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30 September 2021

General Manager  
Northern Beaches Council  
Pittwater Road  
DEE WHY NSW 2097

Dear Sir/Madam,

## **STATEMENT OF ENVIRONMENTAL EFFECTS - PROPOSED AWNINGS AT WATERMARK FRESHWATER, HARBORD DIGGERS**

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of CHROFI to support a development application (**DA**) for minor additions to the approved Watermark Freshwater Development, adjoining Harbord Diggers Club at 68-90 Evans Street Freshwater.

The application seeks development consent for the addition of three proposed awnings on Level 3 and 4 of Building E to the private outdoor space of residential units. The SEE identifies:

- Identification of site and locality.
- Description of the proposed development.
- Assessment of the proposal against all relevant state and local controls.

This SEE is accompanied by the following documentation:

- Architectural Drawings prepared by CHROFI (**Appendix A**);
- Clause 4.6 variation prepared by Urbis (**Appendix B**)
- Cost Summary Form;
- Owners Consent.

### **1. SITE AND SURROUNDING CONTEXT**

The proposed development site is located at 68-90 Evans Street Freshwater and is legally described as Lot 20 in Deposited Plan 1242304. It is irregular in shape and has an approximate total area of 15,696m<sup>2</sup>. The site is owned by Mounties Group (101 Meadows Road, Mt Pritchard NSW)

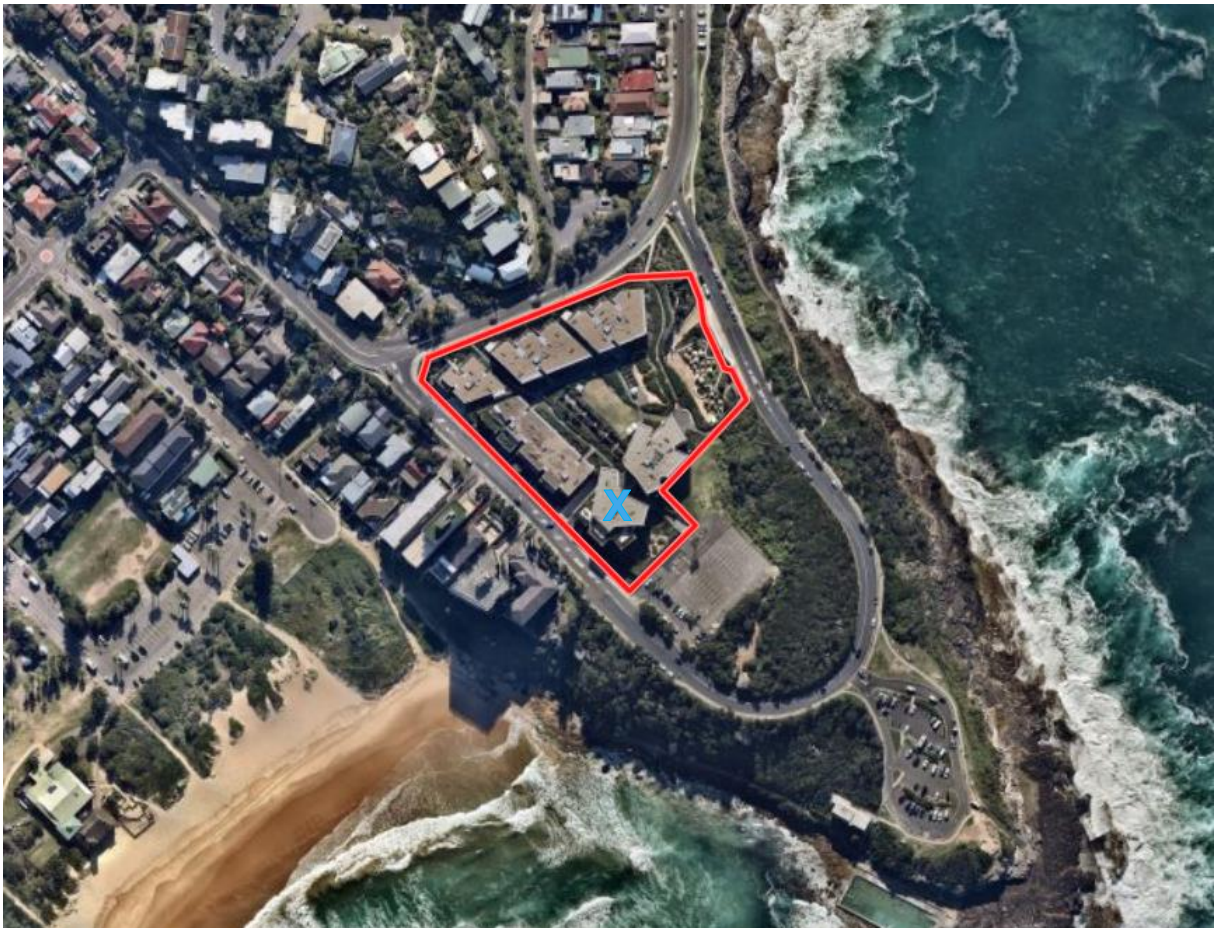
The Harbord Diggers Club site is located in a prominent location on the coastal headland between Freshwater and Curl Curl Beach. It is surrounded by a mix of residential development of varying forms and density and bounded by Carrington Parade (north), McKillop Park and at grade car park (south),

Lumsdaine Drive (east) and Evans Street (west). The subject site is outlined in red in the aerial context image and Building E is marked X in the **Figure 1** below.

The proposed works are located along the most southern point of the site bounded by Evans Street.

Item I65 Duke Kahanamoku Statue and Memorial Park is a listed local heritage item under Schedule 5 of Warringah Local Environmental Plan (WLEP) 2011 and is located to the southeast of the site. This item is located adjacent to the existing open (leased) Harbord Diggers carpark and approximately 60 metres from the club building. Also, located at approximately 100 metres from the club land is Heritage Conservation Area C14 - Coastal Cliffs, which is also listed in Schedule 5 of WLEP 2011.

Figure 1 Aerial view of the site (area of the proposed works indicated by the blue cross)



Source: Six Maps

## 1.1. SITE HISTORY

Multiple development applications have been approved for the site to achieve the club use and mixed use development currently on site, with the following of note:

- A development application was proposed and approved (DA2013/0412) on 16 September 2013 for stage 1 building envelope and redevelopment of the site;
- A substantial redevelopment of the Club was proposed and approved (DA2014/0875) on 1 December 2014 and modified in 2015 (MOD2015/0152) for:

*Demolition and Excavation works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated carparking and landscaping (Harbord Diggers Club site).*

Further modified in 2017 (MOD2016/0298):

*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).*

Further modified in 2017 (MOD2017/0063):

*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.*

Further modified in 2020 MOD2020/0312:

*A modification application was proposed and approved for demolition and excavation works for construction of seniors housing, registered club, childcare centre and associated car parking.*

- A development application was approved (DA2019/1066) for the construction of awning and pergola structures for the senior housing development;
- A development application was approved (DA2020/1233) for the alteration and addition to the central open space on the Club land to formalise use of bowling green;
- A development application was approved (DA2021/0749) for the addition of a shade structure over the Porte-cochere.

## 2. PROPOSED DEVELOPMENT

This DA seeks approval for the installation of three canopy awnings for Building E of the Watermark Freshwater. Building E is located on the south eastern end of the Watermark Freshwater, fronting Evans Street as marked X in **Figure 1** above. One of the proposed awnings is located on Level 3 and is west facing. The remaining two awnings are proposed on Level 4 facing south and east overlooking Evans Street. The awnings will enhance liveability and useability of the terrace for the residence of the apartments.

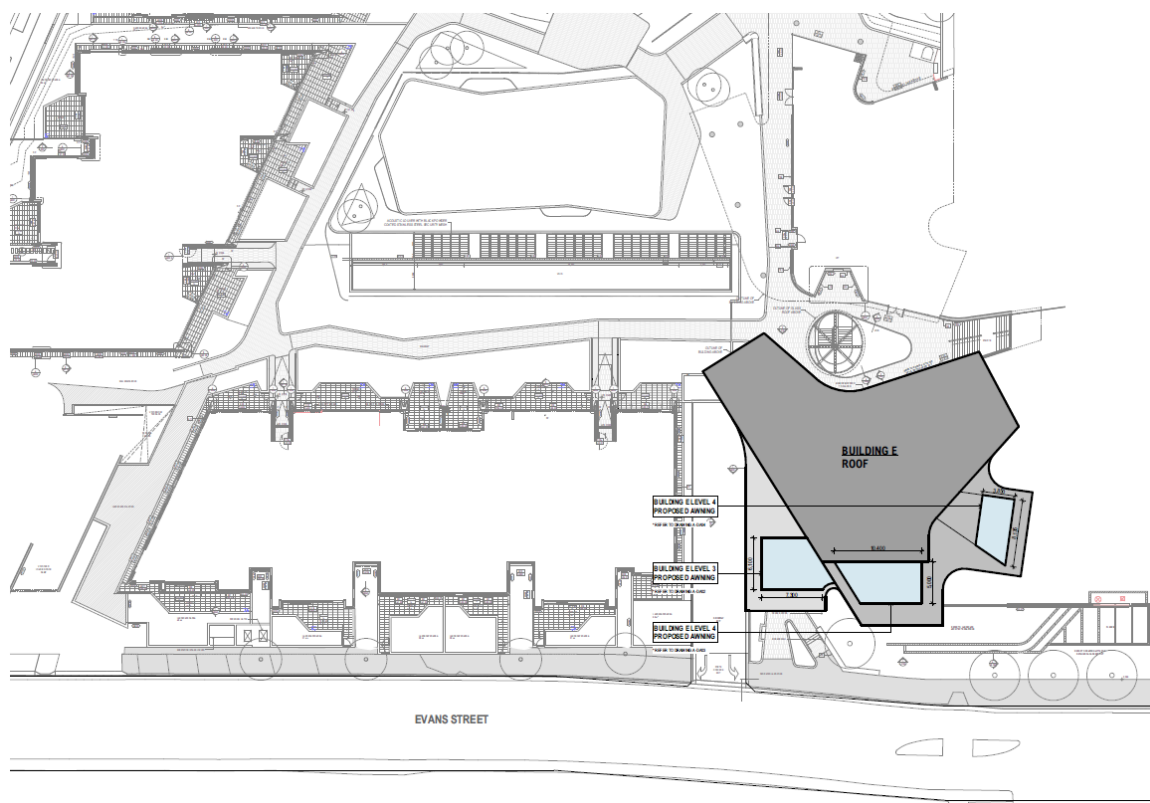
The details of the proposed awnings for Building E are as follows :

- Level 3 West awning – retracting from the balcony entry an area of approximately 6,100 x 7,300 with a height of 2,940 (above FFL);
- Level 4 South awning – retracting from the balcony entry an area of 5,390 x 8,800 with a slanted height of about 2,520 (above FFL)

- Level 4 East awning – placed on the balcony frontage with an area of 8,135 x 3,850 with a minimal slanted height of 2,520 (above FFL).
- Awning structure is proposed to be a fixed frame to provide support for the retractable section. The material will be a dark Anodized Aluminium that is intended to compliment the existing colours and materials of the building design (see material in **Figure 3 and Appendix A**).
- The retractable awning fabric will provide shading and will be beige in colour, lightweight and in form and compatible with the coastal environment (see material in **Figure 3 and Appendix A**).

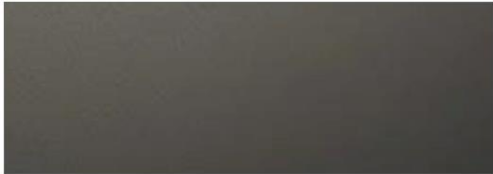
A Waste Management Plan will be provided prior to construction commencing, if required.

Figure 2 Site plan location of the three proposed awnings (blue shading)



Source: CHROFI

Figure 3 Proposed materials for the awning structure



AWNING FRAME: ANODIZED ALUMINIUM  
(TO MATCH BLD E DARK FRAME DETAILS)



AWNING FABRIC: BEIGE

Source: CHROFI

### 3. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act).

#### 3.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments, including:

- State Environmental Planning Policy No 65 (Design Quality of Residential Development);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004;
- Warringah Local Environmental Plan 2011 (WLEP 2011); and
- Warringah Development Control Plan 2011 (WDCP 2011).

##### 3.1.1. State Environmental Planning Policy No 65 (Design Quality of Residential Development)

This SEPP 65 requires assessment and consideration for residential flat buildings to ensure quality of design and significance of environmental planning to account for social, economic and environmental impacts. Application of this instrument is to undertake assessment against the 9 design principles within the "Apartment Design Guide".

A comprehensive assessment against the provisions in SEPP 65 was undertaken in the original development application submission for seniors housing. This application does not bring rise to a further consideration or propose any additional amendments that would not adhere to the guidelines. Building separation distance to side boundaries and amendments to Buildings A, B, C, D and F will not change. The addition of awning structures are ancillary to three apartments in Building E and have been assessed to have minimal impact, as they do not alter the fundamentals of the approved scheme. The proposal still achieves and aligns with the principle of design quality.

### **3.1.2. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The SEPP BASIX applies to the proposed seniors housing component of the development. Whilst an updated certificate is not required it is important to note the proposed works are likely to improve the overall performance of the internal units due to the option for additional shading. This is due to the potential reduction of the thermal load to the applicable apartments.

### **3.1.3. State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004**

The site was subject to a Site Compatibility Certificate and then approved pursuant to a comprehensive DA for the development of the seniors housing. The proposed development in this application does not change approved use of seniors housing and the awning structures are ancillary to the development.

The proposal has considered the applicable provisions of the Seniors SEPP given the minor nature of the proposal remains consistent with the objectives of the SEPP and design principles. The proposed awnings will provide for the option to enhance privacy and shading for the residence in the seniors housing.

### **3.1.4. Warringah Local Environmental Plan 2011**

*Warringah Local Environmental Plan 2011* (the LEP) is the primary environmental planning instrument applying to the site of the proposed development.

#### **Zoning**

The site is within the R2 Low Density Residential Zone and the proposed awning structures are ancillary to the approved seniors housing and as such are permissible in this zone by virtue of the Seniors SEPP.

The following table assesses the compliance of the proposed development with relevant clauses in the LEP.

Table 1 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.3 – Height of Building	8.5m	The proposed works exceed the building height as per the LEP provision ranging from 12m to 15.2m in height. A Clause 4.6 variation request has been provided at <b>Appendix B</b> , seeking to varying the	Variation request provided at



Clause	Provision	Proposed	Complies
		height limit for the proposed awnings. The proposed awnings do not exceed beyond the approved building heights of the existing building. Two awnings are on Level 4 of building E and they do not exceed the roof height of RL 39,050. Both fixed awning structures have a maximum height of RL 38,033 with the retractable awning only marginally projecting this height, sitting below the roof level.	<b>Appendix B.</b>
Clause 4.4 – Floor Space Ratio	N/A	The proposed development does not introduce any additional gross floor area.	N/A
Clause 5.10 – Heritage Conservation	Conserve the heritage significance of heritage items and heritage conservation areas	The site is not a listed heritage item or heritage conservation area, however nearby sites are considered of heritage significance. The surrounding coastal cliffs (C14) are considered heritage conservation area and the Duke Kahanamoku Statue and Memorial Park (I65) is a Heritage Item. The additional awning structures to Building E will have no adverse impact on heritage significance given they do not obscure views to the items or are not immediately adjoining.	Yes

Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

### 3.2. WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Warringah Development Control Plan 2011 (the DCP) provides detailed planning provisions relevant to the site and the proposal. Given the minor nature of the proposal there are limited applicable provisions. Regardless, an assessment against the relevant provisions are provided in the table below.

Table 2 DCP Compliance Table

Clause	Provision	Proposed	Complies
<b>B1</b> <b>Wall Heights</b>	7.2m	The addition of the awnings does not increase wall height.	N/A
<b>B5</b> <b>Side Boundary Setbacks</b>	0.9m <b>Land Zoned R2</b> All development:  Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback	The awnings front Evans Street and do not encroach on the side setback requirements of any building as they are within the he edge planter. Therefore, the proposed additions comply to side setback requirements.	Yes
<b>B7</b> <b>Front Boundary Setbacks</b>	6.5m <b>Land Zoned R2 or R3</b> On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider	The building setback is not proposed to be altered by the addition of the awning structures. The existing terrace is bounded by edge planter that are beyond the projection of the retractable awning.  The additional awnings are consistent with the front boundary setback objectives as: <ul style="list-style-type: none"><li>▪ They do not disturb the sense of openness as they do not add mass or bulk.</li><li>▪ The awnings are compatible with the existing structure and building continuity will remain unchanged</li></ul>	Yes



Clause	Provision	Proposed	Complies
	the character of the secondary street and the predominant setbacks existing to that street.	<ul style="list-style-type: none"> <li>The awnings will have minimal impact on the visual quality on the context given the materials used ensure design consistency is met.</li> </ul> <p>Maintains reasonable view sharing as further analysed in <b>section 3.6.3</b>.</p>	
<b>B9</b> <b>Rear Boundary Setback</b>	6m	The proposed changes are not occurring at the rear of the building, therefore there is no change to rear setbacks	N/A
<b>D2</b> <b>Private Open Space</b>	Multi-dwelling houses  A total of 10m2 with minimum dimensions of 2.5 metres	The proposed open space is not being altered, however the additional of the shade will improve useability and functionality of the private open space.	Yes
<b>D6</b> <b>Access to Sunlight</b>	3 hours of sunlight between 9am and 3pm on June 21	The awning structure will have no impact on public open space or on private open space overshadowing. Preliminary shadow studies by CHROFI demonstrate the negligible impact of the awnings falling in the existing shadow.	Yes
<b>D7</b> <b>Views</b>	Development shall provide for the reasonable sharing of views.	Analysis has been provided to understand the overall impact on view sharing by CHROFI and is further detailed in <b>Section 3.6.3</b> . Concluding that given the minor nature, the awning structures are reasonable.	Yes
<b>D8</b> <b>Privacy</b>	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The addition of the awning will potentially provide additional privacy for the residence on Level 3, from overlooking units above in building E.	Yes
<b>D9</b>	Building height and scale needs to relate to	The proposed awning height does not protrude beyond the existing built form.	Yes

Clause	Provision	Proposed	Complies
<b>Building Bulk</b>	topography and site conditions.	The development was varied in the initial DA2014/0875, a variation request for the proposed awnings is provided at <b>Appendix B</b> . Building bulk is not increased and has minimal impact to the existing site conditions. The awnings are also retractable (apart for a small area at the western L3 awning) and the fabric is translucent reducing bulk.	
<b>D10 Building Colours and Materials</b>	The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The proposed materials for the structures and awnings are similar to the façade of the building. They complement the building design and the colours are consistent with the coastal setting.	Yes

Based on the above, it is considered that the proposal complies with the relevant provisions within the DCP.

### 3.3. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

A Northern Beaches Local Environmental Plan is yet to be consolidated, however a Discussion Paper has been released for comment on the future LEP and DCP. As a draft LEP has not yet been placed on exhibition, this is not a relevant matter for consideration.

Therefore, there are no draft environmental planning instruments relevant to this proposal.

### 3.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

### 3.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Regulations 2000.

### 3.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts outlined below:

### 3.6.1. Natural Environment

The proposed development will result in minimal environmental impact on the natural environment as:

- Appropriate measures will be implemented during the construction phase to mitigate any potential harm from amenity impacts such as dust, air and noise.
- Construction hours will also be at a reasonable time to minimise impacts on adjacent dwellings.
- The awnings have the potential to reduce the need for powered cooling systems that have negative impacts on the environment.

### 3.6.2. Built Environment

The built form is substantially unchanged from the approved DA. The awnings have minor impact and do not add to the bulk and scale of the development as:

- The awnings do not enclose the space providing minor additional bulk to the terrace;
- The awnings are retractable and the fabric is translucent;
- They do not protrude above the maximum height of the approved built form;
- The materials used complement the building façade;
- They do not obstruct any important view lines and adhere to the principles of view sharing especially considering they are able to retract.

### 3.6.3. View Sharing

To ensure there are no adverse impacts of the built form proposed, CHROFI have assessed and analysed any potential view impact on surrounding neighbours. This is demonstrated through a series of montages (**Figure 4**) displaying the minor obstruction that the awning may have on the view from surrounding properties.

As evident in the images and the architectural drawings at **Appendix A**, the view loss is negligible and the awnings do not pose any adverse impacts. Further detail is as follows.

#### Evans Street

From the street view (**Picture 1**), the awning protrudes slightly beyond the building view line yet the view that is impacted is only a nominal portion of the sky. The awnings add minimal bulk, have edge planters that create a setback to the awning from the street and the ability to retract the awning will further mitigate any potential obstruction to views it adds to the sky view from the street. The awnings also blend well with the materials used, complementing the façade of the building.

#### 69 Evans Street

The view impact from 69 Evans Street (**Picture 2**) is minimal. There is a slight protrusion of the level 4 awning obscuring a small portion of the ocean view. The view impact would be considered minimal and does not obstruct any iconic view. The setback ensures there is no change of bulk or mass to the building and there is still the potential for views beyond underneath the awning. The materials used complement the façade and minimise the impacts of the minor view loss.

#### 73 Evans Street

The view impact from 73 Evans Street (**Picture 3**) is also minimal with the view loss only impacted by the eastern awning. Due to the minimal bulk and mass of the structure, the proposed impact is minimal and does not cause an adverse view impact of any iconic items. The ocean is also still visible when panning left to right. The awnings do not protrude above the roof level minimising any additional height to the view obstruction. Materials used complement the façade and minimise impact. The left and middle awning of the proposed awnings in picture 3 are hardly visible due to this.

Figure 4 Existing and proposed view impacts



Picture 1 Evans Street perspective



Picture 2 69 Evans Street perspective



Picture 3 73 Evans Street perspective

Source: CHROFI

### 3.6.4. Social and Economic

The proposed external works will have minimal social and economic impact as they are ancillary to the existing seniors housing development. The proposed awnings will have a positive social impact to the residents who occupy the apartments, improving their terrace amenity useability. It will help to provide shade in the warmer months to keep the residence cool and potentially assist in reducing heat load into the apartments. and increase protection of health from heat related illness.



### **3.6.5. Suitability of the Site**

The site is considered highly suitable for the proposed development as the proposed works are considered permissible and ancillary to the approved seniors housing development.

### **3.6.6. Submissions**

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

## **3.7. PUBLIC INTEREST**

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposed works are minor and ancillary to the already approved seniors housing.
- The proposed works will provide a positive benefit to the occupants of the seniors housing.

## **4. CONCLUSION**

The proposed addition of awnings has been assessed in accordance with Section 4.15 of the EP&A Act 1979 and is considered appropriate for the site and the locality as summarised below:

- The proposal satisfies the applicable planning controls and policies.
- The proposal will not result in any adverse environmental impacts.
- The proposal will result in positive social and economic impacts.
- The proposal is highly suitable and enhances shading for residence.
- The proposal is in the public interest.

Having considered all relevant matters, it is concluded that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact Naomi Daley ([ndaley@urbis.com.au](mailto:ndaley@urbis.com.au) - 02 8233 9967) or myself should you wish to discuss our application in greater detail.

Yours sincerely,

A handwritten signature in black ink that reads "Kirraly Northey". The signature is written in a cursive, flowing style.

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