is required to demonstrate that despite the significant internal and external configuration of the existing club building, the principles of re-adaptive reuse will continue to apply to the proposed development and evidence is to be provided with the Application.

Any non-compliance with the Development Standards contained within SEPP HSPD will require a separate written objection to the standard under SEPP 1.

The SEPP must be accompanied with details on the adaptive reuse of the existing club building including a Structural Engineers Report.



## Division 2 Design Principles

Clause 33 of the SEPP must be considered and addressed in the design of the proposed development, specifically as indicated previously the development must be redesigned to provide an additional 3 metres setback to the upper most floor of all new buildings, to be consistent with the decision of JRPP at the Stage 1 DA and to be more compatible with the surrounding detached style form residential development.

### 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 <sup>2</sup>	YES
Site frontage	20 metres	In excess of 20m on three street frontages	YES
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 SEPP 1 - Development Standards.</p> <p>The breaking up of the two buildings and change in its appearance and design are substantial changes to the existing building and raise concerns as to whether or not the building can physically be adaptively re-used.</p> <p>The Development Application must be accompanied by a SEPP 1 objection that provides justification for the non-compliance and provides a detailed analysis of how the building is proposed to be adaptively re-used .</p>	NO
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	The variation sought relating to all buildings, being 3 and 5 storeys is to request a variation under SEPP 1 and is to address the Objectives of the SEPP, LEP and the the zone to establish consistency.	NO



Control	Required	Proposed	Compliance
		Any variation to the number of storeys should be consistent with the Stage 1 approval for the site.	

## Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011

The fundamentals	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	<ul style="list-style-type: none"><li>• Senior's Housing and associated uses</li><li>• Community centre</li><li>• Respite centre</li><li>• Child care centre</li><li>• Gymnasium</li><li>• Registered Club and associated uses (such as member's services area)</li></ul>
<b>Zone:</b>	R2 - Low Density Residential
<b>Permitted with Consent or Prohibited:</b>	<ul style="list-style-type: none"><li>• <b>Senior's Housing and associated uses</b> (permissible via SEPP HSPD 2004)</li><li>• <b>Child care centre</b> (permissible with consent)</li><li>• <b>Community facility</b> (permissible with consent)</li><li>• <b>Respite centre</b> (permissible with consent)</li><li>• <b>Registered Club</b> (permissible via Schedule 1- Additional permitted uses shown as "Area 10")</li><li>• <b>Gymnasium</b> (permissible via Schedule 1) - but only if the facility operates in conjunction with the registered club.</li></ul>

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"><li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li><li>• <i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i></li><li>• <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i></li></ul>
<p>The proposed development as submitted at the pre-lodgement meeting is found to be consistent with the following objectives of the zone for reasons stipulated below:</p> <ul style="list-style-type: none"><li>• <b><i>To provide for the housing needs of the community within a low density residential environment.</i></b></li></ul> <p><b>Comment:</b> 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.</p> <p>The previous approval (DA2013/0412) provides a guideline for the desired design and scale of the</p>



### Objectives of the Zone

development to ensure it is considered to constitute '*housing within low density residential environment*'.

Whilst the design changes including the articulation of the building facades and breaking up of the existing club building is a better design outcome, the setback to the uppermost floor of the new buildings is not representative of '*housing within low density residential environment*'.

In this regard, the previous approval provided an additional 3m setback the upper most floor of the new buildings to reduce the size and scale of the buildings and to be more consistent with that of the adjoining detached dwellings to the west and south-west.

The proposal intends to retain and adaptively re-use the existing club building for the purposes of seniors housing. The height, bulk, scale and visual massing of the existing club building far out ways any other building in the area and therefore, it is important that the applicant provide compelling evidence to demonstrate that adaptive re-use of the existing club can be achieved despite the significant external and internal configurations including the breaking-up of the building.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

**Comment:** The proposal includes other land uses that provide facilities or services to meet the day to day needs of residents within the local area. The facilities and services provided are a positive for the site and the community.

- ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.***

**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 proposal, as submitted at the pre lodgement, provides adequate landscaping, although further clarification is sought on a number of landscape issues which are addressed in detail later within these minutes.



Principal Development Standards		
Standard	Permitted	Proposed
<b>Height of Buildings:</b> <b>Note:</b> Building heights under WLEP 2011 are taken from existing ground level.	8.5m	<p><b><u>Seniors Housing</u></b></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><b><u>Other Land uses</u></b></p> <p>With regards to the other land uses on site, there was insufficient information submitted at the pre-lodgement meeting 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> <p>In particular, the proposal intends to rely upon the 'adaptive re-use' of the existing club building which is proposed to be broken into two buildings. Whilst the JRPP approved the adaptive re-use of the existing club building to maintain the height as part of the Stage 1 DA,, this application is for the redevelopment of the site and the design of the existing club building has significantly changed from that approved under that previous scheme. Any development application must provide a written request seeking to vary the development standard.</p> <p>The variation must be justified in accordance with the requirements of Clause 4.6 of the WLEP 2011. In order to consider the written request, the existing building must continue to be adaptively re-used as per the previous scheme. Further information is sought in relation to this issue, given the current proposal will break the buildings in two and the ability to adaptively reuse the building raises some concerns.</p>

Part 5 Miscellaneous Provisions	
Provision	Comment
<b>5.9 Preservation of trees or vegetation</b>	The site is not identified as accommodating prescribed vegetation.
<b>5.10 Heritage conservation</b>	<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 Development Application.</p>



Part 6 Relevant Additional Local Provisions	
Provision	Comment
<b>6.2 Earthworks</b>	<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>
<b>6.4 Development on Sloping Land</b>	<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
<b>Schedule 1 Additional permitted uses</b>	Schedule 1- Additional permitted use shown as "Area 10" applies to the subject site.

Other Relevant WLEP 2011 Clauses
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### 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
<b>Side Boundary Envelope</b>	45°/5	Insufficient information was submitted at the pre-lodgement to determine compliance with the requirement of this control.	Given the proposal to adaptively reuse the existing club building, it is likely that the proposal will not comply with the side boundary envelope control. The non-compliance would only be supported if the previously mentioned issues in relation to the adaptive reuse of the existing club building and SEPP 1 objection are provided and supported.
<b>Side Setback</b>	900mm	Nil for Building F  The only side boundary for the	No specific concern is raised with regards to the setback, as it is considered to provide an effective and sensitive



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		subject site is adjacent to Mckillop reserve.	transition from the reserve to the proposed built form.
<b>Front Boundary Setbacks</b>	6.5m to all three (3) street frontages	<p>Basement car park provided with nil setback to all the three street frontages. Does not comply</p> <p>Insufficient information was provided at the time of the pre lodgement to determine the front setbacks to Buildings A, B, C and D. However it would appear that these buildings do not comply with the minimum front boundary setback at all levels of the new building.</p>	<p>The extent of non-compliance with front setback for the basement levels is consistent with that approved under DA2013/0412.</p> <p>The proposed setbacks to the upper ground and level 1 of the proposed new buildings has merit as it provides a satisfactory transition between the site and the adjoining low density residential developments. The articulation of these facades relates favourably to the established low density residential character of the area and is an improvement from the appearance previously approved.</p> <p>Level 2 (upper most floor) of the proposed new buildings provides the same setback as the upper ground level and level 1.</p> <p>In this regard, the design should be amended to include an additional setback to the upper floor of 3 metres from the floors below to all new buildings.</p>
Part C: Siting Factors			
Control		Comment	
<b>C2. Traffic, Access and Safety</b>		<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>The issues of concern are as follows</i></p>	





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	<p><i>Entry is poorly located with respect to sight distances for traffic turning into the driveway and traffic on Evans Street for both directions of travel. As well as the downhill grades on Evans Street. Traffic on Carrington Pde has to make a quick turn against south bound traffic then would need to quickly brake when there is a car turning left into the entry or right from Evans Street. On Evans Street traffic heading to Carrington Parade does not have adequate stopping sight distances to the entry driveway. I've looked at the possibility of road widening and right turn bay but is not feasible due to site constraints and location of the two driveways.</i></p> <p><i>Pedestrian traffic from the south moving from the road network to and from the child care and the club is also an issue particularly for Evans Street due to the poor sight lines.</i></p> <p><i>Concerns about the interaction between pedestrian traffic and service vehicles and also the sight lines at the location.</i></p> <p><i>The vertical clearance over the loading dock needs to be 4.5 m to cater for the large rigid truck as per the AS. Also I believe there are semi-trailers making deliveries to the club and the loading dock will need to be designed to suit.</i></p> <p><i>The above concerns can be addressed by relocating the driveway to a position that was proposed in the previous DA as was presented at the PLM.</i></p> <p><i>Any DA will need to be accompanied by a traffic impact study and will require referral to the RMS.'</i></p> <p>Generally, the location of the proposed access arrangement onto Evans Street is considered to be unacceptable.</p> <p>In addition to the comments above, concern is raised in relation to the proposed location of the loading dock and its relationship with the proposed location of the childcare centre. The development application must demonstrate that pedestrian safety is maintained to the childcare centre and provide details of any safety measures to be implemented.</p> <p>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 location of the proposed driveway and the pedestrian footpath is appropriately and satisfactorily designed and managed to ensure practical use and safety is maintained.</p>
<b>C3. Parking Facilities</b>	<p><u>Traffic Report</u> A comprehensive traffic report prepared by a</p>



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	<p>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></p> <p>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, it requires a permit under from the NSW Office of Water 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></p> <p>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. The proposed siting of the on-site facilities are screened from public view and designed so that vehicles may enter and leave in a forward direction which is satisfactory and consistent with the requirements of this clause, however the access/egress point to the loading dock is not supported as discussed in detail above.</p> <p><u>Car parking</u></p> <p>Refer to Appendix 1 of WDCP 2011 for the car parking schedule which is discussed later in these minutes.</p>
<b>C4. Stormwater</b>	<p>Stormwater design to be in accordance with Council's 'On Site Stormwater Technical Specification'.</p> <p>The following comments are made by Council's Development Engineer:</p> <p><i>'I refer to the previous stormwater concept plan prepared by Cardno and support the proposal to drain the majority of the development site across Lumsdaine Drive towards the ocean, however any proposal should address the following:</i></p> <p><i>1) The point of stormwater discharge as to not create a scour or geotechnical issue. It would be more appropriate to upgrade/extend the existing Council line to discharge under the existing</i></p>



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	<p>boardwalk and onto the rock shelf. Councils NEU section is to be consulted on the location of this line. A geotechnical report is to be submitted with any proposal to extend Councils extend/upgrade Councils drainage line with the adjoining reserve.</p> <p>2) With regard to SEPP 71-Coastal protection water quality and quantity is to be addressed. The proposal is to feature WSUD and other best practice water quality measures to ensure water quality complies with SEPP 71 and Councils specifications and policy. The amount of water discharging onto the reserve adjacent to Lumsdaine drive is to be controlled in a manner that satisfies the objectives of Sepp71 and any adverse impacts may have to be managed by the provision of On-site stormwater detention/retention.</p> <p>3) If vehicle access is required at the sag point in Evans Street then the driveway entrance is to be crested to have a minimum 300mm freeboard above the 1 in 100 year water surface level in Evans street. Supporting hydraulic calculations are to be provided with the Development 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>
<b>C7. Excavation and Landfill</b>	<p>Excavation and 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 are to be provided with the Development Application.</p>
<b>C8. Demolition and Construction</b>	<p>A Construction Management Plan (CMP) will be required as part of the development application dealing with construction access, parking, storage, stockpiling, security fencing, sediment and erosion management, work zones required, crane locations, dust minimisation, noise minimisation etc.</p> <p>Development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.</p> <p>It was confirmed at the meeting that the intent is to stage the construction of the development and for the club to remain open at all times during the demolition and construction phase. Further details including a Staging Plan are to be provided with the development application.</p>
<b>C9. Waste Management</b>	<p>Details demonstrating compliance with C9 of WDCP 2011 including the required 'Waste Management Plan' are to be addressed in the development</p>



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	<p>application.</p> <p>Council will not be the waste service provider for the development.</p>
Part D: Design	
Control	Comment
D2. Private Open Space	Private open space for the residential component is to be provided in accordance with the SEPP HSPD.
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 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 on the residential apartments located above. .</p> <p>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 shadows 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 and potential privacy impacts arising from the location of residential apartments above the childcare centre and its outdoor play areas.</p> <p>Similarly, particular attention should be given to the building separation requirements under <i>State Environmental Planning Policy No. 65 (Design</i></p>



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	<i>Quality of Residential Flat Development)</i> to address privacy between apartments within the development.
<b>D9. Building Bulk</b>	<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 car park and Lumsdaine Drive. The height and bulk of the 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. In this regard, the previous scheme was approved with an additional 3m setback to the upper most floor of the new buildings.</p> <p>The proposed scheme does not include such a setback and this is not supported. The uppermost floors of the proposed new buildings should include an additional 3m setback from the lower floors to ensure building bulk is minimised and to emphasize a 2 storey built form when viewed from the street.</p> <p>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, responds to the topography of the site and to the scale of development to the adjoining development.</p>
<b>D11. Roofs</b>	<p>Roof forms are to complement the local skyline. The design of lift overruns being incorporated into the landscaped roof areas is satisfactory and provides good energy efficiency to the proposed buildings. Provided these areas are non-trafficable with the exception of adequate maintenance access the roof form is satisfactory.</p>
<b>D14. Site Facilities</b>	<p>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.</p>
<b>D18. Accessibility</b>	<p>An Access Report will be required to be submitted with the Development Application, addressing the requirement of the SEPP HSPD and DDA Act.</p>
<b>D20. Safety and Security</b>	<p>The proposal is to give due to the principles of 'Crime Prevention Through Environmental Design'</p>



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	(CPTED) and the documentation submitted with the Development Application.
<b>D23. Signs</b>	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 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><b><u>Traffic Engineer</u></b></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 Report addressing the impact of traffic on the key intersections around the site, parking calculation and loading and unloading and does not support the proposed access arrangement.</p> <p><b><u>Urban Designer</u></b></p> <ol style="list-style-type: none"><li>1. Buildings E and F are to be 'adaptively reused' from an existing building structure. Applicant to dot in profile of existing building and demonstrate how new building profiles will fit and be constructed.</li><li>2. Setbacks from boundaries have not been complied with. Applicant to demonstrate reasons for departure.</li><li>3. Applicant to demonstrate development proposal will comply with SEPP Seniors Living.</li><li>4. Applicant to provide a Design Statement for disabled access for through-site link and opening hours for lift access through building.</li></ol> <p><b><u>Landscape Officer</u></b></p> <p>The plans presented at the meeting indicated an improved outcome in relation to landscape issues raised with the Stage 1 DA. The overall landscape philosophy as presented is supported.</p> <p>Issues requiring detailed assessment at time of lodgement have been identified as:</p> <ul style="list-style-type: none"><li>• Maintenance of the vista to Freshwater basin at the Carrington Pde/ Evans St corner.</li><li>• Suitability of soil depths to plant selection across the site.</li><li>• Visual impact of the development as a whole in the landscape. This is not to say it needs to be hidden, rather that the design response of the built form is appropriate to the prominence of the site and iconic status of 'The Diggers'.</li><li>• Integration to surrounding land (McKillop Park, etc.)</li></ul> <p><b><u>Natural Environment Section</u></b></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 State Environmental Planning Policy No. 71 - Coastal Protection.</p> <p>In regards to the proposed stormwater pipe across Lumsdaine Drive, the plans will need to be consistent with the key principles in SEPP 71 in regards to discharge of untreated stormwater.</p> <p>When working on the Public Land and any rock platforms the required licences will need to be obtained from Department of Environment and Heritage.</p>



#### Referral Comments

##### **Development Engineering**

Refer to Section C4 above for the specific comments made by Council's Development Engineer. In summary, the previous stormwater concept plan prepared by Cardno for the proposal to drain the majority of the development site across Lumsdaine Drive towards the ocean is supported subject to addressing the concerns raised in Section C.

##### **Waste Officer**

Waste Services has no issues with the proposed DA as Council will not be the waste service provider.

#### Other Relevant Controls within WDCP 2011

##### **Appendix 1 – Car Parking Requirements**

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 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 parking spaces are proposed as part of the development.





#### Other Relevant Environmental Planning Instruments/SEPPs

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 development application, particularly in relation to natural ventilation, visual privacy and solar access; in this regard architectural plan must 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](http://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;
  - SEPP 1 Objection
  - 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))
- Model of the proposed development





#### Required Documentation

- Shadow diagrams
- View analysis
- Photo montages
- Landscape Plan showing layout of the landscaping within the site
- Heritage Impact Assessment
- Report on Adaptive Re-use of Existing Club Building (Structural Engineers Report)
- Urban Design Report
- Acoustic Report
- Pedestrian Mobility and Access Report
- Lighting Design Statement
- Traffic report
- Stormwater Plan
- CPTED Assessment
- Contamination Report
- ESD Report
- Signage Plan (if proposed)
- Waste Management Plan
- Staging Plan
- Kitchen and Mechanical Ventilation Design
- Integrated Development fees (if required)
- Architectural plans to clearly show:
  - RL's for each floor level
  - number of storeys for each floor
  - Floor to ceiling height for all levels
  - outline of existing buildings
  - internal separation distance between buildings
  - Sufficient detail on basement floor plan for identification of vehicular access, car parking, storage, loading and unloading, division between residential and commercial car parking, waste storage areas, etc.

#### Concluding Comments

These Minutes are in response to a pre-lodgement meeting held on 23 July 2014 to discuss the redevelopment of Harbord Diggers Club Site. The Minutes reference preliminary plans prepared by Architectus/CHROFI, dated 26 June 2014. The following issues need to be revisited prior to lodgement of the Development Application:

- The issue of adaptively re-using the existing club building and retaining the height of the building needs to be addressed by a SEPP 1 Objection. The SEPP1 objection must be accompanied by further details to demonstrate how the building will be able to be adaptively reused based on the proposed breaking-up of the building into two forms, having particular regard to the Planning Principle established in *Michael Hesse v Parramatta City Council [2007] NSWLEC 313* and providing adequate structural demonstration that the building is able to be adaptively reused under the proposed scheme.;
- A View Analysis Report is to be prepared to determine view loss impacts on the surrounding residential properties as well as from public vantage points;
- The uppermost floor of the new buildings is to be setback a further 3 metres from the floors below to ensure the appearance of the individual buildings is in the form of buildings which reflect a "detached style" street presentation, providing substantial setbacks to all three (3) street frontages; and
- Ongoing discussions with Council's Traffic Engineer are advised in order to resolve the access arrangement issues. The proposed access arrangement in its current form is not supported by Council's Traffic Engineer.



### Concluding Comments

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

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](http://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](http://www.warringah.nsw.gov.au)