



Warringah
Council

7 August 2012

Mr Sam Haddad
Director General
Department of Planning & Infrastructure
GPO Box 39,
Sydney 2001

RECEIVED

10 AUG 2012

Director-General

Dear Sir,

Re: Site Compatibility Certificate for the Harbord Diggers Club Site at 80 Evans Street and 4A Lumsdaine Drive, Freshwater

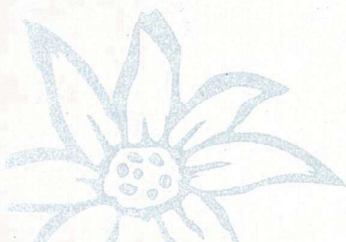
I refer to your letter dated 13 July 2012 concerning an application for a site compatibility certificate (SCC) under State Environmental Planning Policy (Housing for seniors or People with Disability 2004 for the abovementioned site.

Council's has assessed the application and has determined that the scale and built form sought by the proposal is not considered to be compatible with surrounding residential development. In this regard, please find Council's detailed assessment with regards to the set criteria under Clause 25 (5) (b) of the SEPP as an attachment to this letter.

Warringah Council appreciates the opportunity to make a submission and trusts that the issues raised will be duly considered in the assessment of the application by the Department. Should you wish to discuss the matters raised or require any further clarification, please do not hesitate to contact David Kerr, Group Manager Strategic Planning on 99422768.

Yours Faithfully

Rik Hart
**General Manager,
Warringah Council**



WARRINGAH COUNCIL SUBMISSION - SITE COMPATIBILITY CERTIFICATE FOR HARBORD DIGGERS SITE

INTRODUCTION – CURRENT DEVELOPMENT AND SITE CONTEXT

in considering the proposal, the following key features of the site and its location are identified:

- The site is located on a visually prominent headland between South Curl Curl Beach and Freshwater Beach and is visible from a range of local and more distant vantage points (for example Manly, Queenscliff Headland and North Curl Curl) .
- The Club is understood to have commenced development in the early 1960's and has grown into being what it is today. By current standards the 5 storey (approximate) monolithic style of building is considered unsympathetic to current planning objectives and the site's prominent headland location.
- 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 site adjoins McKillop Park to the north east which is a Crown Reserve.
- The surrounding development on the south-west side of Evans Street is characterised by apartment style housing. 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 to the west being elevated above the subject site.

KEY FEATURES OF THE APPLICATION

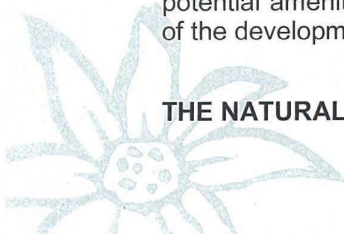
Council understands the key features of the application are as follows:

- Use of the site for seniors housing, which will comprise: a total of approximately 75 – 125 seniors independent living units (the final number of units to be determined through the detailed design in the Development Application). The proposal is seeking to retain the shell of the existing club building (which is approximately equivalent in height to a 5 storey residential flat building), and refurbish this for use as part of the residential component of the development;
- Provision of basement parking and provision of an internal vehicular drop off zone (to be determined through the detailed design with the DA);
- Construction of a new registered club building in the northern portion of the site;
- The provision of independent community facilities, such as a childcare centre; and
- Associated landscaping of the surrounding grounds, including a central area of communal open space.

SITE COMPATIBILITY CRITERIA

The criteria under Clause 25 (5) (b) of the Seniors Living SEPP have been used to provide a detailed assessment of the application. This assessment provides a comparison between the desired forms of development envisaged for this site versus that sought. Such an analysis will outline both the degree of variance with Council's strategic framework for this site and the potential amenity on surrounding residential properties as well as the visual and scenic impacts of the development on the Headland.

THE NATURAL ENVIRONMENT



- (i) *The natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.*

Comment: The site (where the proposed buildings are located) does not contain significant or natural unique environmental features.

Council's GIS system identifies the following hazards that are applicable to the subject site:

- The site is identified Land Slip Risk Map-Area B pursuant to WLEP 2011, which is defined by a slope of between 5° and 25°.
- The site is within the vicinity of coastal cliffs, which are listed as a local heritage conservation area in WLEP 2011.
- Warringah Development Control Plan identifies to be within the vicinity of a wildlife corridor that runs in the nearby conservation area. (DCP Map's on wildlife corridor are available on Council's website)

Any proposed development will be required to be analysed and supported by expert reports with regards to the above hazards. The reports are to be submitted with the Development Application.

IMPACT ON THE LIKELY FUTURE USES OF THE LAND

- (ii) *The impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land.*

Comment: The use of the site as seniors living accommodation is not a permissible use within the R2 low density residential zone under the local planning controls applicable to this site. Although, the site permits a registered club, the zoning being R2 low density residential is reflective of its scenic, visually sensitive character and the intensity of development considered appropriate for such a location.

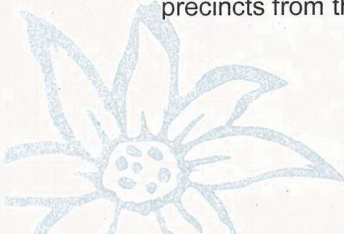
The Seniors Living SEPP is a State wide planning policy and allows a density of development not necessarily reflected in local planning instruments. The intensity of development proposed (for example, five storey building height) exceeds both the planning controls and the SEPP and the LEP.

In summary, it is found that the intensity of development proposed is not compatible with the intended use of the site, and this would adversely impact the sensitive coastal location. These issues are further discussed in response to the criteria Clause 25 (5) (b) (v) over the page.

THE AVAILABILITY OF SERVICES AND INFRASTRUCTURE

- (iii) *The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.*

Comment: The site is located approximately 700m from Freshwater Village which provides services and infrastructure. Although, compliance with the requirement of Clause 26 of the SEPP is technically achievable, detailed information would be required to be submitted with the Development Application to demonstrate that adequate public transport is available to these precincts from the subject site.



IMPACT ON THE PROVISION OF LAND FOR OPEN SPACE OR SPECIAL USES

- (iv) *In the case of applications in relation to land that is zoned open space or special uses-the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development.*

Comment: The site is not zoned for open space or special uses, however the adjoining land on the headland and coastline is zoned RE1 Public Recreation. The proposed re-development of the site will have no impact on the adjoining RE1 Public Recreation.

It is noted that the adjoining car park, which is currently licensed by the club from the Crown, will be returned to public use. By way of notation, any works proposed within the adjoining car park will require owners consent from the Department of Land.

THE IMPACT THAT THE BULK, SCALE, BUILT FORM AND CHARACTER

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*

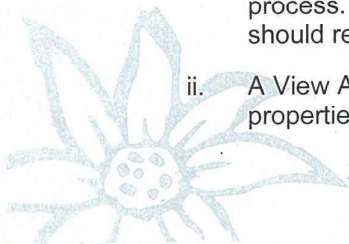
Comment: The surrounding development generally is characterised by apartment style development to the south and development to the west and north-west is generally characterised by detached style dwellings interspersed with older townhouse developments. Whilst some townhouse and apartment style housing is located in the vicinity of the site. The zoning of the site being R2 – “Low Density Residential” and the applicable built form controls, do not provide for or encourage additional townhouses or apartment buildings in the locality. The R2 zone anticipates that future development within the R2 zone should be similar in scale and have the appearance to detached style housing, which is the predominant for low density housing.

The scale and intensity of proposed development provided on this site (being in the most prominent location both in terms of scenic and visually) will therefore be a key factor in shaping the identity or the character of the area. There is insufficient information provided within the SCC application for Council to provide accurate comments on the bulk, scale, built form of the proposed development. Nevertheless, a basic analysis is provided below:

- The proposed development will be in the form of residential flat buildings (ranging from 2 -5 storeys with basement parking), mostly to be accommodated within the exiting building envelope, which exceeds the allowable building height under both the SEPP and WLEP 2011.
- The setback provided to all three (3) street frontages is not consistent with built form control relating to front setback for the locality. Further, there is also inadequate setback provided to the adjoining McKillop Reserve, to allow adequate softening of the visual impact of the proposed building bulk.
- The application includes buildings which are not consistent with the character of the area and the development does not maintain the visual pattern and predominant scale of detached housing in the locality, which is the overwhelming character of the R2 zone.

In response to these issues, Council recommends the following issues should be carefully considered with regards to the proposed development on this site:

- i. The issue of replicating the existing height needs to be thoroughly explored in the design process. If the proposal seeks to remove existing development and redevelop the site it should respond, amongst other things, to current planning controls applicable to the site;
- ii. A View Analysis Report is to be prepared to determine view loss impacts on the adjoining properties as well as from the public domain;



- iii. The appearance of the buildings should be in form of detached style building, providing substantial setbacks to all three (3) street frontages as well as the adjoining reserve;
- iv. An adequate landscape buffer is to be provided around the development to allow for the provision of landscaping which is to commensurate with the height and scale of the development; and
- v. The subject site generally falls from Evans Street to Lumsdaine Drive, with the steepest portion of the site located between the northern side of the Club building and carpark and Lumsdaine Drive. The height and bulk of development, particularly on the downhill side, is to be minimised by stepping the design down the site to ensure the appearance of the buildings are generally two storeys.

Based on the above, it is concluded that buildings of this scale are not consistent with the bulk, scale and the character of the surrounding area and is likely to detract from the visual quality of the headland.

In this respect the proposal is not found to be compatible with surrounding development and that these matters should be addressed in the Department's determination of the SCC application.

THE DEVELOPMENT MAY INVOLVE CLEARING OF NATIVE VEGETATION THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 12.

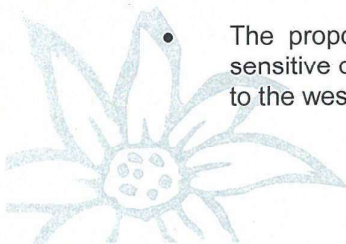
- (vi) *If the development may involve the clearing of native vegetation that is subject to the requirements of Section 12 of the Native Vegetation Act 2003 – the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

Comment: The proposed redevelopment of the club site is not expected to require the clearing of significant native vegetation as the site has already been extensively developed. However, it is noted that the surrounding Headland may contain pockets of threatened native vegetation species or ecological communities. This needs to be assessed and analysed by expert report at the Development Application stage.

CONCLUSION

Having considered the application in accordance with the criteria of 25(5) of the SEPP, there are a number of issues identified particularly:

- The maintenance 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 LEP 2011, any future redevelopment of the site should be more sympathetic with contemporary planning objectives and design standards.
- The proposal 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.

For the above reasons, the proposal is not found to be compatible with two of the five criteria under Clause 25 (5) (b) of the Seniors Living SEPP. It is requested that these matters be addressed in the Department's determination of the SCC application. If the Department considers that site is suitable for the proposed development and approves the compatibility certificate, Council requests that the issues raised herein be included as conditions of any approval.

