

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

JRPP No	2014SYE093
DA Number	DA2014/0875
Local Government Area	Sydney East Region
Proposed Development	Demolition and Excavation works and Construction of Seniors Housing, a Registered Club, a Childcare Centre and associated car parking and landscaping (Harbord Diggers Club Site)
Street Address	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Applicant/Owner	Urbis Pty Ltd
Recommendation	Deferred Commencement Consent
Report by	Malcolm Ryan, Deputy General Manager, Environment

Executive Summary

Purpose

As required under State Environmental Planning Policy (State and Regional Development) 2011, this application is referred to the Sydney East Joint Regional Planning Panel (JRPP) for determination as the application is defined as 'General Development' with a Capital Investment Value (CIV) exceeding \$20,000,000.

The Proposal

The proposal seeks consent for the redevelopment of the site known as the "Harbord Diggers Club" (the Club) for the purposes of a new registered club with associated facilities, child care centre and housing for seniors and people with a disability. The specific details of the proposal include:

- The excavation and construction of three levels of basement car parking and other facilities as detailed in this report;
- The partial demolition and adaptive re-use of the existing club building and the construction of a new registered club that will include food and beverage facilities, a fitness centre (gymnasium), aquatic centre, and other community facilities similar to those that currently operate on site; and
- The construction of six buildings above the basement levels to accommodate 97 residential units and a child care centre.

Summary of the key issues

It is important to acknowledge that on the 12 September 2013, the JRPP granted consent for:

'Stage One redevelopment of the Harbord Diggers Site for seniors housing, new club facility, child care centre, gymnasium, community centre and respite care'

The JRPP did not agree with the Council's recommendation that the Development Application should be refused on urban design, character and other planning grounds, stating in their report of 12 September 2013 that the proposed development should be approved and the variation relating to building heights and other controls were appropriate for this site.

Following the Stage 1 approval of building envelopes, a design competition was undertaken by the Club to ensure that the final design was responsive to the site and the locality, and was the best outcome in terms of filling out the approved Stage 1 building envelopes. The current proposal would require a number of variations to the Stage 1 approved building envelopes and so the applicant has decided to lodge a new Development Application (DA), rather than going through a Section 96 Modification Application to modify the Stage 1 consent and subsequently lodge a Stage 2 DA.

The current proposal is independent of the Stage 1 consent. The Stage 1 consent is a valid consent and provides the framework in terms of the built form and envelopes on this site. The assessment of this proposal takes into consideration the fact that the site benefits from the Stage 1 consent and the impacts of the current proposal is assessed within the context of the Stage 1 approved building envelopes.

The assessment of the proposal concludes that in terms of Planning, Urban Design, Landscaping and Character's perspectives, the proposal is a significant improvement in comparison to the Stage 1 approved building envelopes on this site. The proposal in its current form exhibits a high quality of architecture and overall aesthetics, finishes and general design attributes and represents a good opportunity to provide for the urban renewal and revitalisation of the Harbord Diggers Club Site.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is an appropriate development of the subject site which will result in the provision of important services within the locality. It is considered that the proposal is worthy of support.

Conclusion

The proposal will result in a development of similar scale to that approved under DA2013/0412 (Stage 1 DA), while allowing greater response to the site in terms of the built form and landscape treatments. It is considered that the proposal has overwhelming architectural and landscape merit and is a significantly improved outcome for this site and the locality.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

Based on the detailed assessment contained in this report, it is recommended that the Joint Regional Planning Panel, as the consent authority, approve the proposal subject to conditions as contained within Attachment 1.

ASSESSMENT REPORT AND RECOMMENDATION

Application Number:	DA2014/0875
Assessment Officer:	Lashta Haidari
Land to be developed (Address):	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Demolition and Excavation works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated car parking and landscaping (Harbord Diggers Club site).
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Joint Regional Planning Panel (JRPP)
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Urbis Pty Ltd
Application lodged:	4 August 2014
Application Type:	Local
State Reporting Category:	Mixed
Notified:	8 August 2014 to 11 September 2014
Advertised:	9 August 2014
Submissions:	<p>122 Individual Submissions have been received, which includes:</p> <ul style="list-style-type: none"> • 107 Letters of support; and • 15 Letters objecting to the development. <p>In addition to the above, Council has received a total of 550 template letters generated by the club and a petition with 9,581 signatures supporting the proposal.</p>
Recommendation:	Deferred Commencement Consent
Estimated Cost of Works:	\$ 160,251,841
Attachments	<p>Attachment 1 – Conditions of Consent</p> <p>Attachment 2 – Site and Elevation plans</p> <p>Attachment 3 – Site Compatibility Certificate</p> <p>Attachment 4 – PLM Notes, dated 23 July 2014</p> <p>Attachment 5 – List of Submitters</p> <p>Attachment 6 – Applicant's SEPP 1 Objection</p>

ASSESSMENT INTRODUCTION

The proposal has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the *EP&A Act*, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 1 – Development Standards
- Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
- Warringah Local Environmental Plan 2011 - 2.5 Additional permitted uses for particular land
- Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential
- Warringah Development Control Plan – B3 Side Boundary Envelope
- Warringah Development Control Plan – B5 Side Boundary Setbacks
- Warringah Development Control Plan - B7 Front Boundary Setbacks
- Warringah Development Control Plan - C2 Traffic, Access and Safety
- Warringah Development Control Plan - C3 Parking Facilities
- Warringah Development Control Plan - C3(A) Bicycle Parking and End of Trip Facilities
- Warringah Development Control Plan - D3 Noise
- Warringah Development Control Plan - D7 Views
- Warringah Development Control Plan - D9 Building Bulk
- Other Assessment Matters (Such As Planning Principle's)

SITE DESCRIPTION

The site is legally known as Lot 12 within DP 1197725, 80 Evans Street, Freshwater. The site has a total area of 15,599m² and is irregular in shape.

The site is located on a visually prominent headland between South Curl Curl Beach and Freshwater Beach. The site has three (3) street frontages being:

- Evans Street to the south-west;
- Carrington Parade to the west/north-west; and
- Lumsdaine Drive to the north-east.

The topography of the site is characterised by a moderate fall to the north-east from the north-eastern side of the existing Club building and carpark. As well as a gradual fall to the west on the south-west side of the existing Club building and carpark.

The site is currently occupied by part four and part five storey Club building and two storey carpark. Three bowling greens are provided on the roof of the carpark structure. Part of the

site (which was previously known as No.4A Lumsdaine Drive) is currently occupied by a two storey dwelling with a detached garage.

The existing Club building incorporates a nil setback to Evans Street for a length of approximately 48m. The existing adjoining carpark is setback 6.5m from the boundary adjoining Evans Street. Three vehicular crossings, a service block and other structures are located within the 6.5m setback. The setback of the existing carpark to Carrington Parade varies from 2.3m (midway along Carrington Parade) to approximately 20m (at the corner of Carrington Drive and Evans Street).

Vehicular and pedestrian access to the Club is currently provided from Evans Street. There are three vehicular crossings. One vehicular crossing provides the entry to the Club's car park, the second is the exit from the carpark and the third provides access for members and access to the loading dock.

Due to the visual prominence of the site, the existing Club building and surrounding land can be viewed from a number of vantage points to the north.

The site adjoins McKillop Park to the north east which is a Crown Reserve.

Development on the south-west side of Evans Street is characterised by apartment style dwellings. The development to the west is generally characterised by detached style dwelling houses. The topography of the land to the west of the site has resulted in many of the dwellings being elevated above the subject site.

The site is in the vicinity of the coastal cliffs located along the northern side of Lumsdaine Drive. The coastal cliffs are identified as a heritage 'Conservation Area' in WLEP 2011.

LOCALITY MAP



SITE HISTORY

Site Compatibility Certificate

On 13 July 2012, the Department of Planning and Infrastructure (the Department), received an application for a Site Compatibility Certificate (SCC) under *SEPP (HSPD) 2004*.

The Department sought the views of Council in a letter dated 13 July 2012, and Council responded to the Department on 7 August 2012, with its views on the proposal pursuant to Clause 25(5) (b) of the *SEPP (HSPD) 2004*. Council's concerns centred on the following:

- *The maintenance of the Club building to take advantage of its height - but changing its use (and in doing so receiving a significant uplift in the site's commercial value) does not strike the right balance in planning a significant redevelopment of the site.*
- *Given the site's headland location, the density of the proposed development, and planning intent for the site reflected by its R2 zoning in WLEP 2011, any future redevelopment of the site should be more sympathetic with contemporary planning objectives and design standards.*
- *The proposed development appears to exceed most of the built form controls that apply to the site, both under the SEPP and WLEP 2011. Whilst it is acknowledged that the Department may allow some variation to the built form controls on this site given the mix character of the locality, this variation should be minor – given the change of use and the site's location, and support should not be given to schemes which seek to double the permitted height and other relevant built form controls.*
- *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 to the west and north of the site.*
- *There is considered to be ample potential for a more sympathetic development outcome for the site; one that is responsive to the topography of the land and the visual qualities of its prominent headland location.*

The SCC was issued on 3 December 2012, on the following basis:

- The site of the proposed development is suitable for more intensive development; and
- The development proposed is compatible with the surrounding environment, having had regard to the criteria specified in Clause 25(5) (b).

A copy of the SCC is contained in Attachment 3.

Previous Development Application

Development Application (DA2013/0412) was received by Council on 8 April 2013 that was a Staged Development Application made pursuant to section 83B of the EP&A Act. The Stage 1 Development Application sought consent for the following:

- Building envelopes to be used for seniors housing, new Club facilities, a child care centre, gymnasium, community centre and respite care; and
- Consolidation of the two lots (being the existing club site at 80 Evans Street & Lot known as 4A Lumsdaine Drive) into a single Lot.

The Stage 1 Development Application (DA) was assessed by Council and recommended for refusal primarily on the basis of bulk, scale and non-compliances with the applicable planning controls relating to the development. The JRPP at its meeting held on 8 August 2013, resolved that it would approve an amended application that:

- Provides a setback of 6.5m to Evans Street for Building D (the existing building) for its entire height;*
- Setback the third floor by 3m from the street face of all new buildings; and*
- Implements all the suggestions for landscaping on Drawing No SK-111 Issue A.*

The applicant submitted amended plans and a *State Environmental Planning Policy No 1 – Development Standards Objection (SEPP 1 Objection)* in relation to Building D (existing club building) in response to the panels request on 23 August 2013. Council on 6 September

2013 reported on the amended plans and *SEPP 1 Objection* again with the recommendation for refusal. The JRPP on 12 September 2013, resolved to approve the Stage 1 DA (as amended) subject to conditions. The Stage 1 consent (DA2013/0412) was issued on 16 September 2013.



Figure 1 – Showing an Aerial View of the Approved Building Envelopes
(Source: Photo montage, prepared by Architectus for DA2013/0412).
Note: The aerial view does not show the additional 3m setbacks for the upper floors.

Prelodgement Meeting (PLM)

A PLM meeting was held on 23 July 2014 to discuss a new proposal for the site. The plans presented at that meeting indicated a similar layout as proposed in the subject DA.

Copies of the notes provided by Council in relation to the PLM meeting are attached to this report (Attachment 4).

Meeting in Relation to Traffic Assessment

A meeting was held on 20 October 2014 between the applicant and Council staff to discuss the matters raised in Council's Traffic Engineer's referral response.

At that meeting, Council's Traffic Engineer reiterated their concerns in relation to the location of the access driveway and the pedestrian access to the child care centre.

On 11 November 2014, the applicant submitted an additional traffic report (prepared by GTA Consultants).

Further to the above, the applicant has also submitted a peer review Traffic Report (prepared by Arup) on 5 November 2014, which examines the issue relating to the location of the access driveway.

PROPOSED DEVELOPMENT

The proposal seeks consent for the following:

- Demolition works, removal of existing vegetation on site and excavation to accommodate three (3) basement levels;
- Construction of four (4) new three storey buildings (known as Buildings A, B, C and D), and major modification and the adaptive re-use of the existing Club building (known as Buildings E and F) for the purposes of:

- New Club building with associated uses including the main Club area with members services, a gymnasium, aquatic centre, community centre and function rooms. The facility also includes a members hand car wash
 - A 90 place Child care centre; and
 - 97 seniors housing units across all six buildings.
- Car parking for 705 vehicles across two basement levels;
 - Back of house, storage and plant accommodated within a third basement level;
 - Associated Landscaping as detailed within the Landscape plans submitted with the Application;
 - Business identification signage locations only (note: detailed signage does not form part of this application).

Figure 2 below identifies the proposed buildings within the site as referred to throughout the report.

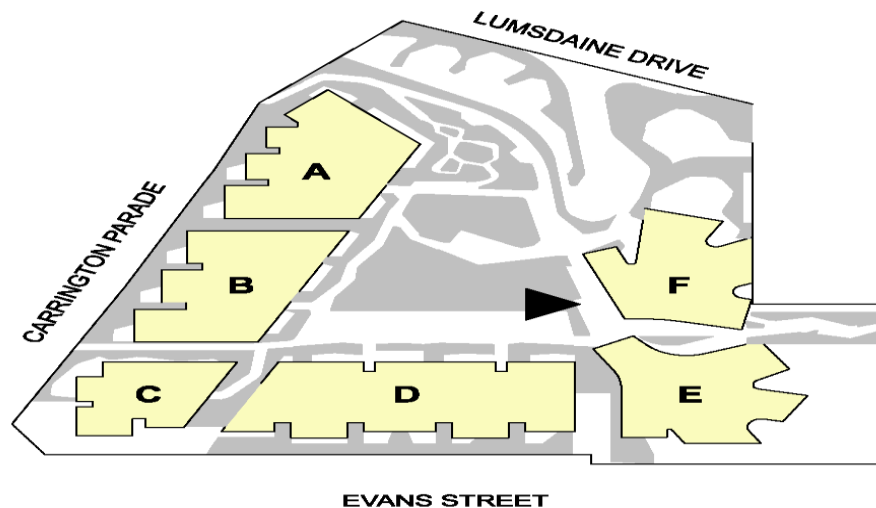


Figure 2 – Proposed buildings
Source: Architectural Plans, prepared by Achitectus + Chrofi

The following is a more detailed description of the various components of this proposal:

Seniors Housing

The proposal seeks consent for 97 residential units located within all buildings (A to F) and associated facilities. This component of the application is made pursuant to *SEPP (HSPD) 2004*. The units comprise the following mix:

- 5 x 1 bedroom units (all units contain a study);
- 57 x 2 bedroom units (30 of these units contain a study); and
- 35 x 3 bedroom units (13 of these units contain a study).

Vehicular access for the seniors housing is via Evans Street. The access is separated from the other uses on the site and car parking for 181 spaces is provided within basement level 2. Lifts are provided from the basement level to access all seniors housing units.

Pedestrian access to Buildings A, B and C is provided from Carrington Parade and to Building D from Evans Street. Pedestrian access to Buildings E and F is through pathways leading from Lumsdaine Drive and Evans Street.

Registered Club

The proposal also seeks consent for the construction of a new registered club building, with ancillary uses that include:

- Members services including a gymnasium and aquatic centre;
- Travel services;
- Restaurants, bars, and cafes;
- Hand car wash for the members; and
- Other uses associated within the registered club such as functions rooms, indoor and outdoor recreational facilities (i.e. indoor bowls, lawn bowls) and children's play areas.

A total of 501 parking spaces are provided within basements levels 1 and 2 for the use of the Club and its associated uses.

Vehicular access to the Club parking is from Evans Street. Drop off areas include the Porte-Cochere from Evans Street and a drop off area on the Lumsdaine Drive frontage.

Pedestrian access to the Club can be achieved through the adjoining streets using the site link as outlined in the proposal.

A Plan of Management (POM) has been prepared and submitted with the proposal. The POM states that the existing trading hours for the Club are not proposed to be altered, which are

- 5:30am -2:00am (Sunday – Thursday); and
- 5:30am -4:00am (Friday – Saturday).

Long Day Childcare Centre

A 90 place child care centre with associated indoor and outdoor spaces is also proposed. The child care centre is to be located within Building C.

Car parking for 23 spaces for the child care centre is proposed within basement Level 1. Designated drop off areas for the child care centre are proposed to be within the basement level and the Porte-Cochere.

Vehicular access is provided from Evans Street and pedestrian access from Carrington Parade.

Comparison of the Current DA with the Approved Stage 1 DA

The comparison of current DA with the Stage 1 DA with regards to building volume and height is as follows:

Building Volume

- The building volume of the proposal is 43,030m², which is a slight reduction of 70m² in the overall building volume above ground compared to the Stage 1 consent, which was 43,100m².

Building Heights

Building Height (RL's)	Stage 1 (DA2013/0412)	Current Proposal (DA2014/0875)	Difference (+/-)
Building A	RL 31	RL 32	+1m
Building B	RL 29.4	RL 31	+1.6m
Building C	RL26.5	RL 26.8	+300mm

Building D	RL29.5	RL31	+1.5m
Building E	RL38.5	RL39.65	+ 1.15m
Building F	RL38.5	RL 38.95	+ 450mm

A review of (but not limited) the documents provided by the applicant in support of the proposal have been taken into account and details provided in Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any Environmental Planning Instrument (EPI)	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft EPI	Draft State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (Draft SEPP 65) (see commentary in the 'Environmental Planning Instruments' section in this report).
Section 79C (1) (a)(iii) – Provisions of any Development Control Plan	Warringah Development Control Plan 2011 (WDCP 2011) applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None Applicable.
Section 79C (1) (a)(iv) – Provisions of the EP&A Regulation 2000	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter may be addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the WDCP 2011 section in this report. In summary, the proposal is capable of being constructed so as to not result in any adverse environmental impacts on the natural environment subject to conditions.</p> <p>ii) Social Impact</p> <p>The proposal will not have a detrimental social impact in the locality considering the mixed use character of the proposal. The new and improved registered Club will provide positive social impacts in terms of recreation and leisure opportunities for the locality.</p> <p>The proposal will also result in positive social outcomes in terms of providing housing to accommodate the needs of seniors and people with a disability.</p> <p>iii) Economic Impact</p> <p>The proposal will result in a positive economic</p>

Section 79C 'Matters for Consideration'	Comments
	<p>impact on the locality as the mixed uses of the development will assist to strengthen economic vitality in this area by maintaining the registered Club on the site, and providing additional housing opportunities and commercial activity on site.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered to be suitable for the proposal on the basis that a SCC was issued by the Director-General, and this SCC stipulates that the 'site is suitable for more intensive development' and 'the development is compatible with the surrounding environment'.</p> <p>The site also benefits from a Stage 1 consent which provides a framework on what is to be expected on this site. The proposal is reduced in terms of its overall scale and density in comparison to the previous Stage 1 approved building envelope. It is considered that the proposal is more suitable for the subject site and the wider locality in comparison to the Stage 1 consent.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EP&A Act or EP&A Regulations 2000</p>	<p>See discussion on "Public Exhibition" in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in EPIs and WDCP 2011.</p> <p>This assessment has found that the development does not comply with a number of controls as prescribed by the WLEP 2011, SEPP (HSPD) 2004 and WDCP. However, the site benefits from a Stage 1 consent which has set the public expectation with regards to the built form on this site.</p> <p>Notwithstanding the departures of the applicable built form controls, it is acknowledged that the design and external appearance of the buildings proposed are of a high standard that could provide a much needed boost to the urban design qualities and streetscapes in comparison to the previous approval.</p> <p>This assessment has found the development to be consistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and is therefore considered, in its current form, to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this proposal.

NOTIFICATION & SUBMISSIONS RECEIVED

The development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process, Council is in receipt of 122 individual submissions, which includes:

- 107 letters of support
- 15 letters raising objections

In addition to the above, Council has received a total of 550 template letters generated by the Club and a petition with 9,581 signatures supporting the proposal.

A list which includes the name and addresses of all the submitters is attached to this report (Refer to Attachment 5).

Assessment of Resident Issues

1. Adaptive Re-Use Principle

Submissions received have indicated that the adaptive re-use principle appears to be removed from the proposal. One submission received notes that *“the arguments pursued by the applicant for adaptive re-use of the existing building in DA2013/0412 appear to have been shelved in DA2014/0875, with the existing Club building being proposed for demolition and recreation into two separate building.”*

Comment: This matter has been addressed elsewhere in this report (refer to commentary under Planning Principle for Adaptive Re-Use of the Existing Club Building). The applicant's submission is accepted and if the proposal is approved, conditions will be included in the consent to ensure that Adaptive Re-Use of the existing club building will occur as part of this development.

This issue is noted and is addressed by way of conditions.

2. Building Height

Concern has been raised regarding the building height as follows:

- *The JRPP stipulated that “The above and below ground building envelopes shown on the approved drawing in Condition 1, are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes”. Building D with the addition of rooftop garden, glazed lift overruns and roof lights rises to 31.0m. This is more than 1.5m above the stipulation of the JRPP and is non-compliant with this requirement.*
- *The proposed 3 to 5 storey residential flat building would exceed the height development standard of 8 metres or less under Clause 40 of the SEPP (HSPD) for low density zones.*
- *SEPP 1 Objection relating to the four, 3 storey seniors living residential flat buildings essentially argues that exceed height development standard should be allowed because the proposed building height will be compatible with the pattern of development in the area. The two unfortunate high rise apartment buildings on the southern side of Evans Street which were permitted under a long ago rejected planning regime should not now be presented as a justification for a breach of present day height standards applying to the area under WLEP 2011 or the SEPP.*
- *Although the JRPP has approved the SEPP 1 Objection to the building height for the existing club building there is no justification for the major redevelopment of the HDC site to be converted to a seniors housing retirement village development not to comply with the 8 metre and 2 storey height controls contained in the SEPP.*

Comment: This matter has been addressed later in this report (refer to 'Detailed Assessment of the Variation to Height of Buildings under *SEPP 1 Development Standard* under *SEPP (HSPD) 2004*).

The assessment has found that the proposal does not comply with the quantitative requirements of building height under *SEPP (HSPD) 2004*. However, it has been found that the development satisfies the qualitative objectives of *SEPP 1* and the proposed building height is supported.

This issue does not warrant the refusal of the application.

3. Building Setbacks

Concern has been raised regarding the building setbacks as follows:

- *The setbacks to the top floor of the new buildings ought to be consistent with both the Stage 1 Approval and requirements of Warringah Council.*
- *Does not comply with the DCP setback requirements to all road frontages (6.5m) in respect of the residential flat buildings facing Carrington Parade or the setback requirements (6.5m + 3.0m) specified by the JRPP for those buildings.*
- *The buildings fronting Evans Street, Carrington Parade and Lumsdaine Drive have nil boundary setbacks along their Basement Levels 1 and 2. This does not comply with the boundary setback requirements of 6.5m.*
- *An adequate landscape buffer of at least 6.5 metres should be provided for deep planting.*

Comment: The issue relating to the non-compliance with the 6.5m front setback control is addressed elsewhere in this report (refer to Clause B7 'Front Setback' under WDCP 2011). The non-compliances proposed are supported on merit in this particular circumstance.

The concern that the proposal has not adopted the additional 3m setback for the top floors of new building is noted. The assessment has concludes that because of the reorientation of the buildings and the level of articulation and the breaking-up of these buildings the development provides a satisfactory design in relation to the respective streetscapes, despite not providing the additional 3m setbacks for the top levels.

The design incorporates a substantial use of glazing, recessed facades, architectural framing devices and a variety of materials and textures which are integrated and will provide a visual "uplift" of this site. The buildings provide a modern and contemporary form with a well-considered use of physical and material articulation and modulation to provide distinctive and strongly defined corner elements.

The appearance of the new buildings as viewed from Carrington Parade will now be two storeys, as the ground level will be below street level and therefore will not be visible. The level of articulation within these building facades will improve the appearance of the development in comparison to the previous Stage 1 consent.

This issue does not warrant the refusal of the application.

4. Built Form Controls

Concern has been raised regarding the built form controls as follows:

- *The boundary setback from the eastern side boundary (where the club gymnasium's Eastern wall etc. is currently located) of the proposed converted existing clubhouse to mainly Seniors Living units buildings has 0 metres setback in place which is in breach of the WDCP 2011 requirement of at least 900mm side setback.*

- *The setback from the south eastern side boundary to Building F will exceed the side boundary envelope constraint and is an abrupt change in scale.*

Comment: This issue has been addressed in detail under 'Built Form Controls' section within the 'WDCP 2011' section of this report. The non-compliances with the built form controls are considered acceptable in comparison to the Stage 1 consent.

5. Central Courtyard

Concern has been raised regarding the central courtyard as follows:

- *The use of the courtyard area for active use associated with the club would be constrained due to the potential noise impacts on residents living around the courtyard on three sides.*
- *Even if the intention of the central courtyard is for the residents and club patrons to share the use, realistically, it would have a sense of private space as it is enclosed on three sides by private apartments.*

Comment: The noise concerns raised in objections have been comprehensively addressed under the WDCP 2011 section of this report. The proposal is considered satisfactory in terms of noise impacts.

The concerns relating to enclosing the courtyards with apartments, has been extensively dealt by the fact that the Stage 1 approval concept has already approved the apartment style buildings, which wraps around the courtyard.

This issue does not warrant the refusal of the application.

6. Environmental Impacts

Concern has been raised that the proposal will result in adverse impacts on the natural environment as follows:

- *Impact of the development on the existing vegetation on the site (removal of vegetation) and the adjoining public open space areas.*
- *An assessment of the impact on the vegetation and ecological communities on the adjoining sites is required.*
- *Development is in close proximity to endangered Flora and Fauna.*
- *The development is inconsistent with the 'E2 – Prescribed Vegetation', 'E4 – Wildlife Corridors', 'E6 – Retaining Unique Environmental Features', 'E7 – Development adjoining a public open space'.*

Comment: This issue is addressed in the relevant sections dealing with WDCP 2011 in this report. The proposal and the supporting Flora, Fauna and Ecological Report have been reviewed by Council's Natural Environment Unit, who raised no objections to the proposal subject to conditions endorsing the mitigation measures contained within the Flora, Fauna and Ecological Report submitted with the application.

This issue does not warrant the refusal of the application.

7. Excavations and Landfill

Concerns have been raised that the proposed excavation would have adverse impacts on the natural environment and surrounding development as follows:

- *The excavation would be in close proximity to the heritage listed coastal cliffs which have rock platforms and overhangs. Therefore, the excavation would risk damage to the surrounding structures including rocks along the coastal cliffs.*

- *A dilapidation report would be required for buildings but this is not practical for coastal area therefore, the best course of action is to avoid the risk and a cavernous excavation of rock from the site.*
- *The excavation will be deep enough to be below Lumsdaine Drive and will inevitably be such that its storm water has to be discharged into the ocean. This will have an impact on the South Curl Curl to Freshwater Boardwalk under which this piping will need to pass.*
- *The excavation of the hillside would alter the natural gradient of the sloping land on the northern side of the headland.*
- *The excavation will result in the removal of soil and vegetation from the northern hillside which is identified as part of a wildlife corridor.*

Comment: Construction and excavation is proposed for the site. As such, appropriate conditions are included within the Recommendation of this report to assist the timely progress of development work and ensure timings and phases of construction are conducted in an orderly manner with minimal disruption to neighbours and road users. Additionally, appropriate conditions are also included to maintain the amenity of neighbouring properties with regard to construction site access, sediment and erosion control, tree protection, noise and hours of construction and minimise the impact of excavation works, including a requirement to prepare and provide a Dilapidation Report.

This issue can be addressed by way of conditions.

8. Freshwater Locality

Concern has been raised regarding the impact of the proposal on the Freshwater Locality as follows:

- *The planning outcome for new residential development is based on the low density character of the area and not existing apartments. This is to ensure that the existing low density residential character of the area is maintained. If existing apartments are used as a precedent for the approval of new and additional apartments, the character of Freshwater would progressively change to become a medium density housing (R3) area. This is not what is envisaged for the locality.*
- *Fear a possibility of a re-classification to allow short term rental/holiday/club accommodation.*
- *Not in the public interest, in particular, the privatisation and commercial interests of the HDC lands.*

Comment: This matter has been addressed elsewhere in this report (refer to commentary under SEPP 65 and SEPP (HSPD) 2004).

The land uses and building envelopes approved under the Stage 1 consent and the SCC have determined that the subject site is suitable for the proposal.

The issue regarding the re-classification to allow other types of accommodation on the site will need to be the subject of a separate Development Application, and is not a matter that can be addressed under this proposal.

This issue does not warrant the refusal of the application.

9. Heritage

Concerns have been raised regarding the heritage conservation impacts of the proposal as follows:

- *Concern was raised that the proposed development does not complement the nearby heritage conservation area.*
- *The excavation would be in close proximity to the heritage listed coastal cliffs which have rock platforms and overhangs. Therefore, the excavation would risk damage to the surrounding structures including rocks along the coastal cliffs.*

Comment: The subject site is located within the vicinity of the Duke Kahanamoku statue and Memorial Park, which is identified as an item of regional heritage significance in *WLEP 2011*. A Heritage Report (prepared by Urbis) has been submitted with the application, which concludes that the proposed development is not considered to impact upon the heritage significance of the coastal cliffs.

The Stage 1 Application was reviewed by Council's Heritage Officer, who had indicated that the proposal would result in little, if any, impact on the nearby heritage item or conservation area.

This issue does not warrant the refusal of the application.

10. Inconsistency with the requirements of *SEPP (HSPD) 2004*

Concern has been raised regarding the proposed developments inconsistency with the requirements of *SEPP (HSPD) 2004*. The following specific concerns have been raised:

- *Clause 40 of the SEPP relates to height in zones where Residential Flat Building are not permitted;*
 - a) *The height of all building in the proposed development must be 8 metres or less, and*
 - b) *A building that is adjacent to a boundary of the site (being the site, not only of that particular development but also any other associated development to which this Policy applies) must not be more than 2 storeys in height,*
 - c) *A building located in the rear 25% area of the site must not exceed 1 storey in height.*

The Statement of Environmental Effects acknowledges that the 8.0 metres and 2 storey standards referred to in (a) and (b) above are not complied with but no mention has been made of the standard contained in (c) above.

- *The proposed 3 to 5 storey residential flat building would exceed the height development standard of 8 metres or less under Clause 40 of the SEPP for low density zones.*
- *Inconsistent with Clause 33 of the SEPP because the bulk, scale, height and density of the proposed development do not reflect the predominant character of the Coastal Headland area.*

Comment: These matters have been addressed elsewhere in this report (refer to commentary under *SEPP (HSPD) 2004*).

The proposal is considered to be acceptable on the basis that the building envelopes approved under Stage 1 consent has set the general built form for future development for this site.

The issue relating to the fact that the SEE has not acknowledged that it does not comply, is not relevant as Clause 40 (C) does not apply to the subject site, as it does not have a rear boundary due to it having three street frontages.

This issue does not warrant a reason for refusal.

11. Intensification of Use

Concerns have been raised that the proposed senior's housing development with 97 apartments and new facilities would result in a significant intensification of use on the site:

- *The proposed senior's housing development with 97 apartments and other facilities would be additional to the club use which would be a significant intensification of use of the site.*
- *As a result, the number of people living on the site and traffic will increase which will conflict with the existing recreational use of the site. In addition, the public use of the site and the surrounding natural environment will be impacted due to the increase intensification of the site.*

Comment: This matter has been addressed elsewhere in this report (refer to commentary under SEPP 65 and SEPP (HSPD) 2004). The density of the development is found to be acceptable.

This issue does not warrant a reason for refusal.

12. Lack of an Auditorium

Concern has been raised regarding the lack of an auditorium in the proposal. The following specific concerns have been raised:

- *The new club facilities will not have provision for an auditorium of the scale that currently exists for 350+ people. Mounties has already advertised to outsource its restaurant catering services which will further impact on this capacity within the proposed club restaurant areas. HDC is the only place on the southern end of the northern beaches that can readily cater for a meeting of 350 people which has been frequently used over the decades.*

Comment: There are no relevant controls or related legislation that requires the Club to ensure its ongoing viability and service to the community. The Club is a private enterprise and has its own commitments to the community. It is not in the Club's or member's interests to render the Club dysfunctional or economically unviable. It is considered that the new Club can continue to function satisfactorily despite the reduced size of the auditorium areas of the premises.

This issue does not warrant the refusal of the application.

13. Landscaping and Removal of Vegetation

Concern has been raised regarding the landscaping and removal of vegetation for the proposed development:

- *Design landscape statement submitted proposes planting of Banksia Integrifolia trees within the Carrington Parade Road reserve. Use of this species will have the potential for the trees, as they mature, to reach a height which will have the effect of obstructing views.*
- *The proposed development should confine any landscaping to within the development site and not within the public road reserve and not be capable of reaching a height that will affect views from neighbouring properties.*
- *The proposal would remove soil and vegetation from the northern hillside, which is identified as part of a wildlife corridor.*
- *The proposal includes paved areas to accommodate spill-out areas for outdoor dining and other functions. This reduces the available space for planting of*

vegetation to improve connectivity and enhance habitat values within the corridor, as stated in the WDCP objectives.

- *The proposal would reduce the already limited area of landscaped open space at ground level that surrounds the club building to the north and the west.*

Comment: This matter has been assessed by Council's Landscape Officer who did not raise any concerns in relation to the landscape treatment of the site (refer to referral commentary under 'Referrals' in this report).

This issue does not warrant the refusal of the application.

14. Overdevelopment and Visual Impact

Concerns have been raised that the proposal is a gross over development of the site and the proposal is not sympathetic to the surrounds as follows:

- *Strategic vision for Freshwater under Warringah LEP 2011 is new residential development will be restricted to low density. Land use planning controls have been particularly important in preventing over-development of the area. Failure to implement and adhere to these strategic planning controls has the potential to open the door to the approval of new apartment buildings that would overwhelm the existing low density character of the area.*
- *The site was supposed to be for small registered club, the proposed development is gross over development of the site.*
- *The development encompassing 98 units on this iconic site seems to represent over development and density of housing that possibly could reduce the standards of residential accommodation the site demands.*
- *The proposed five storey apartment buildings would be located on the eastern boundary of the site, juxtaposed to McKillop Park would adversely affect the visual amenity of the site.*
- *The development is excessive by way of its height, bulk and scale and contributes to unsatisfactory visual and amenity impacts.*
- *The proposed development is not sympathetic to the scenic and visually sensitive character of the prominent Coastal Headland and would materially detract from its outstanding scenic and visual quality.*

Comment: This issue has been discussed in detail throughout this report. While a new DA, the proposal is consistent with the building massing volume approved by the JRPP for the Stage 1 consent. The proposal will have a significant positive impact on the site and the surrounding area beyond that anticipated under the Stage 1 consent. The breaking-up of the existing Club building into two distinct structures will reduce the visual impact of the proposal and improve its relationship to the public domain in McKillop Park and when viewed from the surrounding development in Evans Street and Carrington Parade.

The concerns raised in relation to over-development and character are noted, however this argument is no longer relevant given that the site benefits from a valid Stage 1 consent.

15. Parking Shortfall

Concerns have been raised regarding the car parking shortfall. The submission received notes that "*parking is currently 50 spaces short. Parking in nearby streets will also be*

affected by the removal of current overnight informal arrangements in the Club's carparks" as follows:

Comment: This matter is addressed elsewhere in the report (refer to detailed assessment under Clause C3 – Parking under *WDCP 2011* section of this report). The shortfall relating to the Club use is not supported and a condition of consent has been imposed requiring the surplus parking relating to the residential use to be allocated to the Club use.

The concern raised in this regard is noted but can be addressed by way of condition.

16. Photomontage View Assessment

Concerns have been raised regarding the photomontage view assessment submitted with the proposed development as follows:

- *View 41 photomontage was inaccurate. While a revised photomontage has been supplied, an internal review process found the inaccuracy was unique to this view; it raises the question of whether a view assessment based purely on photomontages supplied by the applicant is acceptable. The only accurate means of assessing view impact is by erection of height poles.*
- *In the view analysis performed from apartment No. 14 on the 7th floor of 69 Evans Street, the existing view of the ocean horizon has been doctored by covering all ocean view with clouds. Therefore the 'after' view including the proposed buildings does not look like a big degradation of the existing view. Warringah Council and JRPP should not to trust the view assessment conducted by the consultants.*

Comment: This issue was addressed by the applicant on 16 October 2014, by providing amended photomontages for view loss and visual impact assessment. The applicant has also provided certification (prepared by Denny Linker & Co, dated 29 October 2014) from a registered surveyor confirming the accuracy of the view photo montages provided to Council on 16 October 2014.

A peer review of the photomontages was also undertaken by Richard Lamb & Associates, dated 30 October 2014 which concludes that the photomontages are as accurate as is practicably possible.

The additional information regarding the photomontages has been forwarded to the objectors for their consideration.

The issue has now been satisfactory addressed.

17. Reduced Community Centre and Respite Care

Concerns have been raised regarding the fact that the proposal scales down the provision of a community centre and respite care, which were features of the Stage 1 consent.

Comment: The size of the community centre and respite care is not a planning matter for consideration under the *EP&A Act*.

18. Retain Recreational Use for the Community

Concerns have been raised in regards to retaining the recreational use for the community as follows:

- *The current proposal to use most of the site for unit towers does not respect local community involvement in establishing the Harbord Diggers Club lands and facilities or the future recreational needs of the Freshwater Community and visitors. Therefore, DA should be recommended for refusal and further, to recommend retention of the whole site for the recreational and leisure needs of the community*

- *The potential of noise disturbance associated with the spill-out areas is not compatible with wildlife habitat or recreational use of the coastal zone.*

Comment: The issue of the change from recreational use of the site to residential development has been thoroughly and comprehensively dealt with in past reports and decisions of the JRPP. It is agreed that there is no impediment under the current Planning Controls for residential development taking place on the site. The expectation that the site would remain for recreational use in perpetuity is unrealistic.

This issue does not warrant the refusal of the application.

19. Roof Top Planting

Concerns have been raised regarding the roof top planting of the proposed development:

- *The green roof will add to building height to accommodate soil and vegetation which will result in an increase in overall height, with potential for additional view loss*
- *The Landscape Statement proclaims "The rooves of the 6 buildings will be planted utilising the lower growing and hardiest plant types from the heathland planting. The soil depth of the roof varies from 300mm at the perimeter to a maximum of 500mm." The statement is not specific on plant types or potential height at maturity, but based on the coastal heath in neighbouring McKillop Park, the planting could add more than a metre to the building height. It is also likely there will be natural propagation of unintended plant species which adds to the uncertainty of the overall height and resulting view impact.*

Comment: The applicant has indicated that the maximum building heights include the soil depths required to accommodate roof top planting. The applicant has indicated that the roof top species will be low growing robust heath varieties that will protect existing views. If the proposal is approved, a condition will be included in the consent to ensure that the building's including roof top planting does not exceed the maximum height (RL's) as stipulated on the architectural drawing.

20. Site Compatibility Certificate (SCC)

Concerns have been raised regarding the SCC submitted with the proposal as follows:

- *The issuing of a SCC for a new senior's housing development recognises only that it is "broadly compatible with the surrounding environment and locality" however, "the Council (consent authority) has the power to refuse or accept the proposal on its merits". Therefore the issuing of a SCC for seniors housing does not mean such use should occur and Council should refuse the proposal for senior housing as it would not suit the future recreational needs of the site.*
- *A SCC should not be given the same weight as a rezoning of the site, as it has not been subject to the same degree of scrutiny or public consultation*
- *A submission received has noted that "the assessment of the SCC by the Department of Planning and Infrastructure lacked the appropriate level of detail and accuracy and has raised concerns over the determination process of the SCC".*
- *It is not compatible with the intended use of the site, and would adversely impact the natural beauty of this sensitive coastal location and the dominant character of detached housing forms in a landscaped setting.*

Comment: The SCC issued by the Director-General is in accordance with Clause 24 of the SEPP (HSPD) 2004, which stipulates that a SCC is required on land that is used for the purposes of an existing registered club. The assessment and the issuing of the SCC is not a

matter for Council to consider as part of the assessment of this application and therefore no further comments are made in this regard.

The SCC does not constitute development consent and the proposal is required to be assessed and determined by the relevant planning authority. As indicated previously, the site benefits from a Stage 1 consent, where it was determined that the uses and built form are suitable for this site.

Clause 24(3) of the *SEPP (HSPD) 2004* states as follows:

Nothing in this clause prevents a consent authority from granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certified was issued.

The SCC issued related to the initial Stage 1 Development Application that was granted Consent on 12 September 2012.

The scale of this proposal reduced the density of development and therefore the SCC maintains the validity as per Clause 24(3) of the *SEPP (HSPD) 2004*.

21. Traffic/Pedestrian/Access Impact

Concerns have been raised regarding the additional traffic generated by the development as follows:

- *The intensification of use would result in an increase of the traffic. The traffic report looks at the capacity of roundabouts and intersections, but does not consider the impact on the recreation use of the headland. The volume of increased traffic is an indicator of the unsuitability of the site for intensification of use.*
- *The increase of 450 car parking spaces to over 700 parking spaces is a significant increase. The increase traffic would affect the amenity and use of the headland as a scenic and recreation area.*
- *All traffic assessments are required to consider traffic flow during am and pm peak periods. None consider a peak period as occurring at any time on weekends during summer at a popular family beach and should be taken into account. The traffic in Freshwater will be impacted on a whole.*
- *Pedestrian's ability and safety to cross Carrington Parade and Evans Street will be impacted by this development as will bus access and on street parking on Evan Street.*
- *The Lumsdaine Drive to the northern side of McKillop Park Is a pristine area, with a walkway and green verge coastal pathway strip that is heavily used by tourist buses and public, including the disabled. The DA shows a relocation of the clubs main entrance which will have an adverse impact to the general amenity and traffic of this area. The entrance to the club should continue to be located on the Evans Street or even some point in Carrington Parade.*
- *The increase of the number of vehicles associated with the proposed units, childcare centre, additional staff and patron numbers presents a serious problem as the traffic flow and parking on Evans Street is currently difficult.*
- *Club patrons precariously trying to cross at the Corner of Evans and Carrington, the crest of the hill in Carrington and the corner of Carrington and Lumsdaine which in the past has been the location of numerous accidents. Increase in traffic flow may result in more incidents.*

- *Requires a major Traffic Impact Study to deal with various impacts of new facilities (child care facility, a re-invigorated club, the movements of 150-200 permanent residents and large service vehicles.*
- *The HDC traffic report chose days in late autumn and in mid-winter to calculate their figures. A traffic impact study should be done during a summer day as traffic demands on and around the HSC site would have produced very different traffic impacts and onsite parking requirements.*
- *The proposed driveways are not acceptable due to the poor visual sight distance 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.*
- *The design of the loading dock access driveway does not comply with Australian Standards As2890.2-2002: Parking Facilities – Off Street commercial vehicle facilities.*

Comment: The matters raised within the submissions have been considered and are addressed as follows:

i. Traffic Congestion

The proposal is accompanied by a traffic report prepared by GTA Consultants. The traffic report notes that the existing traffic flow generated by the existing Club is 203 vehicle trips in the AM peak hour and 198 Vehicle trips in the PM peak hour. The traffic report notes that the additional traffic movements as a result of the proposal are within the maximum threshold for a local road as defined by the RMSs *Guide to Traffic Generating Developments*.

The traffic report provides an assessment of the impact of the traffic increase associated with the proposal based upon the traffic generation rates produced by the RMS. The traffic report finds that the proposal would increase traffic by 119 and 284 vehicles per hour in the peak periods respectively.

Council's Traffic Engineer has reviewed the traffic report and has found that the net increase in traffic will not have an adverse impact on the surrounding road system or the operating capacities of nearby intersections. The conclusions reached by the consulting traffic engineer are generally concurred with by Council's Traffic Engineer.

ii. Pedestrian Safety

The issue of pedestrian safety is closely associated with the level of traffic congestion and the volume of traffic (see discussion above).

The issue in relation pedestrian access is addressed in detail elsewhere in the report (refer to comments under Clause C2 –Traffic, Access and safety under *WDCP 2011* and is found to be satisfactory.

iii. Location of the Proposed Driveway

This matter is addressed elsewhere in the report (refer to detailed assessment under Clause C2 – Traffic, Access and Safety under *WDCP 2011*). In summary, the issue relating to the location of the proposed driveway is addressed by way of Deferred Commencement Conditions.

22. View Loss Impact

Concerns have been raised with the regards to loss of views from the adjoining properties as follows:

- *Opposed to raising the height of Building D from 29.5 metres to 31 metres. At 31 metres the view of apartment no. 15/69 Evans Street Freshwater will be substantially obstructed and, contrary to the highly dubious view analysis by the consultant, could have a very serious impact on the resale value of the apartment.*
- *The height of 29.5m as approved by JRPP would have destroyed about 80% of the northern ocean view of Curl Curl from apartment no. 14/69 Evans Street Freshwater. The addition of another 0.5m plus whatever impact of the roof garden will totally eliminate the ocean view.*
- *The proposal to include glazed lift overruns/roof lights to the height of 31 metres is also for the sole purpose of increasing the amenity of the development tenants at the expense of the owners of existing apartments on Evans Street and is well above the 8.5m limit of the WLEP. Not necessary to have roof lights further protruding into the remaining view.*
- *Direct impact on the views of 16/69 Evans Street Freshwater and others along the street. Particularly concerned with the proposal to increase the height of Block D and to allow lift shafts as high as 31.0 meters. These are not low to moderate impacts but serious impacts to the views from the apartment and, therefore, the value of the existing properties. The proposed increases to the height of other buildings in the development will have similar impacts to other local apartment owners.*
- *Non-compliance for proposed Building A with the 3.0 metre third floor setback requirement for the building envelope specified by the JRPP is of particular concern to 22 The Drive Freshwater as it has potential to impact on their existing ocean views in a north easterly direction.*

Comment: This issue has been addressed under Clause D7 – Views in the WDCP 2011 section of this report. The view loss from private properties is considered acceptable and does not warrant the refusal of the application.

23. Zoning

Concerns have been raised with the regards to the zoning of the site as follows:

- *Fundamental error in the translation of the WLEP 2000 zoning to that of the WLEP 2011. The Harbord Diggers Club land has now been zoned for residential development whereas the whole of the land has been previously identified for the recreational and leisure needs of the community. The zones are fundamentally opposed to each other*
- *Council needs to recognise its errors of zoning interpretation and translation, and correct the zoning of all the Harbord Diggers Club lands to RE2 Private Recreation with further controls to prohibit all housing.*
- *Senior living units development is not a permissible use within the R2 Low Density Residential Zone.*
- *The zoning of the site and the applicable built form controls do not provide for or encourage multi-storey flat buildings on it.*
- *The bulk, scale and size of the proposed building envelopes are not consistent with the low density residential development in the locality. Does not recognise the location's desired future character, which is based on R2 Low Density Residential.*

Comment: This issue was discussed in detail in the Assessment Report for the Stage 1 DA. The concerns raised are not a matter that is within the scope of the assessment of this

proposal. It is reasonable, for this proposal to be assessed on merit and in accordance with the gazetted zoning being R2 – Low Density Residential.

Summary of Submission in Support

Benefit to the Community

- *Positive change in the use, social engagement and sustainability of the site will make a large impact on the local area and will complement the iconic headland.*
- *The redevelopment will bring economic and social benefits to the Northern Beaches – creating 390 jobs and injecting \$21 million into the local economy.*
- *The Northern Beaches desperately needs new modern facilities that provides for all generations. The area is growing rapidly and dearly needs more facilities like this – seniors living, child care and fitness centres.*
- *The Club has worked hard, hand in hand with the local community to propose a development that is positive for the community in terms of mental and physical health.*
- *The Surf Clubs, seniors, local schools and Stewart House will all benefit from the success of the Club.*
- *The plan and design will do the community proud.*
- *Will bring more livelihood to the community through both economic incomes for local business and local people and a more active and healthy lifestyle for those living on the premises.*
- *The Clubs intent to provide a community gathering place which brings us all together will be another asset in improving the mental and physical health of the community.*
- *The new Club will offer first class views and dining facilities at affordable prices which is something that many people in the local community feel that the Northern Beaches lack.*
- *It will create a tourist destination which will financially contribute to the community.*

Community Involvement

- *Impressed with the level of community involvement in the planning process.*
- *The community has been involved in every aspect of the design from traffic, entry points, height, view corridors and services offered.*
- *The demographic of the Northern Beaches has changed significantly and this facility caters for the future as well as those here now. It is a child friendly precinct that absorbs all the natural beauty that surrounds the area.*
- *The careful placement of uses within the proposal have been developed by the community to address needs and perceived concerns of the community, minimisation of noise, improve access support the delivery of important community benefits.*
- *This development is the most transparent and open development ever conducted on the Northern Beaches and as a result, it is also the most supported development in Warringah history with more than 8,000 local people writing to council at Stage 1 alone and now more support at Stage 2.*
- *The first development created by the community for the community, and one which the developer will also be the landlord and the tenant. It is owned by the*

local community and is a large not for profit enterprise that donates its profits to the local community groups.

- *Plans have the support of the vast majority of our community and have created a swell of support from the silent majority.*
- *The Club is trying to deliver a world first in terms of an integrated development that is based on social inclusion and they are doing it in a not for profit model that will ensure community funding for local people for generations to come.*

Design of the Building

- *Impressive design is suitable, sympathetic to the area and needs of the community.*
- *The design will provide the highest standard of sustainability, landscape design, views and minimize traffic congestion.*
- *The design celebrates the location and integrates with the natural environment and existing character of the Club and the community.*
- *The design meets the modern needs of the community (fitness and aquatic centre, child care and community facilities) and addresses well recognised shortcomings such as seniors housing in an area with an ageing population.*
- *This unique headland site deserves a world class state of the art facility that will be admired for many years to come.*
- *The design of this proposed plan incorporates all the benefits and permissions gained under the Stage 1 consent but with an improved architectural design.*
- *The Club has hired some amazing experts such as the Architect that won the Times Magazine Building of the decade and the Engineer that rebuilt the World Trade Centre.*
- *The innovative design is world class and will significantly improve the aesthetics of the headland. A lot of care has been taken to maintain the integrity of the site.*
- *A local Architecture firm has been chosen to assist in the creation of this site.*
- *The design will create a venue that the community would be proud to invite family, friends and overseas visitors to enjoy.*
- *The new design is more accessible for people with a disability. The single level building will allow for easier access and enjoyment.*
- *The Clubs frontage on Lumsdaine Drive means that any noise is directed away from residential homes.*
- *Additional pedestrian access promotes cross flow and engagement by local people.*
- *The placement of loading docks has been considered to minimise the impact on local residence and takes the driveway away from residential areas so noise is significantly reduced.*
- *The careful planning and long term consideration of the neighbourhood is clear to see in the final plans.*
- *The location of the child care centre on the corner of Evans Street and Carrington Drive illustrates a very clear message to community that the Club is about the entire family.*

- *The separation of the Club into two buildings improves the line of sight and makes for a better outcome and appearance. The Club is trying to balance community and commercial responsibilities.*
- *The new design will not hinder existing views and in most cases will actually be enhancing them by introduction of substantial green areas both on and around the building to make it a part of/blend into the headland.*
- *Native vegetation on all rooftop podiums will soften the visual impact of the massed buildings. This will have a benefit for those residences looking down on the development from Ronald Avenue, Seddon Hill Drive and the western escarpment.*
- *Impressed with the Evans Street entrance – the planning for traffic flow and ease of access and egress, the option to drop off people at the porte-cochere will assist with traffic flow. It will also assist the elderly entering the club more safely.*
- *The Club has come to a satisfactory and suitable blend of housing, entertainment and community uses which optimise the site.*

Seniors Housing

- *Seniors housing has been carefully designed to integrate into the overall precinct and natural environment.*
- *The Club has sacrificed commercial returns by reducing the number of seniors housing to ensure a better design outcome for the local community. This clearly shows the Clubs commitment to ensuring the best possible outcome and their willingness to act on the feedback of the community.*
- *The seniors housing will not only benefit the Club but also the retirees on the Northern Beaches looking to downsize.*
- *With our aging population the inclusion of seniors housing is a much needed addition to the proposal.*

Existing Building Needs Renewal

- *The design is a great improvement on the existing building.*
- *The Club has been losing large sums of money keeping the Club up and running for the benefit of the community.*
- *The Club, the reason for the Club and who we remember through the Club is important. The design respects and honours this memory.*
- *The current building is an eyesore and is underutilised and requires an urgent upgrade.*
- *It would be a terrible shame for this wonderful establishment to be no longer viable and be able to give back to the community simply because it cannot evolve, grow and improve to benefit the changing needs here on the Northern Beaches.*
- *The Club is passed its use by date. It is full of concrete cancer and numerous leaks.*
- *The community is very proud of the Club and want to see it flourish into the future.*
- *The new design is vibrant, bright and airy and will be a vast improvement on the existing club providing much better facilities for both existing members and the local community.*

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objection to proposed development subject to conditions.
Development Engineers	The concept drainage system prepared by Cardno proposes to drain the whole of the site to Lumsdaine Drive, via a separate 600 diameter pipe, approximately 9m deep and discharge directly under the boardwalk. Council does not permit private stormwater drainage to cut across Council roads. Council in principal accepts the stormwater discharge of the development in this area subject to upgrading of an existing Council 300mm pipe (to the 20 year ARI capacity for the development) and allows a maximum depth of 2.5m in Lumsdaine Drive. The proposed discharge upgrade under the boardwalk at the current pipe outlet location is considered to be acceptable. The internal drainage proposal would need to be amended and pumped out from basement and is considered to be acceptable. Appropriate conditions have been recommended.
Environmental Health and Protection (Food Premises)	No objection subject to conditions.
Environmental Health and Protection (Industrial)	No objection subject to conditions.
Landscape Officer	<p>It is noted that the Landscape Plans include a plan titled Landscape Plan Verge. The plans indicate construction of a new path along Carrington Parade and the inclusion of street trees. This is supported in principle, however further discussion with Roads Assets may be required regarding the detail. The verge is relatively narrow along this section. My recommendation would be to locate the path on the kerb edge and provide trees and low planting on the eastern side of the path extending to the boundary interface with the development. This effectively extends the planting concept of the heath species surrounding the building into the verge. As there is a designated cycle way on the road along Carrington Parade, a buffer to vehicular traffic is provided to pedestrians.</p> <p>The location of living areas of residences along Carrington Parade which are below road level, it is assumed that vehicle protection barriers such as masonry walls will be installed along the boundary.</p> <p>The landscape concepts indicated by the proposal are supported and no objections to approval are raised subject to conditions as recommended.</p>
Natural Environment (Biodiversity)	No objection subject to conditions.
Natural Environment (Coastal)	The impact of the proposal on the coastal zone and coastal processes has been assessed and is considered to be insignificant.
Natural Environment (Drainage Assets)	Please see the Development Engineering comments for any relevant stormwater drainage asset comments and conditions.
Parks, reserves, beaches, foreshore (PRF)	<p>PRF have reviewed the documentation and provide the following comments:</p> <p>The Concept Stormwater Plan Sheet 1, Drawing NA89913027-101 (Revision 5), prepared by Cardno and dated 30/11/2012 provides an indicative stormwater outlet location upstream of a boardwalk around South Curl Curl Headland. The drawing also states the 'location of the outlet to be confirmed by site inspection and survey at detailed design stage'. PRF requires this outlet to be designed to ensure there is no impact on the boardwalk asset. The detailed design documentation is to be provided to PRF Infrastructure Maintenance Coordinator for approval prior to construction.</p> <p>There are no objections to the proposed street tree plantings along Carrington Parade or Evans Street.</p>

Internal Referral Body	Comments
Road Reserve	<p>Roads Asset has assessed the proposal. Some concerns about the development have been detailed below:</p> <p>1) Layby bays: The applicant proposes two parking bays along Evans Street and Lumsdaine Drive. These parking bays will influence pedestrian access on the road reserve. Road Asset does not support the installation of the proposed parking bays. A condition has been placed to ensure the deletion of these parking bays.</p> <p>2) Footpath: Evans Street and Lumsdaine Drive are classified as a collector route in accordance with PAMP. The footpath outside the property must be at least 1.5m wide.</p> <p>3) Driveway: The application proposes the installation of kerb returns and median island at the dock and basement access on road reserve. This may create a hazard to pedestrians. The driveway crossings must be built in accordance with Council's Normal profile and the median island is to be deleted.</p> <p><u>Comment</u> The concerns raised by Road Assets can be adequately addressed by way of conditions, should the application be approved.</p>
Strategic Planning - Urban Design	<p>The proposal represents a positive development outcome that respects and responds to the headland location and the surrounding.</p> <p>Concerns have been raised regarding the proposed building separation distances, as they do not meet the Residential Flat Design Code minimum separation guidelines. The reasons provided in the SEE are acceptable and condition has been included to ensure compliance with the acoustic requirement is achieved.</p>
Traffic Engineer	<p>Council's Traffic Engineer has reviewed the proposal and has provided a number of comments, which are addressed in detail elsewhere in this report (refer to Clause C2 Traffic, Access and Safety). Council's Traffic Engineer has recommended deferred commencement conditions to resolve the outstanding Traffic Issues.</p>
Waste Officer	<p>The property will be owned and operated as a business premises. Council will not be providing the property with waste services that were requested by the applicant. The occupants of this development will not be entitled to any of the residential waste services provided by Council.</p> <p><u>Comment:</u> The Applicant has opted to engage a private contractor to collect waste, which will be required by a suitable condition of consent.</p>

External Referral Body	Comments
Ausgrid: (SEPP (Infrastructure) 2007)	<p>The proposal was referred to Ausgrid comment on Clause 45 (2) of SEPP (Infrastructure) 2007.</p> <p>Ausgrid raised no objections to the proposal subject to conditions. Should the proposal be approved, the conditions recommended by Ausgrid will be included in the consent.</p>
NSW Police	<p>The proposal was referred to NSW Police in accordance with Section 79C the EP&A Act for the assessment of Crime Guidelines, a Safer by Design Crime Risk Evaluation.</p> <p>The NSW Police support the applicant's Crime Risk Assessment dated 16 July 2014 and no additional comments or conditions were provided.</p>
NSW Roads and Maritime Services (RMS) - (SEPP (Infrastructure) 2007). Traffic generating dev)	<p>The proposal was referred to RMS in accordance with SEPP (Infrastructure) 2007.</p> <p>The comments received from the RMS have been addressed under the heading "SEPP (Infrastructure) 2007 of this report. The RMS has raised no objection to the proposal subject to conditions, which will be incorporated into the consent if the application is recommended for approval.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, EPIs (*State Environmental Planning Policies (SEPPs)*, *State Regional Environmental*

Plans (SREPs) and WLEP 2011), WDCP 2011 and Council Policies have been considered in the merit assessment of this proposal.

While all provisions of each *EPI (SEPPs, SREPs and WLEP 2011), WCCP 2011 and Council Policies* have been considered in the proposal, many provisions contained within the documents are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

An assessment is provided against the controls relevant to the merit consideration of the proposal.

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

The SEPP applies to the proposed seniors housing component. A Nathers/Basix report (prepared by Wood & Grieve Engineers) supported by Basix Certificate No. 561861M has been submitted with the application.

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	43
Thermal Comfort	Pass	Target Pass
Energy	30	31

A condition has been imposed requiring compliance with the commitments indicated in the BASIX Certificate.

State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 – SEPP (HSPD) 2004

The SEPP seeks to improve the design, and increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The SEPP achieves this through setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in the SEPP.

The seniors housing component of this proposal has been lodged pursuant to this SEPP. The seniors housing will make up approximately 15952sqm of the total building area.

Chapter 1 – Preliminary

The aims of the SEPP are set out in Clause 2 and are as follows;

This Policy 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.*

Comment: The proposal is consistent with the aims of the SEPP, in that the proposal will increase the supply and diversity of residences that meet the needs of seniors or people with a disability and is of a good design.

The proposal makes efficient use of existing infrastructure and services. The site is well serviced by existing public transport and is located within 400m of the nearest bus stop. The

site is located approximately 700m east of the Freshwater Village which provides a mix of essential retail and commercial services.

When considering the proposal against the aim of achieving good design, the proposal must be considered in context with other provisions of the SEPP. The SEPP encourages seniors housing to be of a good design outcome which maintains and minimises the impacts on the amenity and character of the area.

The proposed built form effectively minimises and reduces the impacts on the amenity and character of the area as detailed later within the assessment against the SEPP and is considered to be of a good design.

The proposal has been found to be consistent with the aims of the SEPP and is supported in this instance.

Chapter 2 – Key Concepts

The proposal is consistent with the key concepts contained within the SEPP. The proposal is to construct four new buildings (Proposed Buildings A, B, C and D) and adaptively re-use the existing Club building (Proposed Buildings E and F) for seniors living and ancillary uses, which are to be occupied by seniors or people with a disability as provided by the SEPP. On this basis, it is considered that the proposal is consistent with Chapter 2 of the SEPP.

Chapter 3 – Development for Seniors Housing

Chapter 3 of the SEPP contains a number of development standards applicable to the development application made pursuant to the SEPP. Clause 18 of the SEPP outlines the restrictions on the occupation of seniors housing and requires that a condition is to be included in the consent if approved to restrict the types of people who can occupy the development. A condition has been included in the consent.

Part 1a – Site Compatibility Certificate (SCC)

Clause 24 Site Compatibility Certificate Required for Certain Development Applications

Clause 24 (1) specifies that a SCC is required for a DA, made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) on land that is used for the purposes of an existing registered club.

As the subject site is used by an existing registered club (Harbord Diggers Club), this Clause is applicable to this proposal. SCC for the site was applied for and issued by the Department on 3 December 2014, which has been submitted with the proposal. In issuing the SCC, the Department determined that:

- *The site is suitable for more intensive development; and*
- *The proposal is compatible with the surrounding environment having regard to the criteria specified in Clause 25 (5) (b) of SEPP (HSPD) 2004.*

Despite the issuing of the SCC, the consent authority must also be satisfied that the proposal made pursuant to this Clause, must be compatible with the surrounding environment. As detailed in this report, the compatibility of the proposal was considered and was found to be acceptable when the consent for the Stage 1 was granted. The proposal which is the subject of this application is an improved outcome, in that the proposal is more site responsive and the SCC satisfies the requirement of Clause 24 and makes the seniors housing a permissible land use, despite the fact that it is prohibited under the provision of *WLEP 2011*.

Part 2 - Site Related Requirements

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: a) Shops, banks and other retail and commercial services that residents may reasonably require, and b) Community services and recreation facilities, and c) The practice of a general medical practitioner.	The subject site has satisfactory access to: a) Shops, banks and other retail and commercial services that residents may reasonably require, and b) Community services and recreation facilities, and c) The practice of a general medical practitioner.	Yes
26(2)	Access complies with this clause if: a) The facilities and services referred are located at a distance of not more than 400m from the site or b) There is a public transport service available to the residents not more than 400m away.	The site is not located within 400m of essential facilities and services. However, the site is located within 400m of a public transport service. Bus services are located at the kerb side of the existing Club in Evans Street. Service No. 139 operates from the kerb side bus stop at the front of the existing Club building and operates between Manly and Warringah Mall. Service No. E65 operates approximately 300m west of the site in Evans Street and links Freshwater and Curl Curl to the Sydney Central Business District.	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The proposal is not located within a bushfire prone area.	N/A
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Reticulated water and sewerage infrastructure is presently available to the site. The applicant has submitted information that demonstrates that the seniors housing will be connected to a reticulated water system, in accordance with the provisions of Clause 28.	Yes
29	The consent authority to consider certain site compatibility criteria for development applications to which Clause 24 does not apply.	Clause 29 is not applicable as Clause 24 applies to the development.	N/A
PART 3 - Design Requirements – Division 1			
30	A site analysis is to be provided.	The site analysis information accompanying the application is considered satisfactory in terms of the requirements of Clause 30.	Yes

Clause 31 Design of In-Fill Self-Care Housing

Pursuant to Clause 31, in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines (the policy) for Infill Development published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the Policy have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of the SEPP.

A detailed assessment of the proposals consistency with regards to the requirements of the Policy has been undertaken as follows:

Section	Requirements	Comment
1. Responding to context	Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of	The proposal is sited on a visually prominent headland between South Curl Curl Beach and Freshwater Beach and is

Section	Requirements	Comment
	<p>built form.</p> <p>Policy environment – consideration must be given to Councils own Local Environment Plan and/or Development Control Plan where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>bounded by Carrington Parade, Lumsdaine Drive and Evans Street.</p> <p>The design of the proposal has evolved from the Stage 1 approved building envelopes to the detailed design that forms the basis of this application. The proposed built form of the new buildings and that of the existing Club building will now have an appearance that will be more in harmony with the existing residential neighbourhood in comparison to the approved Stage 1 consent.</p> <p>The urban context of this area is that of predominately low density and scale associated with detached dwellings. The proposed built form has been significantly articulated and stepped to ensure the visual presentation of the seniors housing component is compatible with the surrounding built form. The proposed design is a much improved design from that of the envelopes approved under the Stage 1 consent, in that it provides enhanced building separation, articulation and landscaping to soften the visual impact of the development.</p> <p>The existing local character is discussed in further detail under Clause 33 in this section of the report.</p> <p>The proposal is found to be satisfactory in relation to the character of the area and is supported in this instance.</p>
2. Site planning and design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> a) Minimise the impact of new development on neighbourhood character. b) Minimise the physical and visual dominance of car parking, garaging and vehicular circulation. 	<p>The design of the proposal has sought to maximise the potential of the site through the addition of four new buildings and the adaptive re-use of the existing club building including a substantial reduction in the mass of the existing Club building and the breaking-up of the building into two separate and highly articulated buildings.</p> <p>As discussed previously, the design of the proposal is considered to minimise the impact on the existing neighbourhood character.</p> <p>Car parking is provided within the basement levels and will not be visually apparent from the street. The porte-cochere arrangement located on Evans Street will result in all vehicular circulation that is being contained within the site below the street level and will not be visually dominant.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> a) Minimise impacts on the existing streetscape and enhance its desirable characteristics. b) Minimise dominance of driveways and carpark entries in streetscape. 	<p>The assessment has found that the proposal will have an acceptable impact on the existing streetscape.</p> <p>The proposal will enhance the visual presentation of the club and associated buildings when viewed from the street. The buildings have been sufficiently articulated through the stepping of the built form and through the use of high quality materials and finishes to ensure the design responds to the predominantly</p>

Section	Requirements	Comment
		<p>low density residential character of the area.</p> <p>The stepping of the built form results in an overall improvement when compared to the Stage 1 consent and satisfactorily reduces the visual bulk of the buildings when viewed from the street and public domain.</p> <p>The proposal provides an appropriate response and transition to the surrounding buildings and will enhance the desirable characteristics of the streetscape.</p> <p>The proposal is consistent with the objective relating to minimising the dominance of driveways and carpark entries in the streetscape. The location of all car parking within the basement levels will minimise the impacts on the streetscapes.</p> <p>The introduction of porte-cochere access and egress arrangement located on Evans Street will result in all vehicular circulation to be contained within the site below the street level. The proposal reduces the amount of driveways and carpark entries to a single entry point located on Evans Street, which will service the club facility and residential apartments that is also considered to be an improvement to the existing streetscape.</p>
4. Impacts on neighbours	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> a) Minimise impacts on the privacy and amenity of existing neighbourhood dwellings. b) Minimise overshadowing of existing dwellings and private open space by new dwellings. c) Retain neighbours views and outlook to existing mature planting and tree canopy. d) Reduce the apparent bulk of the development and its impact on neighbouring properties. 	<p>The assessment of this proposal has found the development will not result in unreasonable privacy or amenity impacts on the existing and surrounding dwellings.</p> <p>The shadow diagrams provided by the applicant indicates that the proposal will not result in any unreasonable overshadowing of neighbouring residential properties or the private open space areas of the proposed seniors housing. The proposal satisfies the requirements and objectives of Clause D6 – ‘Access to Sunlight’ under the <i>WDCP 2011</i>.</p> <p>The development will not have any adverse impact on view sharing and satisfies the Planning Principles in <i>Tenacity Consulting v Warringah [2004]</i> NSWLEC 140 and Clause D7 – ‘Views’ under the <i>WLEP 2011</i> where a full assessment against the above principles is provided.</p> <p>As discussed throughout this report, the proposed built form, in particular the proposed articulation and front boundary setbacks will effectively reduce the apparent bulk of the development and its impact on neighbouring properties and is an overall improvement compared to the approved Stage 1 approved building envelopes.</p>
5. Internal site amenity	Objectives of this section are to:	A safe and distinct pedestrian route to all

Section	Requirements	Comment
	a) Provide safe and distinct pedestrian routes to all dwellings and communal facilities.	residential apartments and communal facilities is provided throughout the site. Lift wells to each building provides access and egress to all levels of the seniors housing components of the proposal. Accessible and distinct pedestrian entry points are provided to all buildings.

Clause 32 Design of Residential Development

In accordance with Clause 32 of SEPP a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP.

Control	Requirement	Proposed	Compliance
Clause 33 Neighbourhood amenity and streetscape	a) Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	<p>The desirable elements of the location's current character have been recognised previously under the assessment of the Stage 1 DA and are provided below:</p> <p>The proposal is sited in a prominent position on land bounded by Carrington Parade, Lumsdaine Drive and Evans Street. The site is located on the headland between Freshwater and Curl Curl beaches and is a prominent and scenic coastal setting on the Northern Beaches.</p> <p>The Evans Street streetscape varies in character as it extends from west to east. Development is located on the low side of the street and when viewed from the intersection of Evans Street and Carrington Parade transitions from single and two storey detached dwelling houses to larger three -five storey residential flat buildings at street level further east towards the existing Club building. The allotments are narrow in width and front setback areas are dominated by areas of car parking and landscaped elements.</p> <p>The Lumsdaine Drive streetscape character is largely dominated by open space areas and landscaped coastal settings. The street is bounded by the ocean to the east and open space areas and the existing single detached dwelling house (4A Lumsdaine Drive) to the west, which forms part of the site.</p> <p>The proposed development is considered, in its design, to appropriately respond to the existing character of the area. The substantive articulation of the built form, in particular the buildings with frontage to Evans Street and Carrington Parade, relates favourably to the low density residential character of the area and will positively contribute to the quality and identity of the area. The current proposal represents a much improved design outcome for the site and locality from that approved under the Stage 1 consent, in terms of building separation and articulation of street facing facades.</p>	Yes
	b) Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant	<p>The proposal is located within the vicinity of a number of heritage items listed under WLEP 2011. The heritage items are as follows:</p> <ul style="list-style-type: none"> • I65 - Duke Kahanamoku Statute and Memorial Park • I67 - Freshwater Rock Pool 	Yes

Control	Requirement	Proposed	Compliance
	heritage items that is identified in a local environmental plan.	<ul style="list-style-type: none"> C14 - South Curl Curl Coastal Cliffs (between Freshwater Beach and South Curl Curl Beach) <p>These items are listed in Schedule 5 of WLEP 2011.</p> <p>The impacts of the proposal on the heritage items were found to be satisfactory.</p>	
	<p>c) Maintain reasonable neighbour amenity and appropriate residential character by;</p> <p><i>Providing building setbacks to reduce bulk and overshadowing,</i></p> <p><i>Using building form and siting that relates to the site's land form,</i></p> <p><i>adopting building heights at the street frontage that are compatible in scale with adjacent development</i></p> <p><i>Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.</i></p>	<p>The proposed building setbacks adequately reduce the building bulk and overshadowing of nearby properties.</p> <p>The well-articulated and stepped built forms provide and appropriate response to the predominantly low density residential character of the area.</p> <p>The siting of the buildings along Evans Street and Carrington Parade responds to the sloping topography of the site as it falls to the intersection of these two streets. Buildings are progressively stepped following the land form to ensure building bulk and the visual massing of the development is reduced. The building separation and articulation of the street facing facades is considered to be a much improved design outcome for the site and an overall improvement compared to the Stage 1 consent.</p> <p>The existing Club building is located with a nil setback to the adjoining McKillop Park. The building is proposed to provide an increased setback and has been substantially reduced in size, scale and mass and broken into two buildings and heavily articulated and modulated.</p> <p>The design of these two buildings, in particular the reduction in mass and the breaking-up of the building mass and creation of two separate structures that allows for an additional view corridor through the site, is considered to be a significant improvement and which provides a reduced building bulk and massing when viewed from the street, neighbouring properties and the adjoining public open spaces.</p>	
	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.	<p>The proposed setbacks to the front of the development and the extent of landscaping provided within the setback are considered to be satisfactory to minimise the visual impact of the development.</p> <p>The articulation and stepping of the built form is sympathetic to the character in the area and provides an effective and sensitive transition between the subject development and surrounding development.</p>	Yes
	e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	The proposal includes significant areas of landscaping and planting that is in sympathy with other planting in the streetscape and sympathetic to the sites coastal setting.	Yes
	f) Retain, wherever reasonable, major existing trees.	The subject site does not contain any significant major trees.	Not Applicable
	g) Be designed so that no building is constructed in a riparian zone.	The proposal is not located within a riparian zone.	Not Applicable
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the	The development has been designed to maintain a reasonable level of acoustic and visual privacy between properties. Appropriate building setbacks and effective use of privacy treatments maintain a	Yes

Control	Requirement	Proposed	Compliance
	<p>vicinity and residents by:</p> <p>Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>a) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>satisfactory level of privacy to adjoining properties.</p> <p>The proposal is supported by an Acoustic Report (refer to Noise Impact Assessment prepared by Acoustic Logic), which concludes that the proposal will not unreasonably impact on the acoustic privacy of neighbours in the vicinity of the development subject to compliance with the recommendations and requirements contained within the Acoustic Report.</p>	
Clause 35 Solar access and design for climate	<p>The proposed development should:</p> <p>a) Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space,</p>	<p>The shadow diagrams and Verification of Solar Access and Natural Ventilation Compliance with <i>SEPP 65</i> provided by the applicant (prepared by Steve King) indicate that the development will not result in any unreasonable overshadowing over the neighbouring residential properties to the south and west and that the proposal will provide satisfactory levels of solar access and natural ventilation for residents.</p> <p>The proposal also satisfies the requirements and objectives of Clause D6 – ‘Access to Sunlight’ under the WDCP 2011.</p>	Yes
	<p>b) Involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>The environmental performance of the development is also guided by the provisions of <i>SEPP (Building Sustainability Index: BASIX) 2004</i>. The proposal is defined under Clause .3(1) of the <i>EP&A Regulation 2000</i> as BASIX Affected Development because it involves the erection of BASIX Affected Buildings.</p> <p>BASIX certificates have been submitted with the proposal which demonstrates the development will achieve compliance with the minimum targets.</p> <p>The development satisfies the requirements of the <i>SEPP (HSPD) 2004</i>.</p>	
Clause 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	The application has been reviewed by Council’s Development Engineer who raises no objections to the proposal with appropriate being imposed on the draft consent.	Yes
Clause 37 Crime prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>a) Site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a</p>	<p>A Crime Prevention Through Environmental Design (CPTED) assessment has been submitted with the proposal. The CPTED assessment includes comments from the NSW Police Service. The assessment concludes that:</p> <p><i>“The overall redevelopment has been designed to be consistent with the CPTED principles. The design of the site already shows consideration has been given to maximising passive surveillance, particularly in residential areas looking onto courtyards; safe car parking areas for residents and patrons of the Development; safe and secure service access; and activated street frontages along Evans Street and Carrington Parade”.</i></p> <p>In addition to the above, a CPTED assessment has been provided with the application <i>identifies</i></p>	Yes

Control	Requirement	Proposed	Compliance
	<p>dwelling that adjoins any such area, driveway or street, and</p> <p>b) Where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and</p> <p>c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p><i>opportunities for reducing crime through design and place management principles which block opportunities for crime.</i></p> <p>The proposal will provide a satisfactory level of personal property security for residents and visitors, which has been designed to encourage crime prevention.</p> <p>The ongoing maintenance of the development is subject to a private arrangement with the body corporate of the proposal</p>	
Clause 38 Accessibility	<p>The proposed development should:</p> <p>a) Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>b) Provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The proposal provides safe and obvious pedestrian links from the site that provide access to public transport, services or local facilities.</p> <p>Public transport is provided at the front of the site on Evans Street that will provide residents with access to Freshwater Village and Warringah Mall.</p> <p>The proposal provides for a safe environment for pedestrians and motorists with convenient access and car parking for residents and visitors.</p>	Yes
Clause 39 Waste Management	<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Waste facilities are provided within the basement car parking levels and will be stored in a consolidated area within the loading dock. These facilities have been assessed by Council's Waste Management Officer as satisfactory.</p> <p>A Waste Management Plan has been provided with the proposal is considered acceptable by Council's Waste Management Department.</p>	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – Minimum Sizes and Building Height

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

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

Control	Required	Proposed	Compliance
Site Size	1000m ²	15 999m ²	Yes
Site frontage	20m.	In excess of 20m to all three street frontages	Yes
Building Height	8m or less (measured vertically from ceiling of top most floors to ground	Building A - 8m	Yes
		Building B - 10.5m	No*
		Building C - 7.65m	Yes

Control	Required	Proposed	Compliance
	level immediately below).	Building D - 8.8m	No*
		Building E - 15.95m	No*
		Building F - 14.5m	No*
	A building that is adjacent to a boundary of the site must not be more than two storeys in height.	Buildings A, B, C and D reach a maximum height of three storeys. Building's E and F (existing club building) reach a maximum height of five storeys.	No*
	A building located in the rear 25% of the site must not exceed one storey in height (development within 15.51m of the rear boundary).	Not Applicable. The site has three street frontages and is considered to be a corner allotment with no rear setback.	N/A

*The non-compliances with Clause 40 are addressed in detail under SEPP 1 Objection section of this report.

Clause 41 Standards for Hostels and Self-Contained Dwellings

Clause 41 prescribes various standards concerning accessibility and useability having regard to relevant Australian Standards including the AS1428.1 and 4299 series. The applicant has submitted a report and checklist prepared by an accredited access consultant verifying that the proposal will comply with the relevant standards. These standards may be reinforced via suitable conditions of consent.

Part 5 Development on Land Adjoining Land Zoned Primarily for Urban Purposes

This part is not applicable to the subject site.

Part 6 Development for Vertical Villages

This part is not applicable to the proposed development.

Part 7 Development Standards that cannot be used as Grounds to Refuse Consent

Clause 46 Inter-Relationship of Part with Design Principles in Part 3

Clause 46 states that nothing in Part 7 permits the granting of consent pursuant to the Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

Clause 50 prescribes that consent to development for the purpose of self-contained dwellings must not be refused on the grounds of building height, density and scale, landscaped area, deep soil zones, solar access and parking, if certain numerical standards are met. It is noted that these standards do not impose any limitations on the grounds on which a consent authority may grant development consent.

The following table outlines compliance with the standards specified in Clause 50 of *SEPP (HSPD) 2004*.

Control	Required	Proposed	Compliance
Building height	8m or less (measured vertically from ceiling of topmost floor to ground level immediately below).	Building A - 8m	Yes
		Building B - 10.5m	No
		Building C - 7.65m	Yes
		Building D - 8.8m	No
		Building E - 15.95m	No
		Building F - 14.5m	No
Density and scale	0.5:1	1.01:1	No (Satisfactory on merit)

Control	Required	Proposed	Compliance
			<p>The 0.5:1 floor space ratio is considered by the <i>SEPP</i> and its supporting 'Seniors Living Policy', to be the optimum building-to site area ratio to minimise the impact of new development on neighbourhood character.</p> <p>The development proposes a floor space ratio of 1.01:1 which exceeds the development standards.</p> <p>The exceedence of the development has been tested against the Neighbourhood Character (refer to Clause 33 of this <i>SEPP</i>) where it is considered that the development is consistent with the requirement of Clause 33.</p>
Landscaped area	30% of the site area is to be landscaped.	<p>The SEE states that the proposal provides landscaping on 68.7% of the site area. The landscaping includes planting on structures and green roofs.</p> <p>As per the interpretations of this <i>SEPP</i>, landscaped area is defined as:</p> <p><i>landscaped area</i> means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.</p> <p>As the site is built out to each boundary for the basement levels, the majority of the site cannot be considered as landscaped area as per the above definition.</p> <p>In this regard, when calculating the provision of landscape area proposed, using the technical definition specified under this <i>SEPP</i>, the proposal does not provide a minimum 30% of the total site area as landscape area.</p>	<p>No (Satisfactory on merit)</p> <p>The technical non-compliance with this control is considered in the context that adequate landscaped area has been provided throughout the site including roof top plantings.</p> <p>The existing site provides little landscaped areas as it is largely built out. The demolition of the existing carpark structure and bowling greens will allow for significant areas of landscaping to be provided within the forecourt area of the development. This is considered to be a significant improvement from the existing provision of landscaping and will provide adequate areas for outdoor recreation for dwelling occupants.</p>
Deep soil zone	15% of the site area and two thirds of the	The proposal does not provide a minimum of	<p>No (Satisfactory on merit)</p>

Control	Required	Proposed	Compliance
	deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3m.	15% of the site area as deep soil zone i.e. soil depths in excess of 1m. Soil depths range from 400mm to 1m.	As discussed above, the existing site provides little landscaped areas, as it is largely built out. The proposal will provide an improvement from the existing and approved provision of landscaping and will provide adequate areas for outdoor recreation for dwelling occupants. Given the location of the site on a coastal headland, the soil depth required to establish coastal planting (i.e. heath planting) is less than the typical 1m required to achieve 'deep soil zones'. It is considered that the development provides adequate areas of deep soil landscaping.
Private open space	15m ² of private open space per dwelling not less than 3m long and 3m wide.	All units are provided with a minimum of 15m ² of private open space not less than 3m long and 3m wide.	Yes
Parking	(10 bedrooms proposed – 5 car parking spaces required).	The seniors housing component of the development requires 112 spaces. The proposal provides 161 car spaces for the seniors housing. This matter is discussed in detail under Clause C3 – Parking Facilities under the <i>WDCP 2011</i> section of this report.	Yes
Visitor parking	None required if less than eight dwellings.	20 car parking spaces are provided for visitor parking for the seniors housing component of the proposal.	Yes

Chapter 4 – Miscellaneous

The proposal is consistent with the provisions contained in Chapter 4. The site is not on environmentally sensitive land, is not affected by amendments to other *SEPPs*, and the special provisions do not apply to the land.

State Environmental Planning Policy 1 - Development Standards (SEPP 1)

SEPP 1 provides that a development standard contained within an EPI may be varied where objection is well founded and where strict compliance with those standards would in a particular case be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a) (i) and (ii) of the *EP&A Act*.

In deciding whether to consent to the variation of development standards in a particular case, the consent authority should examine whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and in particular whether the underlying purpose of the development standard will be achieved despite the proposed variation.

Clause 40 of the *SEPP (HSPD) 2004* stipulates development standards to control minimum sizes and building heights and Clause 40(4) provides height standards for development which is located in zones where residential flat buildings are not permitted.

Under the provisions of the *WLEP 2011*, residential flat buildings are not permitted on a site zoned R2 Low Density Residential and therefore the provisions of Clause 40(4) are thus relevant to the proposal.

Clause 40(4) (a and b) of the SEPP (HSPD) 2004 states:

- a) *The height of all buildings in the proposed development must be 8 metres or less". Height is defined under the SEPP as "the distance measured vertically from any point of the ceiling of the topmost floor of the building to the ground level immediately below that point.*
- b) *A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height,*

Figure 3 below illustrates the proposals non-compliance with the requirements of Clause 40 (a) & (b):

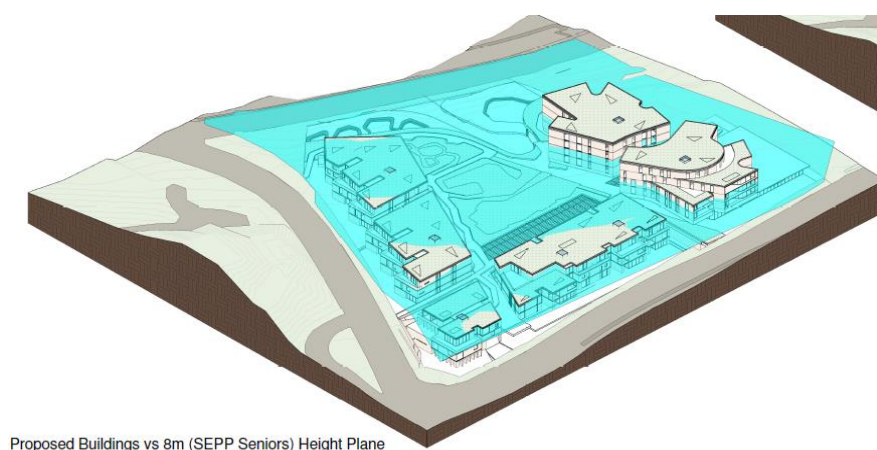


Figure 3: Proposed non-compliance with requirements of Clause 40 (a) & (b). Source: Statement of Environmental Effects – Harbord Diggers, prepared by Urbis

Is this 'Detailed Assessment':	Requirement of Inconsistency with the control requirements.
<ul style="list-style-type: none"> A result of an inconsistency with the control requirements?; or To provide greater explanatory detail of the proposal? 	

Where there is a Requirement Inconsistency:

Is the inconsistency with the clause requirement a numerical and / or performance based variation?	Numerical
<ul style="list-style-type: none"> If numerical enter a % variation to requirement 	Building B – 25% Building D – 10% Building E – 99.375% Building F - 91.25%
<ul style="list-style-type: none"> Is the variation to a Development Standard? 	Yes

Assessment of the *SEPP 1* Objection to the maximum height development standard as stipulated under Clause 40 (4) (a) and (b) of the *SEPP (HSPD) 2004* has been assessed applying the "underlying object test" using the 5 part test suggested in *Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79* as follows:

Applicant's SEPP 1 Objection

The applicant has submitted a detailed *SEPP 1 Objection* which is attached to this report (refer to Attachment 6).

1. "Is the planning control in question a development standard"?

Clause 40 (4) (a & b) of *SEPP (HSPD) 2004* is a numerical development standard for the purposes of *SEPP 1- Development Standards*, and may be varied by the consent authority pursuant to the provisions of the *SEPP (HSPD) 2004*.

2. "What is the underlying objective or purpose of the development standard"?

The *SEPP (HSPD) 2004* does not contain stated objectives for the development standard. It is considered that the underlying intent of the maximum height requirement is to control the height, scale and visual bulk of development such that it is consistent with the desired character and zone objectives for the immediate locality and minimise adverse amenity impacts on adjoining low density residential development in terms of loss of privacy, views and solar access.

It is considered that the proposal is consistent with the underlying objectives of the standard for the following reasons:

- The proposal (Buildings B, D, E and F) raises no significant external amenity impacts on adjoining developments in terms of loss of views, privacy, solar access or overshadowing as addressed in the report below. View losses to adjoining properties are considered to be within reasonable limits.
- The overall height and scale of the proposed building is not considered excessive and is consistent with envelopes approved under the Stage 1 consent.
- Building bulk is considered acceptable with the massing of the buildings are broken up by variation of the building form, green roof forms and materials. External colour scheme and finishes will blend with the surrounding natural environment to reduce visual impact.

3. "Is compliance with the development standard consistent with the aims of the Policy and in particular does compliance with the development standard tend to hinder the obtainment of the objects specified in Section 5(a)(i)(ii) of the Environmental Planning and Assessment Act?"

Clause 9 of the Department of Planning's Circular "*Varying Development Standards*" dated August 2011 states:

"It is necessary to assess the likelihood of similar applications being made to vary the standard in the locality. Councils should consider whether the cumulative effect of similar approvals will undermine the objective of the standard or the planning objectives for the locality. If the council considers that it will do so, the application should be refused or a decision should be made not to approve others like it."

In this instance, it is considered that approval of the proposal will not result in a cumulative impact and is unlikely to create pressure for development with increased height and scale or more intensive developments beyond that anticipated by the SCC certificate and the Stage 1 consent.

The proposal, although a new DA has been assessed on its individual merits whilst having appropriate regard and consideration to the previous approval granted, which has largely determined the acceptable building envelopes and heights for this site.

Accordingly, approval of the proposal is unlikely to hinder the attainment of Section 5(a) (i) and (ii) of the *EP&A Act*.

4. "Is compliance unreasonable and unnecessary in the circumstances?"

It is considered that compliance with the development standard is unreasonable and unnecessary in this instance having regard to the characteristics of the site and surrounding development.

The proposed non-compliance does not undermine or frustrate the underlying Objective of the standard nor result in any significant adverse environmental impacts. Compliance with the standard would not result in a markedly altered design or result in a better planning outcome for this site.

5 "Is the objection well founded?"

The objection to Clauses 40(4) (a and b) is well founded for the following reasons:

- The proposal has an acceptable bulk height and scale consistent with the Stage 1 consent for the site;
- The proposal does not undermine the underlying objectives of the standard; and
- The non-compliance does not result in any significant adverse environmental impacts on the amenity of surrounding residential developments beyond that anticipated under the Stage 1 consent.

The *SEPP 1 Objection* is considered to be well founded.

Assessment of the *SEPP 1 Objection* also includes consideration of the "5 ways of establishing that compliance is unreasonable or unnecessary" under *Wehbe v Pittwater Council*". In *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston of the Land and Environment Court, expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the *SEPP (HSPD) 2004*:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The objectives of the maximum height development standard are still achieved despite non-compliance with the numerical standard as discussed above, Point 4 of the above judgement is the most relevant in this case, as the development standard was abandoned in the decision to grant the Stage 1 consent for this site.

Conclusion on SEPP 1 Objection

It is considered that the *SEPP 1 Objection* is well founded and strict compliance with Clause 40(4) (a & b) of the *SEPP (HSPD) 2004* is considered to be unreasonable and unnecessary in the circumstances of the case.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- *Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).*
- *Immediately adjacent to an electricity substation.*
- *Within 5.0m 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 5.0m of an overhead electricity power line.*

Comment: The proposal was referred to Ausgrid in accordance with Clause 45 of *SEPP*. In accordance with Clause 45(2) (b) the consent authority is to take into consideration any comments received within 21 days of the date the notice was given to Ausgrid. A response to this referral was received by Council 8 August 2014, raising no objection to the proposal subject to conditions, which will be imposed as conditions of consent if the application is approved.

Clause 106

Pursuant to Clause 106(1) (a) the clause applies to new premises of the relevant size or capacity. (2) In this clause, "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 be referred to the RMS within seven days, and take into consideration any comments made within 21 days, if the development is specified in Schedule 3 of the *SEPP*.

Schedule 3 of the *SEPP* requires that the following residential flat developments are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size or Capacity Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road
Any other purpose	200 or more motor vehicles	Not Applicable

The proposed car parking arrangement accommodates a total of 705 spaces in the basement levels. The development triggers a requirement to refer the application to the RMS under Column 2 of Schedule 3.

As per the above requirement, the proposal was referred to the RMS. The RMS by its letter dated 22 August 2014, raised no objection to the proposal and has provided conditions to be included in the consent.

In this regard, the subject application is considered to satisfy the provisions of Clause 106.

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

Clause 7 (1) (a) of *SEPP* requires the consent authority to consider whether land is contaminated. Council records indicates that the subject site has been used for Harbord Diggers Club, which commenced operating on this site in the late 1950s to early 1960s and expanded over the years to encompass the majority of the street block. In response to the above requirements of the *SEPP*, the applicant has submitted a Preliminary Environmental

Site Investigation report (prepared by EIS consultants), dated 30 July 2014. In its conclusion, the investigation states:

“Based on the scope of work undertaken for the assessment, EIS considered that the site could be made suitable for the proposed development provided that during the earthwork state of the project was undertaken:

- *An additional investigation beneath the residential building footprint located in the north-eastern section of the site does not encounter any new contamination issues (primarily buried asbestos);*
- *An asbestos consultant is engaged to develop a safe work procedure for the remediation of the site as part of the development works. This will include the development of an asbestos management plan. The asbestos consultant should also undertake a hazardous building material assessment of the site structures prior to demolition;*
- *The asbestos containing fill material is removed from the site and disposed of to an EPA licenced landfill;*
- *Validation of the nature bedrock is undertaken after removal of the asbestos contaminated fill material; and*
- *Inspections are undertaken during the demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the relation to the changed site conditions. Inspections should be undertaken by experienced environmental personal.*

Council’s Environmental Health Section has also reviewed the proposal and raises no concerns in relation to the contamination aspect of the proposal.

Based on the above information, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation can be imposed as a conditions in the consent, should the application be approved.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65)

Clause 3 of SEPP defines a Residential Flat Building as follows:

“Residential Flat Building” means a building that comprises or includes:

- (a) Three or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) Four or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

As previously outlined the proposed development is for the six buildings plus basement car parking to accommodate 97 self-contained dwellings under the provision of SEPP (HSPD) 2004.

The definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are therefore applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the *EP&A Regulation 2000* requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted.

The SEPP requires the assessment of any development application for residential flat development against the 10 Design Quality Principles contained in Clauses 9 - 18 and Council is required to consider the matters contained in the associated "Residential Flat Design Code". As such, the following consideration has been given to the requirements of the SEPP 65 and Design Code.

The 10 Design Quality Principles are outlined as follows:

Principle 1: Context

Clause 9 (Principle 1: Context) stipulates that:

"Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the Desired Future Character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area".

Comment: The local area is zoned for low density residential development and is not undergoing, nor is it scheduled to undergo, transition beyond what the zoning envisages. The desirable elements of the location's current and future character are recognised as moderately sized detached dwellings within extensively landscaped settings on large allotments which represent a regular subdivision pattern.

The subject site is unique in that it solely occupies a large and prominent area of land bounded by Carrington Parade, Lumsdaine Drive and Evans Street. Development to the south along Evans Street is characterised by apartment style development and development to the west and north-west is generally characterised by detached style dwellings interspersed with older townhouse developments. To the north of the site, the development on the western side of Carrington Parade is generally characterised by large detached style dwellings. As the topography of the land on the western side of Carrington Parade is quite steep, the dwellings step up the slope and generally appear as either two or three storey dwellings from the street.

In determining the context of the site, consideration has been given to the approved building envelopes under the Stage 1 consent. The built form in terms of its context is not too dissimilar to the Stage 1 consent, however some significant improvements have been made to the current proposal, which have been detailed in the previous section of this report.

The architectural design of the buildings is considered to be satisfactory and the proposed number and placement of buildings within the site is considered to be consistent with the previous approval for this site. The generous setbacks have been provided between the buildings allowing the establishment of extensive landscaping and communal open space areas. The proposed new pathways will improve connectivity and enable the on-site residents and members of the club to access the proposed open space areas and facilities.

The proximity of the site to existing services, facilities and public transport makes the site suitable for the proposal.

It is considered that the proposed development responds suitably to the 'Context'

Principle 2: Scale

Clause 10 (Principle 2: Scale) stipulates that:

"Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of

existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the Desired Future Character of the area”.

Comment: The proposal has been conceived on the basis that the subject site benefits from the Stage 1 consent and the current proposal will provide an improved built form in terms of its architectural facade, urban design and landscape treatment.

It is accepted that the subject site is a prominent site on the basis that it is situated in an elevated headland location with no immediately adjoining development and bounded by three street frontages. The site, and its immediate surrounds, should be treated in a manner that emphasises its unique status, an approach which is generally consistent with the Stage 1 approved building envelopes.

As noted in ‘Principle 1 – Context’ above, the scale of the development is considered to be a significant improvement compared to the approved building envelopes and accordingly, it is considered that the proposal satisfies this principle.

Principle 3: Built Form

Clause 11 (Principle 3: Built Form) stipulates that:

"Good design achieves an appropriate Built Form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate Built Form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

Comment: The proposal is considered to contain many examples of good design in terms of its built form, including the composition of building setbacks, levels of articulation, stepped design, use of balconies, green roof forms, recessing and strongly defined elements. The proportions, transitions and flow of the building are considered to be favourable aspects of its built form. The buildings respond well to its particular location in comparison to the stage 1 consent. The facades of the building provide some good transitions to these interfaces, incorporating areas of strength to the corners and relief to open-up views between buildings.

In addition, the proposal incorporates a strong vertical design element at the corners of the site to emphasise the corner status of the buildings.

Overall, the built form achieves a good standard of built form.

Principle 4: Density

Clause 12 (Principle 4: Density) stipulates that:

"Good design has a density appropriate for a site and its context; in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality."

Comment: Density is discussed below in terms of floor space ratio and residential density.

Floor Space Ratio (FSR)

SEPP (HSPD) 2004 allows a floor space ratio of 0.5:1.

The 0.5:1 floor space ratio is considered by *SEPP (HSPD) 2004* and its supporting 'Seniors Living Policy', to be the optimum building-to-site area ratio to minimise the impact of new development on neighbourhood character.

In respect to the current proposal, the development's obvious non-compliance with the building height controls, as outlined earlier in this report, results in a FSR which is greater than that anticipated under *SEPP (HSPD) 2004*. This matter has been discussed previously in this report under the section addressing *SEPP (HSPD) 2004*. It is considered that the proposed density is appropriate and sustainable on this site as it responds to the context of the site, availability of infrastructure, public transport, community facilities and environmental quality.

Residential Density

With regards to the residential density of the development in terms of floor space yield, the development proposes 97 apartments which will result in a density of one dwelling per 161.8m². This indicates that the residential density of the development exceeds the residential density of the local area of one dwelling per 450m².

In terms of sustainability and regional context, the site is located approximately 700m from Freshwater Village, which contains the required services and facilities that will cater for the proposed development.

The availability of infrastructure, public transport, community facilities and environmental quality, the site is located within an established residential area and would be supported by the required infrastructure (pending approval from Sydney Water). The site is accessible to bus routes along Evans Street which is adequately serviced by Sydney Buses (Nos. 139, and E65) providing services to the Warringah Mall, Manly, Dee Why, Chatswood and Sydney Central Business District.

The proposed dwelling density is considered to be sustainable in its regional context.

The proposal complies with this principle.

Principle 5: Resource, Energy and Water Efficiency

Clause 13 (Principle 5: Resource, Energy and Water Efficiency) stipulates that:

"Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and Built Form, passive solar design principles, efficient appliances and mechanical and mechanical services, soil zones for vegetation and re-use of water".

Comment: The environmental performance of the development is guided by the provisions of *SEPP (Building Sustainability Index: BASIX) 2004*. The proposal is defined under Clause 3(1) of the *EP&A Regulation 2000* as BASIX Affected Development because it involves the erection of a BASIX Affected Building.

The proposal includes BASIX certificates and complies with the requirements with regard to water, thermal comfort and energy. The proposal also complies with the natural ventilation and solar access requirements within the *RFDC*. The details of the above matters are

discussed in the RFDC table in this report.

If the application is worthy of approval, conditions will be imposed which requires the recycling of materials, particularly given the fact that the adaptive re-use of the existing club is proposed. It is considered that the proposal makes efficient use of natural resources, energy and water throughout its full life cycle.

The proposal complies with this principle.

Principle 6: Landscape

Clause 14 (Principle 6: Landscape) stipulates that:

“Good design recognises that together Landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, microclimate, and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or Desired Future Character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity and provide for practical establishment and long-term management.”

Comment: The landscaping proposed within this application is a very positive feature of this application, as it provides significant improvement in comparison to that contained in the Stage 1 consent. The landscaping component of the proposal has been considered as an integral part of the seniors housing experience, and will further enhance the nature features of the site. A range of landscape spaces are proposed throughout the site, some active, some passive and some specially designed for the climatic conditions. One of the major improvements of this current proposal is the green roofs on all new buildings. These have been introduced into proposal to reduce the visual impact of the built form and improve the outlook from the adjoining residential area.

The proposed pathway layout offers numerous opportunities to improve connectivity across the site. The landscape has been very sensitively treated and maximises the opportunities for residents on site and community to engage within the outdoors.

With regards to co-ordinating water and soil management, the application was referred to Council’s Development Engineer who did not raise any objection subject to conditions. These conditions have been included in the Recommendation of this report.

It is considered that the proposal satisfies the intent of the ‘Landscaping’ principle of SEPP 65.

Principle 7: Amenity

Clause 15 (Principle 7: Amenity) stipulates that:

"Good design provides amenity through the physical, spatial and environmental

quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility”.

Comment: The proposal has been assessed against the ‘Building Amenity’ criteria within the RFDC.

Visual privacy has been achieved by appropriate layout and design of the units, window location and position of courtyard areas and balconies.

The proposal has been designed to maximise solar access to the residential units. Over 70% of the units would achieve a minimum of two hours of sunlight to living areas and private open spaces in mid-winter. The design and location of windows within each unit provides sufficient cross ventilation.

The proposal provides convenient and safe access to the residential components of the development via centrally located lifts connecting the basement and all other levels.

The proposal is assessed as being satisfactory against this principle.

Principle 8: Safety and Security

Clause 16 (Principle 8: Safety and Security) stipulates that:

"Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.”

Comment: The residential component of the proposal incorporates balconies and living areas addressing the street frontage or communal areas, wherever possible, to increase the level of observation and ‘eyes on the street’. The pathways have been designed to provide safe pedestrian movement within the site and to the individual units utilising appropriate grading. Security lighting is proposed to be provided to all open space areas and entry points. The communal open spaces and the private courtyard of the ground floor units are proposed to be clearly defined.

The design has had regard to CPTED principles. The applicant has indicated that in accordance with the requirements of the CPTED, appropriate lighting, gates and other security measures would be implemented to ensure that safety and security is maintained on the site.

The proposal was referred to NSW Police for consideration under the principles of CPTED. The NSW Police have adopted the recommendations included in the CPTED assessment provided by the applicant. The recommendations as contained within the assessment can be included as a condition of consent, should the application be approved.

The proposal is considered to adequately achieve safety and security for future occupants of the development providing good casual visual surveillance of the street and the private domain.

Principle 9: Social Dimensions

Clause 17 (Principle 9: Social Dimensions) stipulates that:

"Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities."

New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community".

Comment: The proposal provides an alternative form of housing to the traditional form of low density housing in the locality. The proposal is in close proximity to bus stops on Evans Street and provides access to shops in Dee Why, Warringah Mall and in Freshwater. Residents of the development will be able to easily access recreational areas such as Freshwater and Curl Curl Beaches.

The proposal provides a reasonable mix of dwelling types and sizes which complies with the requirements within the RFDC in improving housing choice in the locality.

The development is assessed as satisfactory with regard to social dimensions.

Principle 10: Aesthetics

Clause 18 (Principle 10: Aesthetics) stipulates that:

"Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the Desired Future Character of the area."

Comment: The development provides a highly articulated built form, which includes the progressive setting back and separation between buildings, detailed façade, green roofs on all new buildings, the use of subtle materials and finishes and the improved Landscape features, which will provide an improved connection across the site.

The proposal is considered to incorporate an appropriate composition of building elements, textures, materials and colours to reflect the mixed-use nature, internal design and structure of the development and which achieves an appropriate urban form that is considered to relate favourably in both architectural scale and landscape treatment in comparison with the Stage 1 consent.

Residential Flat Design Code Compliance Table

The following table provides an assessment against the criteria contained within the 'Residential Flat Design Code' as required by SEPP 65.

PART 01 - LOCAL CONTEXT		
General Comments		
Primary Development Controls		
<i>Building Height</i>	Where there is an existing FSR, test height controls against it to ensure a good fit.	Consistent The SEPP (HSPD) 2004 includes a development standard which requires development to achieve a FSR of 0.5:1. The development proposes a FSR which exceeds the FSR provision in the SEPP (HSPD) 2004.

PART 01 - LOCAL CONTEXT								
		<p>While the development proposes a greater FSR, the proposal is supported based on the fact that building envelopes which also exceed the FSR have already been approved on this site.</p> <p>Based on the already established FSR for this site, the development is considered to be consistent with this control.</p>						
	<p>Test heights against the number of storey's and the minimum ceiling heights required for the desired building use. (2.7 for habitable rooms, 2.4 non-habitable rooms and 1.5 for attics).</p> <p>(Habitable Rooms include: any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sub room and play room).</p>	<p>Inconsistent (Satisfactory on Merit)</p> <p>The building varies in the number of storeys from three storeys to five storeys. The proposal does not comply with the maximum height control of 8m under <i>SEPP (HSPD) 2004</i> and 8.5m under <i>WLEP 2011</i>.</p> <p>This matter is discussed in detail under the relevant sections of this report. The proposal is satisfactory in its current form, noting that the approval for a similar scheme with similar buildings heights has already been granted (Stage 1 consent).</p> <p>Ceiling Heights</p> <p>YES</p> <p>Residential levels – complies.</p> <p>Commercial/Club – complies.</p>						
Building Separation	<p>Design and test building separation controls in plan and section.</p> <p>Five to eight storeys/up to 25m.</p> <table><tr><td>18m</td><td>Habitable rooms & balconies.</td></tr><tr><td>13m</td><td>Between habitable rooms/balconies and non-habitable rooms.</td></tr><tr><td>9m</td><td>Between non habitable rooms.</td></tr></table> <p>*Habitable room - any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room.</p> <p>**Non-habitable room spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.</p>	18m	Habitable rooms & balconies.	13m	Between habitable rooms/balconies and non-habitable rooms.	9m	Between non habitable rooms.	<p>Inconsistent (Satisfactory on Merit)</p> <p>The proposal is categorised under the <i>SEPP</i> as a 'hybrid group' which incorporates apartment type buildings surrounding a communal landscaped courtyard.</p> <p>The internal building separations, together with variable building heights, provide adequate sunlight access to the central courtyard area and to over 70% of the apartments.</p> <p>Whilst no hybrid group type development can satisfy complete privacy, the proposed internal building separations (whilst numerical non-compliances with this requirement) do achieve an appropriate level of visual and acoustic privacy through the strategic placement of buildings around the site as well as the use of privacy screens and acoustic treatments.</p> <p>Internal Separation (Minimum)</p> <p>Building A to Building B – 4m Building B to Building C – 7.8m Building C to Building D – 6.9m Building D to Building E – 8.2m Building E to Building F – 6.8m</p> <p>Numerical non-compliances with this Rule of Thumb are considered to be satisfactory in that they do not impact upon internal visual and acoustic privacy.</p>
18m	Habitable rooms & balconies.							
13m	Between habitable rooms/balconies and non-habitable rooms.							
9m	Between non habitable rooms.							
	<p>Test building separation controls for daylight access to buildings and open spaces.</p>	<p>Consistent</p> <p>The proposed building separation distances are satisfactory in respect to daylight access for the reasons mentioned above in relation to how the buildings will interface with each other and buildings on adjoining properties.</p>						
Street Setbacks	<p>Identify the Desired Streetscape Character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access</p>	<p>Consistent (Satisfactory on Merit)</p> <p>The issue relating to front setback is considered under <i>SEPP (HSPD) 2004</i> and under the built form control within <i>WDCP 2011</i>.</p>						

PART 01 - LOCAL CONTEXT		
	controls.	
	Test street setbacks with building envelopes and street sections.	Consistent (Satisfactory on Merit) The issue relating the building envelope of Buildings F is discussed under the <i>WDCP 2011</i> built form controls section of this report. The non-compliance with the building envelope is considered to be satisfactory.
Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	Consistent The site is a unique, being an irregular shaped allotment which has three street frontages. As such, and because of the collective internal arrangement of buildings within the development, the assessment of setbacks to existing streetscape patterns is problematic. The side setback relating to Buildings E and F is discussed under the built form control of this report.
FSR	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height-building footprint the three dimensional building envelope open space requirements.	Consistent (Satisfactory on Merit) As discussed under the SEPP 65 "Density" Design Principle earlier in this report, no FSR currently applies to the site under WLEP 2011, however an FSR control under SEPP (HSPD) 2004 is applicable to the site, which is discussed in this report and found to be satisfactory.
PART 02 - SITE DESIGN		
Site Configuration		
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, Stormwater treatment measures must be integrated with the design of the residential flat building. Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	Consistent (Satisfactory on Merit) The minimum landscaped open space requirement for this site is discussed under <i>SEPP (HSPD) 2004</i> of this report. In summary, the proposal is considered to be satisfactory in terms of the provision of open space. The proposal also provides more than adequate areas from the communal space for the use of the residents.
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25sqm; the minimum preferred dimension in one direction is 4m (see Balconies for other private open space requirements).	Consistent The proposal complies with the minimum size of private open space for all units.

PART 01 - LOCAL CONTEXT		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	<p>Consistent</p> <p>A Crime Risk Assessment has been submitted with the proposal and the design provides for secure entries, passive surveillance of the public domain from both the residential apartments and from the club level.</p> <p>In addition, the application was referred to the NSW Police who have undertaken an assessment in accordance with the CPTED factors. As a result, the NSW Police have endorsed the recommendations contained within the Crime Risk Assessment provided by the applicant, which contains a number of recommended measures that may be incorporated as a condition in any consent.</p>
Visual Privacy	Refer to Building Separation minimum standards.	<p>Consistent</p> <p>The design provides for adequate visual privacy between apartments and from the public domain.</p>
Pedestrian access	Identify the access requirements from the street or car parking area to the apartment entrance.	<p>Consistent</p> <p>There are clearly defined access points for pedestrians and vehicles within the development.</p>
	Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.	<p>Consistent</p> <p>Subject to appropriate conditions of consent.</p>
	Provide barrier free access to at least 20% of dwellings in the development.	<p>Not Applicable</p> <p>This requirement is addressed under <i>SEPP (HSPD) 2004</i>.</p>
Vehicle access	Generally limit the width of driveways to a maximum of 6m.	<p>Consistent</p> <p>The proposed driveways have a minimum width of 6m.</p>
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	<p>Consistent</p> <p>The development locates the driveway on Evans Street and is situated away from the pedestrian access points.</p>
PART 03 - BUILDING DESIGN		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8m from a window.	<p>Consistent</p> <p>The majority of the apartments within the buildings have internal spaces within 8 -12m of a window, which exceeds the limitation.</p>
	The back of a kitchen should be no more than 8m from a window.	<p>Consistent</p> <p>All residential units within the development achieve a building depth of 8m or less to the back of the kitchen.</p>
	Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	<p>Consistent</p> <p>The proposal is considered to be generally satisfactory with regard to the minimum standards for apartment layout. The applicant has submitted a Solar Access and Ventilation Compliance Report prepared by Steve King which concludes that the proposal adequately complies with the RFDC Rules of Thumb.</p>
	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable	<p>Consistent</p> <p>WLEP 2011 does not contain standards for apartment sizes. The minimum apartment size within the proposal varies considerably and is found to be satisfactory.</p>

PART 01 - LOCAL CONTEXT

	<p>Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> - one bedroom apartment 50m² - two bedroom apartment 70m² - Three bedroom apartment 95m² 	
Apartment Mix		
Balconies	<p>Provide primary balconies for all apartments with a minimum depth of 2m. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.</p>	<p>Consistent</p> <p>Compliance is achieved for all of the apartments.</p>
Ceiling Heights minimum wall height at edge	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.</p> <p><i>2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</i></p> <p><i>Attic spaces, 1.5m minimum wall height at edge of room with a 30 degree minimum - ceiling slope.</i></p>	<p>Consistent</p> <p>Compliance is achieved for all of the apartments.</p>
Ground Floor Apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	<p>Consistent</p> <p>All ground floor apartments have separate entries from the main pedestrian walkways as well as via internal lift cores and corridors</p>

PART 01 - LOCAL CONTEXT

Internal Circulation	<p>Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none">• For adaptive reuse buildings.• Where developments can demonstrate the achievement of the desired streetscape character and entry response. <p>Where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).</p>	<p>Consistent</p> <p>The proposal incorporates design that facilitates dual aspect apartments and consequently reduces the number of units accessing each circulation core improving the implied and actual security within the buildings.</p>
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none">• Studio apartments 6m3• One-bedroom apartments 6m3• Two-bedroom apartments 8m3• Three plus bedroom apartments 10m3.	<p>Consistent</p> <p>The provision of storage for the development is in the form of 50% internal to each apartment and 50% within the basement level 3.</p>
Building Amenity		
Daylight Access	<p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9AM and 3PM in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p>	<p>Consistent</p> <p>The Solar Access and Cross Ventilation Compliance Assessment produced by Architect Steve King on behalf of the Applicant provided the following conclusions:</p> <p><i>“The proportion of dwellings which achieve projected solar access of minimum 3 hours between 8am and 3pm June 21 to living areas of apartments is 97% of the total units. Only two of those apartments rely on sun before 9am to achieve a minimum of two hours of midwinter Sun”.</i></p>
	<p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.</p> <p>Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>Consistent</p> <p>There are two single aspect apartments with a southerly aspect being apartments No.104 and 204 with Building E – which represents 2% of the total apartments.</p>
Natural	Building depths, which support	Consistent

PART 01 - LOCAL CONTEXT		
Ventilation	natural ventilation typically, range from 10 to 18m.	All apartments achieve depths that comply with the requirement.
	60% of residential units should be naturally cross ventilated.	Consistent The natural ventilation assessment produced by Steve King (Architect) on behalf of the Applicant concludes that a total of 78 apartments out of a total of 97 (80%) will be cross ventilated.
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	Consistent A Waste Management Plan has been provided with the application and accepted by Council's Waste Management Department.
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Consistent Subject to conditions if the application is approved.

Draft State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (the Draft SEPP)

The Draft SEPP (Amendment No. 3) is currently a public consultation draft and is undergoing public exhibition which ends on 31 October 2014. Once the exhibition concludes, submissions will be reviewed and the Department will provide a report to the Minister for Planning. Subject to the Minister's agreement, changes may be made to the *SEPP 65* policy and the Apartment Design Guide.

The relevance of a draft Local Environmental Plan and the weight to be given to it relies on the facts of the particular case and circumstances which have been highlighted by numerous Land and Environment Court cases including *Mathers v North Sydney Council* [2000] NSWLEC 84, *Haywood and Bakker Pty Ltd v North Sydney Council* [2000] NSWLEC 138; *Blackmore Design Group Pty Ltd v North Sydney Council* [2001] NSWLEC 279).

The primary principles arising from Land and Environment Court cases are that the weight to be placed upon a draft Local Environmental Plan, when determining a development application depends on:

1. *The imminence of the draft Local Environment Plan and the degree of certainty that it will come into force;*
2. *The extent of conflict between proposed development and planning objectives of the zone contained in the draft Local Environment Plan; and*
3. *The existence and applicability of savings provisions in the draft Local Environment Plan.*

Whilst the above judgements relate to draft Local Environmental Plans, the above principles have been applied to the draft SEPP to ensure consistency given that both are *EPIs*. In this regard, the assessment of the proposal against the principles as established by the Land and Environment Court is as follows:

1. *The imminence of the draft SEPP and the degree of certainty that it will come into force.*

The draft SEPP is a consultation draft only and could change as a result of the submissions received by the Department. Given the progress made in formulating and exhibiting the draft SEPP, it is considered that there is a degree of certainty of it coming into force and therefore, it may be considered to be imminent.

2. *The extent of conflict between the proposed development and Design Quality Principles, Development Standards and Acceptable Solutions contained in the draft SEPP and the Apartment Design Guide.*

This assessment has considered the proposal against the draft SEPP and is found to be consistent with the Design Quality Principles, Development Standards and Acceptable Solutions as contained within the Draft Apartment Design Guide.

A design verification by the architect (prepared by Architectus, dated 30 October 2014) in relation to draft SEPP 65 has been submitted, which concludes that the design quality of the proposed development is also consistent with the provisions of the draft SEPP 65.

3. *The existence and applicability of savings provisions in the draft SEPP 65.*

The draft SEPP 65 does not, at present, include any savings provisions.

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

Is the development permissible?	Yes - Registered club and child care centre No – Seniors Housing
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	450m ²	15,599m ²	N/A	N/A
Height of Buildings: (Overall Height)	8.5m	Building A - 9.5m Building B - 12m Building C - 9.15m Building D - 10.3m Building E - 17.4m Building F - 15.95m	11% 41% 7.6% 21% 95% 87%	No* No* No* No* No* No*

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	
Part 2 Permitted or prohibited development	Yes
2.5 Additional permitted uses for particular land	Yes
Land Use Table	Yes
Part 4 Principal development standards	
4.3 Height of buildings	No*
4.6 Exceptions to development standards	No*
Part 6 Additional Local Provisions	
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 1 Additional permitted uses	Yes
13 Use of certain land at Lumsdaine Drive, Freshwater	Yes

Clause	Compliance with Requirements
	<p>Under Schedule 1 of the WLEP 2011, registered clubs, recreation facilities (i.e. the proposed gym and aquatic centre) which are ancillary to the registered club are permissible forms of development on the subject site with development consent.</p> <p>The seniors housing component is not included in Schedule 1 of the <i>WLEP 2011</i> and relies upon the SEPP (HSPD) 2004 for its permissibility.</p>

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: <i>WLEP 2011</i>	Permitted or Prohibited
Senior's Housing and associated uses	Prohibited (Permissible via SEPP (HSPD) 2004)
Child care centre	Permissible with consent
Registered Club	Permissible via Schedule 1 - Additional permitted
Gymnasium and Aquatic Centre	Permissible via Schedule 1 - but only if the facility operates in conjunction with the registered club.

The underlying objectives of the R2 Low Density Residential zone:

- ***To provide for the housing needs of the community within a low density residential environment.***

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.

The proposed design of the development has sought to minimise the impact on the adjoining low density residential environment, through the incorporation of a landscape buffer, generous setbacks and recessed facades, and a reduction in the development density in comparison to the Stage 1 consent.

It is considered that the development does satisfy this objective.

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

The proposal provides for land uses (such as the registered club, community facility, and child care centre) that will provide facilities to meet the day to day needs of residents within the development and the broader locality.

It is considered that the development satisfies this objective.

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

The landscape plans submitted with the application provide for an improved and high quality landscape outcome for the site, which will ensure that the proposed development is characterised by a landscape setting.

It is considered that the development does satisfy this objective.

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 of *WLEP 2011* applies to the proposed development as the overall height of all buildings exceeds the 8.5m height limit.

However, the application has been lodged pursuant to SEPP (HSPD) 2004, which contains a Building Height Development Standard.

The building height control under SEPP (HSPD) 2004 stipulates a different measurement to that stipulated under *WLEP 2011* for calculating building height. Clause 5 of SEPP 1 - Development Standards states: *'This policy prevails over any inconsistency between it and any other environmental planning instrument, whenever made'*.

It is considered that Clause 4.6 is not applicable to the non-compliance contained in the proposed development; rather the non-compliance is assessed correctly under SEPP 1.

For the reasons stipulated in the section dealing with the SEPP 1 Objection relating to building height, the non-compliance is supported in this instance.

WARRINGAH DEVELOPMENT CONTROL PLAN

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall Heights	7.2m	This requirement is addressed under SEPP (HSPD) 2004. Note: The building height calculation under the SEPP (HSPD) 2004 is identical to Wall Heights of WDCP 2011.	N/A
B3 Side Boundary Envelope	5m Applicable to Buildings E & F	Building F encroaches onto the building envelope	No*
		Building E is within the building envelope.	Yes
B5 Side Boundary Setbacks	0.9m Applicable to Buildings E & F	Building E – minimum of 14m	Yes
		Building F - Nil to 5m.	No*
B7 Front Boundary Setbacks	6.5m	Basement Levels Nil setbacks to all three street frontages.	No*
		Building A Ground Level – 5m to 6.8m Level 1 – 4.4m to 6.2m Level 2 – 4.3m to 6.1m	No*
		Building B Ground Level – 4.6m to 4.7m Level 1 – 4.3m Level 2 – 4.2m to 4.3m	No*

Built Form Control	Requirement	Proposed	Complies
		Building C Ground Level – 6.9m to Carrington Parade & 5.5m to Evans Street Level 1 – 5.9m to 7.4m to Carrington Parade & 5.5m to 7.2m to Evans Street.	No*
		Building D Ground Level & Level 1 – 5.4m to 7.5m Level 2 – 5.2m to 7.2m.	No*
		Building E 6.5m on all levels Note* Front setback is not applicable to Building F.	Yes
B9 Rear Boundary Setbacks	6m	Not applicable as the site has three street frontages and no rear boundary.	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	This requirement is addressed under SEPP (HSPD) 2004.	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	Yes	Yes
Part B Built Form Controls		
B1 Wall Heights	N/A	N/A
B3 Side Boundary Envelope	No*	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks – R2	No*	Yes
Part C Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No*	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - 3 or more dwellings	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
Part D Design		

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of Non-Compliance

The extent of the breach relating to Building F is approximately 8.7m in height for almost the entire length of the building.

Merit consideration of non-compliance

In assessing this element of the proposal, it is necessary to consider the underlying objectives of the control. Assessments of the proposal's non-compliances against the objectives of the control are addressed below:

- ***To ensure that development does not become visually dominant by virtue of its height and bulk.***

The existing Club building has nil setbacks for the entire building and has a height of up to 15m. The proposed modification to create new Building F will significantly reduce the bulk of the existing Club building and the resultant development will lessen the visual impact on the adjoining reserve. Importantly, it is noted that the Stage 1 consent approved envelope for the existing Club building involved a significant non-compliance with the building envelope

control. The result of the Stage 1 approval is a larger building in terms of its bulk and scale in comparison to the proposed Building F.

The non-compliant building envelope for Buildings F is a significant improvement in the built form outcome and provides much greater visual relief in terms of bulk and scale when viewed from the adjoining reserve and a number of other nearby vantage points.

- ***To ensure adequate light, solar access and privacy by providing spatial separation between buildings.***

The non-compliant building envelope provides reasonable massing within close proximity to the McKillop reserve, accordingly there are no direct impact upon the amenity of surrounding residential development beyond what is already existing and approved within this site.

- ***To ensure that development responds to the topography of the site.***

Building F adjoins McKillop Reserve, hence there are no residential buildings which will be affected by the reduced spatial separation.

- ***To ensure that development responds to topography of the site.***

The topography of this section of the site is relatively level. The retention of part of the existing building with the associated envelope breach is appropriate in this context.

Conclusion on Side Boundary Envelope

The proposal is considered to be consistent with the underlying objectives of the Side Boundary Envelope Built Form Control. The variation for Building F is supported.

B5 Side Boundary Setbacks

Description of non-compliance

Building F – provides a nil to 5m setback to the eastern boundary adjoining McKillop Reserve.

Merit consideration of non-compliance

In assessing this element of the proposal, it is necessary to consider the underlying objectives of the control. Assessments of the proposal's non-compliance against the objectives of control are addressed below:

- ***To provide opportunities for deep soil landscape areas.***

The non-compliance relating to Building F will not render this development inconsistent with this objective, as the proposal will significantly improve the opportunity for deep soil landscape areas throughout the site, due to the reduction of the built form from the existing and previously approved situation.

- ***To ensure that development does not become visually dominant.***

Due to the reduction in the overall bulk and scale of the existing club building, the visual quality of Building F will be significantly improved and much less dominant.

- ***To ensure that the scale and bulk of buildings is minimised.***

The bulk and scale of the Club building has been significantly reduced and therefore has minimised the scale and bulk in comparison to the existing and previously approved situation.

- ***To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.***

The non-compliance will not render the development inconsistent with the requirement of this objective as there is no direct amenity impact on adjoining or nearby residential development.

Conclusion on Side Boundary Setback

The proposal is considered to be consistent with the underlying objectives, of the Side Boundary Setback Built Form Control. In this respect, the non-compliance for Building F is supported.

B7 Front Boundary Setbacks

Description of non-compliance

The proposal is non-compliant in the following areas:

Basement Levels

- Nil Setbacks to all three street frontages.
- Building A
Ground Level – 5m to 6.8m
Level 1 – 4.4m to 6.2m
Level 2 – 4.3m to 6.1m
- Building B
Ground Level – 4.6m to 4.7m
Level 1 – 4.3m
Level 2 – 4.2m to 4.3m
- Building C
Ground Level – 6.9 to Carrington Parade & 5.5m to Evans Street
Level 1 – 5.9m to 7.4m to Carrington Parade & 5.5m to 7.2m to Evans Street
- Building D
Ground Level & Level 1 – 5.4m to 7.5m
Level 2 – 5.2m to 7.2m

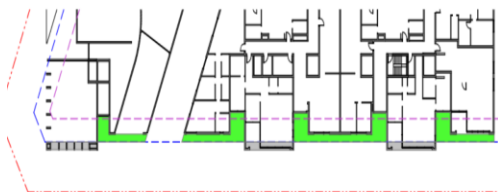
Comparison with Stage 1 Approval

The Stage 1 consent approved a nil setback for the basement levels, 6.5m setback to all new buildings facing Carrington Parade and Evans Street and an additional 3m to the upper levels.

A Comparative Analysis between the proposed development and the Stage 1 consent is demonstrated in Figures 5 and 6 below:



Figure 5 – Setbacks to Carrington Parade for Buildings A, B, & C



Building C (Lower Ground) & Building D (Upper Ground)

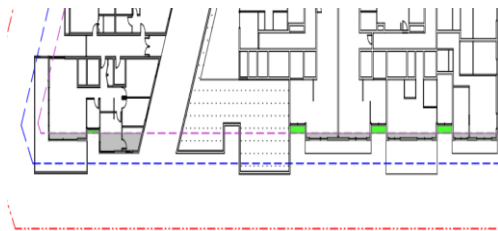
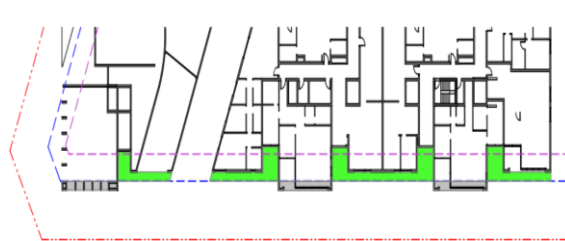


Figure Building C (Upper Ground) & Building D (Level 1)



Building C (Level 1) & Building D (Level 2))

Figure 6 – Setbacks to Evans Street for Buildings C and D

Legend for Figures 5 and 6

- The green shading represents where the proposal is 'giving back' the building footprint approved under DA2013/0412.
- The white shading represents where the proposal is consistent with the building footprint approved under DA2013/0412.
- The grey shading represents the proposed variations to the building footprint approved under DA2013/0412.

Source: Adapted by the author from the Statement of Environmental Effects prepared by Urbis

Merit consideration

In assessing this element of the proposal, it is necessary to consider the underlying

objectives of the control. Assessments of the proposal's non-compliance against the objectives of the control are addressed below:

- ***To create a sense of openness.***

When compared to the Stage 1 consent, the non-compliant elements relating to this proposal will be visible at an oblique angle from both street frontages, the design and careful placement of the buildings along the street frontages indicates that the encroachments will complement the overall design of the buildings and provide interest to the streetscape.

It is considered that the encroachments will provide a finishing detail to the development and provide architectural interest when viewed within the streetscapes in comparison to the Stage 1 consent. The non-compliant elements relating to all buildings are sufficiently setback and recessed from the front boundaries to facilitate a sense of openness.

The encroachments relating to the basement levels occurs below ground level and are not visible from the street or surrounding properties, therefore this element of the development will also not result in inconsistency with the requirement of this objective.

- ***To maintain the visual continuity and pattern of buildings and landscape elements.***

The impact of the development upon the streetscape, the proposal represents a significant improvement over the approved situation for this site, the non-compliances to all new buildings relate favourably to the streetscapes and maintain a visual interest that is consistent with other developments in the locality.

The decision of the JRPP in the determination of the Stage 1 DA for the top most levels of the new buildings to be setback an additional 3m was to ensure that the appearance of the buildings was consistent with the adjoining low density residential development and that the buildings did not appear as three storey residential flat buildings. This was particularly important for the buildings facing Carrington Parade. The design and placement of the buildings within the site will ensure that Building A and B (fronting Carrington Parade) will have the appearance of two storey buildings, as the ground level will sit below the street level and therefore not generally visible.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

While the non-compliant elements will be visible at an oblique angle from street frontages, the features and recessed facades will complement the overall design of the buildings and provide much improved elevations compared to the Stage 1 approval. The outcome is satisfactory as the design provides a finishing detail to the development and high quality architectural interest thereby enhancing the visual quality of the streetscape.

Conclusion on Front Boundary Setback

The proposal is considered to be consistent with the underlying objectives of the Front Boundary Setback Built Form Control. The variation is supported.

Conclusion on Built Form Controls

The assessment of the built form controls under *WDCP 2011*, (i.e. side boundary envelope, side setback, and front building setback), has found the proposal to be generally consistent with the relevant objectives of *WLEP 2011 / WDCP 2011* and the objectives specified in section 5(a) of the *EP&A Act*.

This assessment finds that the non-compliances relating to this proposal can be supported.

In consideration of the proposal and the merit consideration would the development maintain the ability for the development to be consistent with the:
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• Objectives of the <i>WDCP 2011</i> ?	YES
• Zone objectives of the <i>WLEP 2011</i> ?	YES
• Objectives of the <i>WLEP 2011</i> ?	YES
• Objects specified in s.5 (a) (i) and (ii) of the <i>EP&A Act</i> ?	YES

Based on a merit consideration, the circumstances of this application / site and an assessment of the proposal against the underlying objectives of the clause, is:	
• Compliance with the requirement unreasonable?	YES
• Compliance with the requirement unnecessary?	YES
• Is the proposal acceptable?	YES

C2 Traffic, Access and Safety

Assessments of the proposal with regard to the various requirements of this Clause are addressed as follows:

Traffic Generation

The applicant submitted a Traffic Impact Assessment with the application, which assessed the likely traffic impacts of the proposal on the adjacent road network due to additional traffic and parking demand generated by the development. The applicant's traffic report indicates that the proposal is expected to generate additional 119 and 284 vehicles per hour (two-way) during peak periods, which the traffic report advises is within an acceptable level and will not have a significant effect on the operation or amenity of the surrounding road network and its intersection.

This assessment is considered reasonable and adequate and Council's Traffic Section raises no concerns in relation to the proposed development on traffic grounds recognising that the proposal will be acceptable in relation to traffic impacts.

Overall, the increase in traffic generation associated with the proposed development is not considered to have a significant traffic impact on the adjacent road network and intersections nor on the amenity of adjoining and surrounding.

Traffic Safety

The proposed development provides a separate vehicular ingress and egress on the along Evans Street frontage. Applicant's Traffic Report indicates that the loading dock and car park ingress driveways are proposed to be located 38m and 48m from the intersection of Evans and Carrington Parade respectively. All vehicles will be required to turn left into the driveway and right out of the driveway.

The stopping sight distance on Evans Street was measured by Council's Traffic Engineers as 39m and 35m respectively. Both measurements indicate that the available stopping sight distance will not meet the minimum stopping sight distance of 63m for vehicles required by the Australia Standards (Ausroads).

Council's Traffic Section expressed concerns at the pre-lodgement meeting and in the assessment at the initial stages of the application about the proposed location of the driveway stating that:

“The Vehicular Entry is poorly located with respect to sight distance 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 Parade has to make a quick turn against the south bound traffic that would need to quickly brake where there is a car turning left into the entry or right from Evans Street”.

In response to this issue, the applicant's traffic consultant provided an additional Traffic Study on 11 September 2014 (prepared by GTA). The GTA report suggests the installation of a narrow centre median to ban the right turn into the proposed driveway. Council's Traffic Engineer raised further concerns about the installation of median, indicating that it would prevent vehicles on the driveways on the opposite side to turn left out into Evans Street.

In response to the above concerns, on 5 November 2014, a Peer Review Traffic Report (prepared by Arup) was submitted to Council. This Peer Review Report was prepared to address the issue relating to the location of the driveway access and has provided an alternate solution.

Council's Traffic Section reviewed the Peer Review Report (by Arup) and provided the following comments:

“This comment is to be read in conjunction to the previous traffic comments raised on the GTA traffic reports which identified a number of deficiencies in relation to traffic and safety.

We have reviewed the traffic letter/report from Arup Pty Ltd to the applicant Grant Harding dated 5 November 2014 title “Harbord Diggers Redevelopment Review of Traffic Engineering.

The main traffic and safety issues raised by Traffic and Road Safety (T&RS) are the inadequate stopping sight distances for the entry driveway and pedestrian safety concerns regarding access to the child care facility and the club.

Arup have recognised the deficiencies identified by T&RS and have in summary proposed the following to alleviate the concerns:

- 1. Raised the possibility of a 40km/h speed limit/environment to lower the length of no stopping sight distance requirements*
- 2. Widening of the carriageway and installation of a painted median turning centre lane to separate the left turn into the entry driveway from the west bound traffic to overcome the shortage in stopping sight distance.*
- 3. Installation of pedestrian refuge islands together with flush road paving treatment in Evans Street at either end of the club site*

Subject to the condition detailed in the deferred commencement condition the proposals outlined above will address the Traffic and Road Safety concerns and accordingly there are no objections to the proposal proceeding.

Having considered all the information and comments provided in relation to the location of access driveway, it is concluded that the concerns raised by Council's Traffic Engineer can now be addressed by way of deferred commencement condition, which has now been included within the recommendation of this report.

Pedestrian Access

The proposed development incorporates several entry points to the site for pedestrian access, which are satisfactorily located from a safety point of view. However, Council Traffic Section had originally raised concern regarding the pedestrian access to the proposed child care centre, which is proposed from Carrington Parade.

Following the submission of the additional information, Council's Traffic Section has indicated that the Installation of pedestrian refuge islands would satisfactory address the pedestrian safety concern, which has been included as deferred commencement condition.

Having regard to the above assessment, it is concluded that the development is consistent with the Requirements and Objectives of this Clause subject to deferred commencement conditions as recommended by Council's Traffic Section.

C3 Parking Facilities

Appendix 1 of the WDCP 2011 and SEPP (HSPD) 2004 requires a development to provide on-site car parking at the following rates (note: required car parking spaces are rounded up):

Proposed Land Use	SEPP and DCP rate	Required	Provided	Difference (+/-)
Seniors Housing	0.5 spaces per bedroom plus one visitor space per five units (97 units/234 bedrooms)	138 spaces Based on the SEPP (HSPD) 2004 rate	181 spaces 161 allocated to residents and 20 visitor spaces	+43 spaces
Registered Club including the associated facilities.	Comparison must be drawn	550 spaces Note: The traffic report submitted with the application provides a comparison to the existing club.	501 spaces	-49 spaces
Child Care Centre	one per every four children	23 spaces for 90 children	23 space	Nil
Total		711 spaces	705 spaces	- 6 spaces

As indicated above, the parking calculation indicates that the Club, with its associated facilities (including fitness and aquatic centres), will have short fall of 49 spaces on the site, however the residential component of the development will have a surplus of 43 spaces above the requirement of *SEPP (HSPD) 2004*.

The Traffic Report submitted (prepared by GTA) with the application argues that the patterns of parking accumulation for the Club use needs to be considered, given the fact that different uses on the site will give rise to different parking demands throughout the course of the day and week.

The justification in the Traffic Report relating to different uses on site and parking demands throughout the course of the day and week is concurred with, only in regards to the 23 spaces which are allocated to the proposed child care centre. The 23 parking spaces will be available for the use of the club during the weekends and during weekdays after the child care centre is closed for business.

The shortfall of the remaining 26 spaces for the use of the Club is still a concern, particularly in light of the fact that there is no justification provided by the applicant, for the surplus parking spaces for the residential component of the development and proposed shortfall for the Club component of the development.

The shortfall of 26 spaces for the Club use is not supported on the following grounds:

- The proposal offers a range of services within the club, which will generate additional parking demands. The Club and its associated facilities should therefore provide compliant car parking on site.
- The overall provision of car parking does not include adequate consideration for parking generated by the servicing needs of and the maintenance of site facilities and extensive landscaping. The need to provide the minimum parking requirement for the Club component is essential and it is not necessarily required for the residential component.

It is recommended that should the application be approved, a condition of development consent should be included, that requires that provision of car parking to be allocated to the different uses on site in the following manner:

- Senior Housing – 155 spaces
- Registered Club including the associated facilities – 527 spaces
- Child Care Centre – 23 spaces

Total Parking – 705 spaces

Subject to the above condition, the development is considered to be satisfactory with regards to the requirement for parking.

C3(A) Bicycle Parking and End of Trip Facilities

The development is for residential flat building which would require the total provision of 52.5 spaces for bicycle parking. Given the nature of the development, it is considered that adequate provision of bicycle parking is accommodated within either the basement storage areas or within the individual units.

The development satisfies the Objectives and Requirements of this Clause.

D3 Noise

Clause D3 of *WDCP 2011* states that "*Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB (A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses*".

Potential noise impacts on the surrounding community and within the development itself that may result from the proposal include:

- Noise from the operation of child care centre.
- Noise from day-to-day operation associated with development (including the use of the loading dock, the operation of the activities associated with the new registered club, the use of gym and aquatic centre, cafe/restaurant, outdoor seating area).
- Noise from air conditioning and mechanical services plant associated with the buildings.
- Noise between the seniors housing.
- Noise from traffic movement associated with both the day-to-day operation and performances of the development.
- Noise from the construction of the development.

An Acoustic Report has been prepared in support of the proposal. The report prepared by Acoustic Logic, dated 1 August 2014, presents the key findings of the acoustic assessment and has concluded that noises associated with development will comply with relevant standards and numbers of measures to further mitigate noise impact.

It is considered that, subject to inclusion of the recommended noise mitigation measures outlined in the acoustic assessment, the proposal will provide an acceptable environment for future residents. Any exceedances will be temporary, and the impact of such exceedance will be reduced through implementation of the noise mitigation measures. In the event the application is approved, conditions can be imposed on the consent requiring compliance with the recommendations of the acoustic assessment.

D7 Views

Four submissions were received from No. 14/69 Evans Street, No. 15/69 Evans Street, No. 16/69 Evans Street and No. 22 The Drive, Freshwater, which included concerns relating to view loss.

This view assessment has been undertaken having regard to these neighbouring properties and surrounding effected developments.

An inspection of these sites revealed the following features:

14/69 Evans Street

This property is located on the 7th floor of the residential flat building located at No. 69 Evans Street is an apartment to the south of the proposed development.

The apartment includes a continuous wrap-around balcony that has north, south and west aspects.

15/69 Evans Street

This property is an apartment located on the 8th floor of the residential flat building located at No. 69 Evans Street to the south of the proposed development.

The apartment includes a continuous wrap-around balcony that has north, south and east aspects.

16/69 Evans Street

This property is an apartment located on the 8th floor of the residential flat building located at No. 69 Evans Street to the south of the proposed development.

The apartment includes a continuous wrap around-balcony that has north, south and west aspects.

22 The Drive, Freshwater

This property is a dwelling house located to the north-west of the proposed development.

View Loss Assessment

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *'Tenacity Consulting Pty Ltd vs. Warringah Council (2004) NSWLEC 140'*, were applied to the proposal.

An assessment against the four principles is provided below:

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are

valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment on Principle 1:

14/69 Evans Street

The views to be affected from this property include distant and partially obstructed water views and headland views of North Curl Curl Headland.

15/69 Evans Street

The views to be affected from this property include distant water views and headland views of North Curl Curl Headland.

16/69 Evans Street

The views to be affected from this property include distant water views and headland views of North Curl Curl Headland.

22 The Drive, Freshwater

The views to be affected from this property are water views to the east and south east which area partially obstructed and distant water views and views of North Head.

The views to the east and south east are obtained across the existing Harbord Diggers Club site and are partially obstructed by the buildings and structures contained on the site.

2. What part of the affected property are the views obtained?

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment on Principle 2:

14/69 Evans Street

The views are obtained from the master bedroom and balcony located off the bedroom. Views are also obtained from the south-western corner of the balcony along the western elevation of the building.

Views are obtained from a standing position only.

15/69 Evans Street

The views are obtained from the master bedroom and balcony located off the bedroom. Views are also obtained from the south-western corner of the balcony along the western elevation of the building.

Views are obtained from a sitting and standing position. Views obtained from the sitting position are of less quality than those obtained in the standing position.

16/69 Evans Street

The views are obtained from the master bedroom and balcony located off the bedroom. Views are also obtained from the south-western corner of the balcony along the eastern elevation of the building.

Views are obtained from a sitting and standing position. Views obtained from the sitting position are of less quality than those obtained in the standing position.

22 The Drive, Freshwater

The building at No. 22 The Drive is a two-storey dwelling house and has east, southeast and northeast view corridors.

The principal living areas (kitchen, living and dining) are located on the first floor and currently enjoy ocean views to the north-east; ocean views to the east over the existing Harbord Diggers club site and has a minor view corridor to the south east of ocean and part of North Head.

Views are obtained from a sitting and standing position.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment on Principle 3:

14/69 Evans Street

The building located at No. 69 Evans Street is a residential flat building that is set on a north-south orientation. Unit 14 of No. 69 Evans Street has two openings at the northern and southern end of the apartment with large and useable balcony spaces and is located on the 7th floor.

The principal living areas (kitchen, living and dining) are located at the southern end of the apartment and include a large, primarily south facing balcony area. To the south, uninterrupted land and water interface views of Freshwater Beach are obtained, and to the south east, views of North Head including St Patrick’s Cathedral are obtained. These views will not be impacted upon by the development.

The main bedroom and balcony are located at the northern end of the apartment with distant water views over the top of the existing Harbord Diggers Club.

It is anticipated that as a result of the proposed development, the distant water views obtained from the master bedroom and balcony located off the bedroom will be lost.

However, based upon the retention of the highly valued land and water interface, North Head and St Patricks Cathedral to the southeast, the extent of view loss is considered to be negligible.

15/69 Evans Street

Unit 15 has two openings at the northern and southern end of the apartment with large and useable balcony spaces and is located on the 8th Floor.

The principal living areas (kitchen, living and dining) are located at the southern end of the apartment and include a large, primarily south facing balcony area. To the south, uninterrupted land and water interface views of Freshwater beach are obtained, and to the south east, views of North Head including St Patrick’s Cathedral are obtained. These views will not be impacted upon by the proposed development.

The main bedroom and balcony are located at the northern end of the apartment with distant water views over the top of the existing Harbord Diggers Club.

It is anticipated that as a result of the proposed development, the distant water views obtained from the master bedroom and balcony located off the bedroom will be lost.

However, based upon the retention of the highly valued land and water interface, North Head and St Patricks Cathedral to the southeast, the extent of view loss is considered to be minor.

16/69 Evans Street

Unit 16 has two openings at the northern and southern end of the dwelling with large and useable balcony spaces and is located on the 8th Floor.

The principal living areas (kitchen, living and dining) are located at the southern end of the apartment and include a large, primarily south facing balcony area. To the south, uninterrupted land and water interface views of Freshwater beach are obtained, and to the south east, views of North Head including St Patrick's Cathedral are obtained. These views will not be impacted upon by the proposed development.

The main bedroom and balcony are located at the northern end of the apartment with distant water views over the top of the existing Harbord Diggers Club.

It is anticipated that as a result of the proposed development the distant water views obtained from the master bedroom and balcony located off the bedroom will be lost.

However, based upon the retention of the highly valued land and water interface, North Head and St Patricks Cathedral to the southeast, the extent of view loss is considered to be minor.

22 The Drive, Freshwater

The views to the north east will be partially reduced as a result of Building A. However, ocean views over the top of the building and an unobstructed view corridor will be maintained.

The views currently obtained to the east and south east across the existing Harbord Diggers Club will be affected and reduced due to the new proposed buildings along Carrington Parade.

In this regard, the extent of view loss is considered to be negligible.

4. Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment on Principle 4:

Notwithstanding the non-compliances with Building Height Development Standard under the SEPP (HSPD) 2004, the development is considered to be consistent with that envisaged for the site under the Site Compatibility Certificate issued for the site and previous Stage 1 approval.

The identified non-compliance with the built form controls (under the WDCP 2011) and development standards are not considered to add any unreasonable additional impact in terms of view sharing.

The articulated and stepped built form provides an appropriate transition between the subject site and the low density character of the area and will fit reasonably within the local context, in terms of built form and scale and is considered to be consistent with the predominantly low density character of the area.

Overall, the proposal is considered reasonable and appropriate for the site and acceptable in this instance

D9 Building Bulk

The applicant submitted a Visual Impact Assessment (prepared by Architectus) in conjunction with the application, which assessed the potential visual and related amenity impacts of the proposed development.

The Visual Impact Assessment methodology used by the author is aimed at addressing the two issues relating to views from public domain and from private properties and how this development impacts these views; this report has been peer reviewed by GM Urban Design & Architecture Pty Ltd, dated August 2014. The GMU report concludes:

“The proposal has the potential to revitalize an aged and poor quality development that does not contribute to the area or streetscape. Overall the intent of the proposal is supported and will greatly improve the amenity of the streets and the architectural quality of the area.

In comparison with the Stage 1 DA the proposal achieves a far more successful resolution of the north eastern edge of the site and the headland. It also achieves an improved solution in terms of movement networks and architectural form.

The setbacks to the various streets are considered to be acceptable in comparison to the Stage 1 DA as overall the variation in façade depth and setback creates a more varied solution and a better response to the existing 'grain' of the area.

The landscape concept is appropriate to the site and a sensitive response to the heath land and will assist in integrating the scalloped courtyard spaces into the surrounding landscape. The provision of public and community facilities on the main access routes and with links to the parklands and headland is a positive outcome and the scheme invites public participation rather than closing the face of the development to it.

Overall the proposal is considered to meet the objectives and intent of the Stage 1 DA and to offer a generally improved outcome. The proposal is recommended to the consent authority for approval”.

On the basis of the GMU report submitted in support of the application, it is considered that the proposal will not substantially change the visual character of the area to that under the Stage 1 consent. It is agreed that the proposal will provide a better outcome for the site, as it provides a greater level of articulation and the breaking-up of the existing club building into two more highly articulated and resolved buildings which will significantly reduce the bulk and scale of the development and its associated visual impact and represents a development that is more site and locality responsive.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Section 5A of the *EP&A Act* requires Council to take into account the potential impacts of the development on any critical habitat, endangered ecological community or threatened species and their habitat.

The subject site is located within a mapped Wildlife Corridor identified in the *WDCP 2011*. The DA was accompanied by an Ecological Assessment (prepared by Eco Logical Australia) which assessed the likely impacts of the proposed development on flora and fauna. The report was originally prepared in 2012 for the Stage 1 consent but has since been reviewed and re-issued in July 2014 to address the impact of the current proposal.

The re-issued report retains the recommendation and finding of the 2012 report and concludes that due to no native vegetation or habitat being removed, a Biodiversity

Management Plan was not required. The report provides mitigation measures to be implemented prior, during and post construction to mitigate potential risks to these species.

The proposal and the Flora and Fauna report have been reviewed by Council's Natural Environment Unit, who raised no concerns or objections to the proposal subject to conditions endorsing the mitigation measures contained within the Flora, Fauna and Ecological Report. Accordingly, the proposed development is satisfactory with regard to ecological issues.

OTHER ASSESSMENT MATTERS

Adaptive Re-Use of the Existing Club Building

The proposed building heights relating to Buildings E and F are based on the characterisation of the development as an "*adaptive re-use of the existing Harbord Diggers Club building*"

The applicant has submitted with the application a 'Proposed Construction Methodology' (prepared by Enstruct), dated 31 July 2014, which provides basic construction methodology to retain and re-use the upper slab of the existing club building.

After a preliminary assessment of this information, Council raised concerns with the applicant. Council was not satisfied that the report adequately demonstrated that the existing club building could be adaptively re-used and further that more detailed information was requested on this matter.

The applicant responded to this request on 10 September 2014, by stating that more detailed information or a quantitative analysis is not required based upon the considerations outlined with the Planning Principle established by the Land and Environment Court in *Michael Hesse v Parramatta City Council [2007] NSWLEC 313*.

The applicant submitted a 'Structural Design Certificate for Adaptive Re-Use' (prepared by Enstruct), dated 1 September 2014, which certified that the portions of the existing roof slabs proposed to be retained and re-used in the redevelopment, are structurally adequate for the proposed usage and that the methods set out in the construction methodology would enable the slabs to be retained during construction works.

Further to the above, the applicant has provided the following as a suggested condition of consent to ensure that the building will be adaptively re-used:

- a) "*Prior to the issue of the relevant Construction Certificate a Structural Engineer must certify that elements of the existing structure are being adaptively reused*", and
- b) "*Prior to the issue of the relevant Occupation Certificate a Structural Engineer must certify that elements of the existing structure have been adaptively reused*"

The assessment of the adaptive re-use of the existing Club building has proceeded on this basis.

Planning Principle – Adaptive Re-Use

The Planning Principle of whether adaptive re-use is in the public interest was established in Land and Environment Court *Michael Hesse v Parramatta City Council [2007] NSWLEC 313*, where it states that to be in the public interest, an adaptive re-use must have an element of public benefit apart from resource conservation.

The judgement of Senior Commissioner Roseth states that to be in the public interest, one or more of the following must be present:

- The building is of historical or heritage value.

- The building is attractive and fits into its urban design context.
- The building is much loved by the community.
- The new use serves the public interest better than the existing use.

Comment:

Whilst this application is a separate and new application, the JRPP in granting consent to the Stage 1 DA effectively acknowledged that the adaptive re-use of the existing club building was in the public interest. In this regard, there are no justifiable or reasonable grounds for refusal of the application on the basis of adaptive re-use.

Given this application represents a far more appropriate design outcome for the site in terms of its urban design quality, in particular the reduction in building massing, breaking up of the existing building and separation of the building into two separate buildings, the adaptive re-use of the existing club building is supported in this instance subject to the condition as recommended by the applicant.

Views from the Public Domain

The assessment of view loss from the Public Domain has been established by the Land and Environment Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046* in the Land and Environment Court. This Planning Principal outlines a two stage process:

1. An identification of views.
2. An analysis of how these views would be affected if the development proceeds.

The judgement suggests factors to be considered in this analysis, such as whether there is any significance attached to the views or whether the views themselves attracts the public to particular locations.

The View Study submitted with the application provides a comparison between the Stage 1 consent. The comparison view study does in fact demonstrate that due to the increased level of articulation and breaking-up of the buildings, this will improve views of public domain.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The proposal is consistent with the principles of CPTED.

The application was referred to the NSW Police who did not stipulate any requirements

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan Contribution based on a total development cost of \$ 160,251,841		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 1,522,392
Section 94A Planning and Administration	0.05%	\$ 80,126
Total	1%	\$ 1,602,518

CONCLUSION

This report provides a comprehensive assessment of the DA for the redevelopment of the Harbord Diggers Club Site.

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

Community Consultation

The public exhibition of the DA resulted in a significant response from the community, including the 15 submissions which raised concerns and an overwhelming number of persons (107) who supported the proposal, plus the petition.

Those objecting to the proposal raised concerns primarily on the basis of the height and consequent visual, scenic and view impacts of the development, the non-compliances associated with the proposed development and the amount of additional traffic and parking impacts.

Those supporting the development raised the benefits of the revitalisation of the Harbord Diggers Club site, the provision of Seniors Housing on the site and the creation of an important gathering place for the community in the form of new and improved club facilities.

Assessment of the Development Application

The proposed land uses are permissible with consent pursuant to the provisions of SEPP (HSPD) 2004 and WLEP 2011 and the proposed development has been assessed in accordance with the current planning controls applying to the site, taking into consideration the Site Compatibility Certificate issued for this site by the Department and recognising the Stage 1 Approval (DA2013/0412) granted by the JRPP on 12 September 2013.

The proposed scheme has again been developed around the retention of the existing club building to take advantage of the existing structure and its height and as a result there are obvious non-compliances that arise with relevant planning controls that are applicable to the site. The report has assessed the merits of the adaptive re-use of the existing club building and the new buildings and has found that despite the significant departures from the current planning controls, the proposal is satisfactory. Importantly, this conclusion is based on the fact that these departures were already considered acceptable by the JRPP when it granted the Stage 1 consent.

The proposed development as a whole has been assessed in terms of its built form, urban design, and landscape quality to be a significantly improved outcome for this scenically and visually sensitive location to that approved under the Stage 1 Consent. Noticeably, the building forms are broken down more substantially to produce buildings which reflect a better contextual fit within the established character of the locality.

The assessment of the application concludes that in terms of planning, urban design, landscaping and character, the proposed development is a significant improvement in comparison to the approved building envelopes for the redevelopment under DA2013/0412. The proposal in its current form exhibits a high quality of architecture and overall aesthetics,

external finishes, landscaping and general design that represents a good opportunity to provide for appropriate urban renewal and revitalisation of this site.

In conclusion, this assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable or unacceptable impacts on surrounding, adjoining and nearby properties subject to the conditions contained within the recommendation.

In summary, the proposal is considered to be:

- Consistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979
- Consistent with the objectives of the relevant EPIs
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the DCP

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT, the Sydney East Region Joint Regional Planning Panel (JRPP) as the consent authority, grant Deferred Commencement Consent to Development Application No. DA2014/0875 for demolition and excavation works and construction of Seniors Housing, Registered Club, Childcare Centre and associated car parking and landscaping on land at Lot 12 DP 1197725, 80 Evans Street, Freshwater (Harbord Diggers Club Site), subject to the conditions contained in Attachment 1.