

REPORT TO DEVELOPMENT UNIT - WLEP

Meeting held on 01 June 2017

80 Evans Street Freshwater - Modification of Development Consent DA2014/0875 granted for Demolition and Excavations works and Construction of Seniors Housing Registered Club Childcare Centre and associated carparking and landscaping Harbord Diggers Club site

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2017/0063
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 12 DP 1197725, 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2014/0875 granted for Demolition and Excavations works and Construction of Seniors Housing Registered Club Childcare Centre and associated carparking 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:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Craig Nguyen

Application lodged:	17/03/2017
Application Type:	Local
State Reporting Category:	Other
Notified:	06/04/2017 to 26/04/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	30
Recommendation:	Approval

ASSESSMENT INTRODUCTION

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The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 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 Environmental Planning and Assessment Act 1979, 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 (upto 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

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Development Control Plan - C8 Demolition and Construction

Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site is a large land holding on the Freshwater Beach Headland and is bound by Carrington Parade, Evans Street and Lumsdaine Drive.</p> <p>The site is upon land zoned for R2 low density residential development and benefits from existing use rights.</p> <p>Surrounding developments consist of residential buildings varying from residential flat buildings to detached dwelling houses.</p> <p>Presently the site is undergoing a period of construction for a major redevelopment.</p>

Map:



SITE HISTORY

This Section 96 application is a modification to the approved Development Application No. 2014/0875.

DA 2014/0875 was approved by the Sydney East Region Joint Planning Panel (JRPP) on 1 December 2014 for demolition and excavation works and construction of Seniors Housing, a Registered Club, childcare centre and associated carparking and landscaping. The site has been and would continue to be colloquially known at the Harbord Diggers Club.

Since the approval of this parent development application, several other Section 96 applications have come before Council, notably:

MOD 2016/0293 for extended working hours including:

- Monday to Friday Extend working time from 5.00pm to 6.00pm for completion of concrete pours;
- Monday – Friday Extend Working Time from 5.00pm to 8.00pm For internal finishing works once facade is installed;
- Saturdays Extend working Time from 1.00pm to 3.00pm General working including completion of concrete pours; and
- Saturday Extend working hours from 1.00pm to 4.00pm internal finishing once façade works complete.

39 submissions were received in relation to the application.

The modification application was subsequently withdrawn on 15 December 2016.

PROPOSED DEVELOPMENT IN DETAIL

The subject application is pursuant to Section 96 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and seeks to modify the development consent granted for DA2014/0875.

Specifically, the application wants to modify condition No. 6 General Requirements - (Part a) which reads:

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- a) *Unless authorised by Council:
Building and construction and delivery of material hours are restricted to:*
- a. *7.00 am to 5.00 pm inclusive Monday to Friday,*
 - b. *8.00 am to 1.00 pm inclusive on Saturday,*
 - c. *No work on Sundays and Public Holidays*

This application seeks to amend this condition to read as follows:

- a) *Unless authorised by Council:
Building and construction and delivery of material hours are restricted to:*
- a. *7.00 am to 5.00 pm inclusive Monday to Friday,*
 - b. *8.00 am to 1.00 pm inclusive on Saturday,*
 - c. *No work on Sundays and Public Holidays*
- With the exception of the following;*
- *Monday - Friday - extend working time from 5.00 pm to 8.00 pm for internal finishing works once facade is installed,*
 - *Saturday - extend working hours from 1.00 pm to 4.00 pm for internal finishing once facade works are complete.*

The Extended Hours Acoustic Report accompanying the application indicates that the 'internal finishing / works' comprise of the following:

- Installation of plasterboard ceilings;
- Painting;
- Tiling and joining;
- Laying carpet; and
- Installation of internal services; and also includes
- No deliveries are permitted after 5.00 pm week days.

This application has not applied for, nor does this assessment report grant any consent for modification to the approved built form of the development.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:
The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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,

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persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2014/0875, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2014/0875
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Public Exhibition" in this report.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments

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Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> 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 was submitted with the original application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter has been addressed via a condition in the original consent.</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 Warringah Development Control Plan section in this report.</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject 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 30 submission/s from:

Name:	Address:
Mr Jeroen Rodenberg	7 / 73 Evans Street FRESHWATER NSW 2096
William Rhodes Kugler Jr	14 / 69 Evans Street FRESHWATER NSW 2096
Ms Kate Casey	
Ms Kim Bowman	44 Oceanview Road FRESHWATER NSW 2096
Mr Richard Herring	65 Evans Street FRESHWATER NSW 2096
Mr Craig Meichen	28 / 73 Evans Street FRESHWATER NSW 2096
Friends Of Freshwater Inc	4 Marmora Street FRESHWATER NSW 2096
Mr Ross Phillips	15 / 69 Evans Street FRESHWATER NSW 2096
Mr Peter Davies	12 / 69 Evans Street FRESHWATER NSW 2096
Mr Graham Craig Opie	16 The Drive FRESHWATER NSW 2096
Mr Kieran Duncan	10 / 67 Evans Street FRESHWATER NSW 2096
Mrs Bianca Hussey	28 / 73 Evans Street FRESHWATER NSW 2096
Paul Kearney	20 / 69 Evans Street FRESHWATER NSW 2096
Ms Rachel Bourne	
Mrs Megan Jan Keogh	1 / 52 Oceanview Road FRESHWATER NSW 2096
Sjoerd Van Der Meulen	6 Rupari Place BELROSE NSW 2085

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Name:	Address:
Ms Danielle Roodnat	20 / 73 Evans Street FRESHWATER NSW 2096
Mr Bart Van Der Smissen	20 / 73 Evans Street FRESHWATER NSW 2096
Mrs Maeve Mary May	4 Seddon Hill Road FRESHWATER NSW 2096
Mr Brian Patrick Dunphy	3 / 529 Pittwater Road BROOKVALE NSW 2100
Duncan Armour	15 Winbourne Street WEST RYDE NSW 2114
Miss Charlotte Dewar	13 / 73 Evans Street FRESHWATER NSW 2096
Mr Robin Patrick	13 / 73 Evans Street FRESHWATER NSW 2096
Mr Dominic Bauer	17 / 73 Evans Street FRESHWATER NSW 2096
Mr Tyrone Trevor Mullens	C/- Mark Hurcum Design Practice 271 Alfred Street, NORTH SYDNEY NSW 2060
Ms Kerry Downes	3 / 43 Oceanview Road FRESHWATER NSW 2096
Bruce Rowan Craven Catherine Elizabeth Craven	48 Oceanview Road FRESHWATER NSW 2096
Mr Jeremy Thomas May	22 Wedgewood Crescent BEACON HILL NSW 2100
Ms Johanna Maria Reynolds	22 The Drive FRESHWATER NSW 2096
Ann Elizabeth Sharp	77 Brighton Street CURL CURL NSW 2096

Two submissions received did not have an identifiable address of the Objector, hence the blank spaces in the table above. Whilst these submissions do not satisfy the requirements of Cl. A.7 *Notification* of the WDCP 2011 *Consideration of submissions*, the matters raised have been considered and addressed below.

The following issues were raised in the submissions received during the exhibition period of the application:

Acoustic Impacts

Concern has been raised about the potential acoustic impacts that could arise from the proposed extended construction hours.

Given that the scope of proposed works are for internal finishing and internal works, as listed in the endorsed Acoustic Report, it is considered that these works which are the sole subject of this assessment will not have any significantly unreasonable nor detrimental amenity impact upon the surrounding land owners.

Notwithstanding the above, the recommendations of this report do not endorse the proposed hours, and reduce that of the proposed. Further, conditions are included requiring a reduction in the level of noise generated and the requirement for a 24/7 manned hotline phone number to be issued to all surrounding residents which will contribute to ensuring that the additional internal fit-out hours are not or detriment to surrounding residents.

On-Going Construction Impacts (past and present)

Many submissions received for this application discussed the on-going issues which residents have had with the construction and re-development of the subject site. Specifically, the submissions noted that the existing construction hours are not adhered to despite compliance action being taken.

The receipt of these submissions relating to the historical construction impacts do not hold determining weight in the assessment of the application, and neighbouring residents are encouraged to immediately alert Council should any of the conditions of consent be contravened. Further to this, the conditioned hotline as discussed above will contribute to the community having a direct line of communication to the developer which is available to Council upon

request.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments																		
Development Engineers	The proposal for extended construction hours is not a matter for consideration by Development Engineers. In this regard the proposal should be assessed by the relevant Council officer.																		
Environmental Investigations (Industrial)	<table border="1"> <tr> <td>Is the proposal for an industrial use?</td><td>YES</td></tr> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>YES</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>YES</td></tr> <tr> <td>Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal - Mechanical ventilation</td><td>YES</td></tr> <tr> <td>Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.</td><td>YES</td></tr> <tr> <td>If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?</td><td>NO</td></tr> <tr> <td colspan="2"> General Comments No objections to the extension of hours subject to conditions. </td></tr> <tr> <td>Recommendation</td><td>APPROVAL - subject to conditions</td></tr> <tr> <td colspan="2"> Comments completed by: Mary Shimon Date: 7 April 2017 </td></tr> </table>	Is the proposal for an industrial use?	YES	Was sufficient documentation provided appropriate for referral?	YES	Are the reports undertaken by a suitably qualified consultant?	YES	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal - Mechanical ventilation	YES	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO	General Comments No objections to the extension of hours subject to conditions.		Recommendation	APPROVAL - subject to conditions	Comments completed by: Mary Shimon Date: 7 April 2017	
Is the proposal for an industrial use?	YES																		
Was sufficient documentation provided appropriate for referral?	YES																		
Are the reports undertaken by a suitably qualified consultant?	YES																		
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal - Mechanical ventilation	YES																		
Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES																		
If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO																		
General Comments No objections to the extension of hours subject to conditions.																			
Recommendation	APPROVAL - subject to conditions																		
Comments completed by: Mary Shimon Date: 7 April 2017																			

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are

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External Referral Body	Comments
	raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Infrastructure) 2007

Ausgrid

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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
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

This application is for a change of construction hours only, and therefore does not warrant as assessment of the

applicable Principal Development Standard clauses.

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

The subject development is permissible as per Schedule 1 *Additional Permitted Uses* of the WLEP 2011 Cl. 13 which reads:

13 Use of certain land at Lumsdaine Drive, Freshwater

(1) *This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as "Area 13" on the Additional Permitted Uses Map.*

(2) *Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent.*

Warringah Development Control Plan

Built Form Controls

This application is for a change of construction hours only, and therefore does not warrant an assessment of the applicable Built Form Control clauses.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes

Detailed Assessment

C8 Demolition and Construction

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*

Comment:

The acoustic report that accompanies the development application recommends a range of mitigation measures to ensure that the internal works subject to the extended working hours do not have any unreasonable impact on the surrounding amenity. Further, the recommendations of this consent provide further avenues for members of the public to notify both Council and the developer of any amenity impacts that may occur, by virtue of a 24/7 hotline phone.

Whilst the proposed hours are outside that of Council's general construction hours, they are not dissimilar to those found within the 2009 NSW Department of Environmental and Climate Change *interim Construction Noise Guideline*, which stipulates that the recommended standard hours for construction be limited to:

Monday to Friday - 7:00am - 6:00pm; and
Saturday - 8:00am - 1:00pm.

Given that the scope of works subject of this assessment relate to internal fit-out and finishing works only, it is considered that the additional hour atop of the recommended Monday - Friday finish time as per the above guideline is not unreasonable and is without any unreasonable amenity impacts upon the land. Further, the additional internal fit-out and finishing work hours on Saturday will be during times when the area is active with cars and pedestrian activity. As such, the hours would not be considered to have any unreasonable impact on surrounding amenity nor pedestrian or road safety or the natural environment.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

N/A

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The additional construction hours sought for have been considered with respects to the amenity impacts which may effect surrounding residential receivers.

The acoustic report which accompanies the development application stipulates that the proposal is for internal fit-out works only, and details mitigation measures as to how to prevent any unreasonable acoustic impacts.

The recommendations of this report endorse the recommendations of the accompanying acoustic report, but reduce the proposed hours to a more reasonable level. Conditions relating to the level of noise which may be generated from the site have been implemented, as well as the requirement for a 24/7 manned hotline to log and respond to complaints from neighbouring properties. The log is required to be maintained and is to be available to Council at any time.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

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.

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 impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2017/0063 for Modification of Development Consent DA2014/0875 granted for Demolition and Excavations works and Construction of Seniors Housing Registered Club Childcare Centre and associated carparking and landscaping Harbord Diggers Club site on land at Lot 12 DP 1197725,80 Evans Street, FRESHWATER, subject to the conditions printed below:

Modify Condition No. 6 - General Requirements (Part a) - to read as follows:

Unless authorised by Council:

Building and construction and delivery of material hours are restricted to:

- a. 7.00 am to 5.00 pm inclusive Monday to Friday;
- b. 8.00 am to 1.00 pm inclusive on Saturday;
- c. No work on Sundays and Public Holidays.

With the exception of the following;

- Monday - Friday - extend working time from 5.00 pm to 7.00 pm for internal finishing works once facade is installed;
- Saturday - extend working hours from 1.00 pm to 4.00 pm for internal finishing once facade is installed.

Add Condition No. 45A - Noise Impact on Surrounding Areas - to read as follows:

Any noise from the premises during the extended working hours shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environmental Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

Add Condition. No. 45B - Acoustic Report - to read as follows:

All recommendations made in the Acoustic Report (*Extended Working Hours Acoustic Report* by ref. 20160551.3 Acoustic Logic dated 30 November 2015) must be implemented in order to achieve compliance with this consent, with the exception of Cl. 7.13 (p.18) which is to be deleted from the report.

Reason: To protect the acoustic amenity of neighboring properties (DACHPGOG5)

Add Condition. No. 45C - Acoustic Report - to read as follows:

A 24 hour hotline phone number is to be distributed to all surrounding residential premises and is to be manned at all times. Evidence that the number has been distributed to surrounding residential premises is required to be submitted to Council prior to the commencement of the extended internal fit-out hours.

Complaints received through the hotline are to be logged and provided to an acoustic engineer for potential

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corrective action. The log is to detail who made the call, at what time/date, what the complaint was and what action has been taken.

The log is to be available to Council upon request and will be considered in future Section 96 applications.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP and WDCP 2011.
(DACPLB02)

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ATTACHMENT A

No notification plan recorded.

ATTACHMENT B











	Notification Document	Title	Date
	Notification Map		

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ATTACHMENT C

Reference Number	Document	Date
 2017/082992	Report - Noise	14/03/2017
 2017/082918	Report - Statement of Environmental Effects	14/03/2017
 2017/082991	Report - Construction Management	14/03/2017
 MOD2017/0063	80 Evans Street FRESHWATER NSW 2096 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	17/03/2017
 2017/075779	DA Acknowledgement Letter - Craig Nguyen	17/03/2017
 2017/082916	Modification Application Form	24/03/2017
 2017/082917	Applicant Details	24/03/2017
 2017/092142	Environmental Investigations (Industrial) - Assessment Referral - Mod2017/0063 - 80 Evans Street FRESHWATER NSW 2096	31/03/2017
 2017/092147	Environmental Investigations (Industrial) - Assessment Referral - Mod2017/0063 - 80 Evans Street FRESHWATER NSW 2096	31/03/2017
 2017/095100	Building Assessment Referral Response	03/04/2017
 2017/095339	Notification Map	05/04/2017
 2017/095833	DELETE	05/04/2017
 2017/095879	Notification Letter - Mod - 1004 (includes Council)	05/04/2017
 2017/099551	Online Submission - Rodenberg	08/04/2017
 2017/100508	Online Submission - Kugler	10/04/2017
 2017/101712	Environmental Health and Protection Referral Response - commercial use	11/04/2017
 2017/101719	Environmental Investigations Referral Response - industrial use	11/04/2017
 2017/103061	Online Submission - Casey	12/04/2017
 2017/103822	General query - Submission - Bowman	12/04/2017
 2017/104198	Online Submission - Herring	12/04/2017
 2017/105047	Submission - Friends of Freshwater Inc	13/04/2017
 2017/104582	Online Submission - Meichen	13/04/2017
 2017/105216	Online Submission - Phillips	13/04/2017
 2017/105825	Online Submission - Davies	14/04/2017
 2017/105827	Online Submission - Opie	15/04/2017
 2017/105828	Online Submission - Duncan	15/04/2017
 2017/105829	Online Submission - Hussey	16/04/2017
 2017/105830	Online Submission - Kearney	17/04/2017
 2017/106529	Online Submission - Bourne	18/04/2017
 2017/107622	Online Submission - Keogh	18/04/2017
 2017/107633	Online Submission - Van Der Meulen	18/04/2017
 2017/107634	Online Submission - Roodnat	18/04/2017

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	2017/107635	Online Submission - Van Der Smissen	18/04/2017
	2017/108584	Online Submission - May	19/04/2017
	2017/109438	Online Submission - Dunphy	19/04/2017
	2017/110688	Online Submission - Armour	20/04/2017
	2017/110922	Submission Acknowledgement Letter - Friends Of Freshwater Inc - SA2017/105047	21/04/2017
	2017/111527	Online Submission - Dewar	21/04/2017
	2017/111528	Online Submission - Patrick	21/04/2017
	2017/112119	Online Submission - Bauer	21/04/2017
	2017/112122	Online Submission - Mullens	22/04/2017
	2017/112955	Submission - Downes	24/04/2017
	2017/113582	Submission - Craven	25/04/2017
	2017/114066	Online Submission - May	26/04/2017
	2017/114093	Online Submission - Reynolds	26/04/2017
	2017/114104	Online Submission - Sharp	26/04/2017
	2017/119364	Online Submission - Hunt	01/05/2017
	2017/128401	Development Engineering Referral Response	09/05/2017

PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.