

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1238
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Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 20 DP 1242304, 68 - 90 Evans Street FRESHWATER NSW 2096
Proposed Development:	Change of use of an existing club space to a health care facility.
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes, under SEPP (Infrastructure) 2007
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Mount Pritchard & District Community Club Ltd

Application Lodged:	07/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	14/10/2020 to 28/10/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the change of use of unit "MS6" within the Harbord Diggers Club to a health service facility. The proposal does not include the fit-out of the tenancy or any other physical works.

ASSESSMENT INTRODUCTION

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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 20 DP 1242304 , 68 - 90 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 additional permitted uses.</p> <p>Surrounding developments consist of residential buildings varying from residential flat buildings to detached dwelling houses.</p> <p>Presently the site is occupied by seniors housing, child care centre, and registered club and associated uses.</p>

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Application **DA2013/0412** for Stage One Redevelopment of the Harbord Diggers Site for seniors housing, new club facility, child care, gymnasium, community centre and respite care was approved on 20/09/2013 by the Sydney East Joint Regional Planning Panel.

Application **DA2014/0875** for Demolition and Excavations works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated carparking and landscaping (Harbord Diggers Club site) was approved on 01/12/2014 by the Sydney East Joint Regional Planning Panel. This application was subsequently modified by applications **Mod2015/0152** (23/11/2015), **Mod2016/0298** (05/01/2017), **Mod2017/0063** (01/06/2017) and **Mod2020/0312** (29/09/2020).

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (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 of 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 clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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 clause is not relevant to this application.</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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</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 of 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 clause is not relevant to this application.</p>
Section 4.15 (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 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> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(iii) Economic Impact</p> <p>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 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 14/10/2020 to 28/10/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections to the proposed health care facility, located within the existing club envelope along the Porte Cochere to the south of the club precinct. No special conditions.
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>The Environmental Health Team has considered this application relating the change of use of an existing area, 75sqm in size, within the Harbord Diggers Club to a health services facility. No objection is proposed to the development subject to the implementation of conditions of consent which have been recommended in order for the premises to meet on going operational health standards required for a Health Services facility.</p> <p>Recommendation</p>

Internal Referral Body	Comments
	APPROVAL - subject to conditions
Traffic Engineer	<p>This Modification proposes to introduce a new use to the site- three consulting/medical rooms with no changes to the number of parking spaces in the club carpark.</p> <p>The applicant's traffic statement prepared by Arup, was reviewed and it is concurred that the required 9 parking spaces for the proposed use can be accommodated within the existing club carpark. The projected traffic generation from the proposed use is considered to have negligible impact on the road network.</p> <p>Therefore, the proposal is considered acceptable.</p>

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

Division 10 Health services facilities

Clause 57 stipulates that development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone. The R2 Low Density Residential zone is a prescribed zone under this Division.

As such, the proposed change of use of the tenancy to a health service facility is permissible with consent on the site.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
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

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Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	No change to existing	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes

Detailed Assessment

Warringah Development Control Plan

Built Form Controls

The proposed development involves the change of use of an existing tenancy within the Harbord Diggers site. No change to the existing built form is proposed.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C3 Parking Facilities	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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 Development Consent to DA2020/1238 for Change of use of an existing club space to a health care facility. on land at Lot 20 DP 1242304, 68 - 90 Evans Street, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-MH01 Rev A	15/06/2020	CHROFI
A-MH02 Rev A	15/06/2020	CHROFI

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Operational Management Plan	Undated	Mounties Group

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Undated	Unnamed

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of the unit "MS6" as detailed on the approved plans for any land use of the site beyond the definition of a *health services facility*.

A *health services facility* is defined as:

a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

(development is defined by the Standard Instrument Local Environment Plan Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. **No approval for fit-out**

This consent does not grant approval for the fit-out of the tenancy. A separate development consent must be obtained for tenancy fit-out.

Reason: To ensure compliance with the terms of this consent.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

4. **Operation of Autoclave**

If reusable articles are sterilised at the premises—

- (a) a bench top autoclave, maintained in accordance with AS 2182–1998 Sterilizers—Steam—Benchtop, must be used, and

(b) there must be at least one person present at the time the autoclave is used who is adequately trained in the operation of the autoclave, and

(c) the sterilisation must be carried out in accordance with AS/NZS 4815:2006 Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.

Reason: To prevent cross-infection and comply with public health regulations

5. **Clinical and Sharps Waste**

Sharps - must be placed in to a sharps container immediately after use. The container must comply with the requirements of AS 4261:1994 'Reusable container for the collection of sharp items used in human and animal medical applications' if they are reusable, or if they are not reusable AS 4031:1992

'Non-reusable containers for the collection of sharp medical items used in health care areas'. Sharps containers must never be overfilled and be securely sealed with a lid before disposal. All clinical and sharps wastes are to managed in accordance with NSW Health standards and guidelines.

Reason: To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community

6. **Compliance with Waste Management Plan**

Compliance with the Waster Management Plan supplied with the application documentation is required at all times

Reason: To ensure the health and safety of persons.

7. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 7:00am to 7:00pm
- Saturday – 8:00am to 3:00pm
- Sunday and Public Holidays – 9:00am to 12:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

8. **Commercial Waste Collection & Deliveries**

Waste and recyclable material, generated by this premises, must not be collected and deliveries to the tenancy must not occur between the hours of 7pm and 7am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Nick Keeler, Planner

The application is determined on 19/11/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments