

Statement of Environmental Effects

Section 96(2) Application to Modify DA2014/0875

Harbord Diggers Club

July 2015

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Urbis for Mt Pritchard and District Community Club (the Mounties Group) to modify the conditions of consent under the development approval for DA2014/0875. The application has been prepared under the provisions of Section 96(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Sydney East Joint Regional Planning Panel (JRPP) granted development consent on 1 December 2014 to DA2014/0875 for the following works:

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

As such, the JRPP is the relevant consent authority as per the provisions of Section 96(2) of the Act and Section 118 of the *Environmental Planning and Assessment Regulation 2000*.

This report provides the following:

- A summary of pre-lodgement consultation with Warringah Council (Section 2);
- A detailed description of the proposed modifications and rationale (Section 3);
- Proposed modifications to the DA2014/0875 conditions of consent (Section 4);
- A comparative analysis of the approved development against the development as its proposed to be modified (Section 5); and
- An assessment of the environmental impacts of the proposed modifications (Section 6).

1.1 OVERVIEW

The modifications are proposed following the review of the development consent and further design development. An overview of the application is provided below.

1.1.1 DESIGN MODIFICATIONS

Table 1 provides a summary overview of the proposed modifications.

TABLE 1 – OVERVIEW OF THE PROPOSED MODIFICATIONS TO THE DESIGN

ELEMENT	PROPOSED MODIFICATIONS
Basement Level 3	Basement level deleted.
Basement Level 1 and 2	Revised layout to accommodate mechanical plant and reconfigured vehicular access.
Club	Revised club layout and access (indoor and outdoor).
Childcare (Building C)	Revised pedestrian access and minor amendments to the building envelope.
Building A	Minor amendments to the building footprint and internal configuration.
Building B	Minor amendments to the building footprint and internal configuration.
Building C	Minor amendments to the building footprint and internal configuration.

ELEMENT	PROPOSED MODIFICATIONS
Building D	Revised building envelope, façade and access; amended internal configuration; reduction of one apartment.
Building E	Revised building envelope and facade; amended internal configuration.
Building F	Revised building envelope and facade; amended internal configuration.
Landscaping	Revised landscaping to co-ordinate with the building modifications.

1.1.2 MODIFICATIONS TO THE CONDITIONS OF CONSENT

The application seeks to amend the following conditions:

- Condition 1 - Approved Plans and Supporting Documentation
- Condition 4 – Facilities Associated with Harbord Diggers Club
- Condition 6 – General Requirements
- Condition 12 b. – Proposed Refuge Islands
- Condition 18 – Stormwater Disposal
- Condition 73 – Allocation of Spaces
- Condition 80 – Restriction of Landscaping on the Roofs

It is considered that there will be minimal environmental impacts, if any, above those already assessed by Warringah Council and the JRPP, as:

- There is no change to the approved land use;
- There is no change to the proposed building massing volume above the natural ground plane;
- The modifications will result in a reduction of a one apartment;
- The modifications will result in a 4,397m² reduction in club floor space;

This Statement of Environmental Effects should be read with reference to the architectural and landscape plans submitted under separate cover as Volume 2.

2 Pre-lodgement Consultation

The applicant met with Warringah Council on 27 May 2015 to discuss the proposed modifications. The meeting was held following Council's review of the preliminary plans and was attended by representatives from Council's planning, traffic and landscape departments. A summary of the key matters raised by Council is provided in Table 2.

TABLE 2 – SUMMARY OF PRE-LODGEEMENT MEETING

COUNCIL ISSUE	COMMENT
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)	
The Statement of Environmental Effects is to address the relevant sections of the Seniors SEPP, namely:	
<p>Clause 24 - Site Compatibility Certificate Required for Certain Development Applications</p> <p><i>"The applicant is required to contact the Department of Planning and Infrastructure to ascertain whether a revised SCC is required for the proposed modified design."</i></p>	Refer to Section 3 and Section 6.1.4.
<p>Clause 31 - Seniors Living Policy (Urban Design Guidelines for Infill Development)</p> <p><i>"The critical component of this policy is the section dealing with the objectives of site planning and design which seeks "to minimise the impact of new development on neighbourhood character". In this regard, it is important that the proposed development (as amended) maintains the approved building separation, view corridors and articulation of building facades."</i></p>	
<p>Clause 40 – Development Standards (General)</p> <p>Site size; site frontage; building height.</p>	
<p>Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings</p> <p>Building height; density & scale; landscaped area; deep soil zones; solar access; private open space; parking</p>	
<p>Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings.</p>	
Warringah Local Environmental Plan 2011 (WLEP 2011)	
<p>5.10 Heritage Conservation</p> <p><i>"The design of the proposed development (as</i></p>	Refer to Section 6.7.

COUNCIL ISSUE	COMMENT
<p><i>amended) is to complement the character of the heritage items. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected by the proposed development.</i></p> <p><i>A revised Heritage Impact Statement is to be submitted with the modification Application.”</i></p>	
<p>6.2 Earthworks</p> <p><i>“The objectives contained under Clause 6.2(3) will be required to be addressed in the Statement of Environmental Effects to ensure that any impact is consistent with the approved Development.”</i></p>	Refer to Section 6.1.6.
<p>6.4 Development on Sloping Land</p> <p><i>“The development will be required to be analysed and supported by a revised Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with the Modification Application.”</i></p>	Refer to Section 6.1.6.
Warringah Development Control Plan 2011 (WDCP 2011)	
<p>Front Boundary Setbacks</p> <p><i>“the applicant is required to demonstrate that the proposed development (as amended) will continue to be consistent with the objectives of the control relating to the front setback.”</i></p>	Refer to Section 6.3.
<p>C2 Traffic, Access and Safety</p> <p><i>“There was a shortfall in the proposed parking spaces which was approved based on the justification provided by the applicant. No further parking reduction is supported.”</i></p> <p><i>“The proposed number of parking spaces requires the provision of a 6 to 8m wide exit driveway. The proposed modification on the exit driveway resulting in one lane-way exit driveway does not comply with AS2890.1:2004 and also is not supported on traffic grounds. The exit driveway is to allow a separate left turn and right turn onto Evans Street.”</i></p> <p><i>“The safety concern is raised on the proposed changes on the loading dock driveway in terms of sight distance. The loading dock driveway is to provide adequate sight</i></p>	Refer to Section 6.7.3

COUNCIL ISSUE	COMMENT
<p><i>distance of pedestrians and the oncoming traffic. Therefore, the proposed loading dock driveway and ingress driveway approved within the development application which was perpendicular to the kerb line is considered to be a safer option.”</i></p> <p><i>“A swept path analysis is to be provided examining the manoeuvrability of the trucks within the loading dock and its driveway, as well as the bus space proposed within the Porte Cochere.”</i></p> <p><i>“The car parking is too signposted to appropriately guide the vehicles driving onto and within the car parking.”</i></p>	
<p>C3 Parking Facilities</p> <p><u>Traffic Report</u></p> <p><i>A comprehensive revised traffic report prepared by a suitably qualified person is required to be submitted with the Modification Application which addresses the requirements of Clauses C2 and C3.</i></p> <p><u>Car parking</u></p> <p><i>The traffic report is required to address how the proposed development (as amended) will achieve compliance with Condition No: 73 of Development Consent No: DA2014/0875.</i></p>	<p>Refer to Appendix A</p>
<p>C4. Stormwater</p> <p><i>“Stormwater drainage plans as approved in the Development Consent are to be reviewed by the consulting engineer and amended where necessary to accommodate the new layout of buildings.”</i></p>	<p>Refer to Section 6.7</p>
<p>C7. Excavation and Landfill</p> <p><i>“Excavation and Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.”</i></p>	<p>DA2014/0875 conditions 5(d) and 21 ensure that excavation will not have an adverse impact on the environment or the surrounding properties. The proposed modifications do not seek to amend these conditions.</p>
<p>D2. Private Open Space</p> <p><i>“Private open space for the residential component is to be provided in accordance with the SEPP HSPD.”</i></p>	<p>The proposed modifications will generally exceed the minimum private open space requirements of SEPP HSPD.</p>

COUNCIL ISSUE	COMMENT
<p>D3. Noise</p> <p><i>“An amended Acoustic Report is required to be submitted with the modification application addressing the requirement of this control. In particular, the acoustic impact of the modified child care centre on the residential apartments located above is to be addressed in the report.”</i></p>	<p>Refer to Appendix B.</p>
<p>D6. Access to Sunlight</p> <p><i>The development (as modified) is not to unreasonably reduce sunlight to surrounding properties. Amended shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building envelopes at 9.00am, Noon and 3.00pm on 21 June as well as the shadows cast over public domain in Evans and Carrington Parade.</i></p>	<p>Refer to Table 11 under Section 6.7.</p>
<p>D7. Views</p> <p><i>“The development (as modified) is to allow for the reasonable sharing of views. A detailed view analysis is to be provided from various points. In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs. Warringah Council (2004) NSWLEC 140.”</i></p> <p><u>View Loss</u></p> <p><i>An amended View Analysis Report is to be prepared to determine view loss impacts (if any) on the surrounding residential properties as well as from public vantage points. In this regard, any reduction in the building separations that will result in view loss will not be supported by Council, particularly the view corridor between the approved Building C and Building E</i></p>	<p>Refer to Appendix C and Section 6.7.2</p>
<p>D8. Privacy</p> <p><i>“The modified Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings”</i></p>	<p>Refer to Section 6.7.4</p>
<p>D9. Building Bulk</p> <p><i>“The applicant is to demonstrate how the development (as modified), responds to the topography of the site</i></p>	<p>Refer to Section 6.7.1</p>

COUNCIL ISSUE	COMMENT
<i>and to the scale of development on the adjoining land.”</i>	
<p><i>D11. Roofs</i></p> <p><i>“Any modified roof form should continue to comply with the requirement of this Clause.”</i></p>	Refer to Section 6.3.1.
<p><i>D18. Accessibility</i></p> <p><i>“A modified Access Report will be required to be submitted with the Modification Application, addressing the requirements of the SEPP (HSPD) 2004 and DDA Act.”</i></p>	Refer to Appendix D .
<p><i>D20. Safety and Security</i></p> <p><i>“The proposal (as amended) is to give due regard to the principles of ‘Crime Prevention Through Environmental Design’ (CPTED) and the documentation submitted with the Modification Application.”</i></p>	Refer to Section 6.7.
<u>Deletion of Green Roofs</u>	
<p>The deletion of the Green Roofs from the approved buildings will result in a reduction in the overall deep soil zones for the site. Any application for modification needs to demonstrate that the removal of this element is not inconsistent with the requirement of the SEPP (HSPD) 2004 relating to deep soil zones.</p>	Refer to Section 6.1.4

3 Proposed Modifications to the Design

Table 3 below provides a breakdown of the proposed modifications. The table should be read with reference to the amended architectural plans submitted in Volume 2.

TABLE 3 – PROPOSED MODIFICATIONS TO THE DESIGN

PROPOSED MODIFICATIONS TO THE DESIGN
<p><u>Basement 3</u></p> <ul style="list-style-type: none">Basement 3 has been deleted. <p><u>Reasons for the proposed modifications</u></p> <ul style="list-style-type: none">The approved club back-of-house areas and mechanical plant located Basement 3 has been relocated on the levels above. This has removed the need to provide a third basement level which significantly reduces the level of excavation, construction cost and construction period required to redevelop the site.
<p><u>Basement 2</u></p> <ul style="list-style-type: none">The basement has been setback from the Lumsdaine Drive boundaryMechanical plant previously located on Basement 3 has been accommodated adjacent to the eastern boundary;The car parking provision has reduced by 29 spaces and the layout has been amended to incorporate improved ramp access and internal circulation;The club lobby has been relocated towards the western boundary; andThe seniors living facilities have been reconfigured. <p><u>Reasons for the proposed modifications</u></p> <ul style="list-style-type: none">The modifications have generally occurred to accommodate changes to vehicular access, the deletion of Basement 3, and the reconfiguration of the club level above.
<p><u>Basement 1</u></p> <ul style="list-style-type: none">The basement has been setback from the Lumsdaine Drive boundaryMechanical plant previously located on Basement 3 has been accommodated adjacent to the lift cores and the southern and eastern boundary;The car parking provision has increased by 26 spaces and the layout has been amended to incorporate improved ramp access and internal circulation;The club lobby has been relocated towards the western boundary; andThe club facilities have been removed.

PROPOSED MODIFICATIONS TO THE DESIGN

Reasons for the proposed modifications

- The modifications have generally occurred to accommodate changes to vehicular access, the deletion of Basement 3, and the reconfiguration of the club level above.

Registered Club

- The gross floor area has reduced by 4,397m²;
- Access from the Porte Cochere has been moved the west. The Lumsdaine Drive access point has been moved west to reflect the change. The proposed modifications to access have resulted in consequent changes to the Lumsdaine Drive building line and overhang;
- The vehicular access ramps to Evans Street and the basement have been reconfigured resulting in a single ramp exit onto Evans Street;
- The Lumsdaine Drive landscaped outdoor area has increased in size;
- The prescriptive internal layout has been removed and hairdresser and day spa have been included;
- The 'Palm Gully' void has been reshaped to accommodate the relocation of the club access and reduction in floor space;
- The stairs to the upper ground level have been relocated to the eastern boundary; and
- The loading dock has been reduced in size.

Reasons for the proposed modifications

- The modifications to club layout and vehicular access have occurred to increase efficiency and operability. This has resulted in changes to the built form and landscaping. The internal layout has been amended to allow the club flexibility to determine where facilities are located.

Childcare (Building C)

- Modifications have been made to building footprint and façade, and the full site awning to the outdoor play area has been removed;
- The pedestrian bridge access from Carrington Parade has been removed and replaced with ramped access from the corner of Evans Street and Carrington Parade;

Reasons for the proposed modifications

- The proposed modifications are a result of consultation and input from the future childcare provider. Detailed consultation had not occurred prior to DA lodgement. The key design considerations for the childcare provider are submitted under **Appendix L**.

Seniors Living

Buildings A & B

PROPOSED MODIFICATIONS TO THE DESIGN

- Introduction of open stairs with the common corridor;
- Minor amendments to internal apartment layouts; and
- Adjustments to skylight size and location; and painted lift overrun.

Building C

- Relocated building access;
- Minor amendments to internal apartments layouts; and
- Adjustments to skylight size and location; and painted lift overrun.

Building D

- Modifications to the building envelope along the Evans Street and internal courtyard facades. This has resulted in subsequent modifications to the building façade and setbacks.
- Building lobby street entries relocated to the internal courtyard and replaced by individual gates to apartments;
- Introduction of open stair within corridor and amendments to internal layouts;
- Reduction of one apartment; and
- Adjustments to skylight size and location; and painted lift overrun.

Building E & F

- Modifications to the building envelopes and subsequent internal reconfigurations;
- Removal of the concrete fins on the facades;
- Adjustments to skylight size and location; and painted lift overrun.

Roofs

- Removal of the green roof and installation of pebble roof surface and balcony heathland planting.

Reasons for the proposed modifications

The proposed modifications to the building envelopes and apartment layouts have occurred following detailed analysis of the internal amenity of the apartments and consultation with the seniors housing provider.

The removal of the concrete fins is proposed to allow the sandstone façade to be revealed.

The removal of the green roof responds to concerns from the neighbouring community regarding view loss and will reduce the maintenance requirements of the development. The painted lift overrun will reduce nocturnal light spill from the lift wells and reduce reflectivity.

4 Proposed Modifications to Conditions

The following conditions of consent are to be amended.

- Condition 1 - Approved Plans and Supporting Documentation
- Condition 4 – Facilities Associated with Harbord Diggers Club
- Condition 6 – General Requirements
- Condition 12 – Traffic - Proposed Refuge Islands
- Condition 18 – Stormwater Disposal
- Condition 19 – Submission of Engineering Plans
- Condition 73 – Allocation of Spaces
- Condition 80 – Restriction of Landscaping on the Roofs

The proposed modifications to Condition 6, 12, 18 and 19 do not relate directly to the proposed design modifications. The reasons for modifying 6, 12, 18 and 19 are discussed as required further below.

The Sydney East Joint Regional Planning Panel (JRPP) granted development consent on 1 December 2014 to DA2014/0875 for the following works:

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

It is proposed that the consent for DA2014/0875 is modified as outlined below. Text proposed to be deleted is indicated by “strike through” text and text proposed to be added is indicated by bold text.

4.1 CONDITION 1 – APPROVED PLANS AND SUPPORTING DOCUMENTATION

An application is made to amend Condition (1) in the following manner:

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

[amongst others]

ARCHITECTURAL PLANS – ENDORSED WITH COUNCIL’S STAMP		
DRAWING NUMBER	DATED	PREPARED BY
DA002 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA100 – A-C	01/08/2014 15/07/15	Architectus + Chrofi

ARCHITECTURAL PLANS – ENDORSED WITH COUNCIL'S STAMP

DRAWING NUMBER	DATED	PREPARED BY
DA101 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA102 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA103 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA104 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA105 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA105 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA107 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA108 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA109 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA111 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA112 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA113 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA114 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA115 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA116 – A C	01/08/2014 15/07/15	Architectus + Chrofi

ARCHITECTURAL PLANS – ENDORSED WITH COUNCIL'S STAMP

DRAWING NUMBER	DATED	PREPARED BY
DA117 – A C	01/08/2014 15/07/15	Architectus + Chrofi
DA120 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA121 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA122 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA123 – A B	01/08/2014 15/07/15	Architectus + Chrofi
DA124 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA125 – A B	01/08/2014 15/07/15	Architectus + Chrofi
DA126 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA130 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA131 – A B	01/08/2014 15/07/15	Architectus + Chrofi
DA132 – A B	01/08/2014 15/07/15	Architectus + Chrofi
DA138 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA139 – A-B	01/08/2014 15/07/15	Architectus + Chrofi
DA150 – A B	01/08/2014 15/07/15	Architectus + Chrofi

REPORTS / DOCUMENTATION – ALL RECOMMENDATIONS AND REQUIREMENTS CONTAINED WITHIN:

REPORT	DATED	PREPARED BY
Noise Impact Assessment	01/08/2014	Acoustic Logic
Acoustic Report – Section 96	16/06/2015	WSP
Harbord Diggers Development Application Traffic and Parking Report	01/08/2014	GTA Consultants
Section 96 Traffic Report	10 July 2015	Arup
Management Plan Harbord Diggers	Not dated	Harbord Diggers Mounties Group
BCA Review of Architectural Documentation for Harbord Diggers Redevelopment	01/08/2014	Steve Watson & Partners
BCA Review of Architectural Documentation for Harbord Diggers Redevelopment	17 June 2015	Steve Watson & Partners
Access Review	30/07/2014	Morris-Goding Accessibility Consulting
Waste Management Plan Construction and Demolition	31/07/2014	Waste Audit and Consultancy Services
Waste Management Plan Ongoing Operations	31/07/2014	Waste Audit and Consultancy Services
Harbord Diggers Operational Waste Management Plan s96 Rev.2 – Final	30 June 2015	Foresight Environmental
Review of Flora and Fauna Assessment for Harbord Diggers Club Redevelopment	Reissued November 2014	Ecological Australia Pty Ltd
Geotechnical and Hydrogeological Investigations	30/07/2014	JK Geotechnics
Geotechnical and Hydrogeological Investigations	17 June 2015	JK Geotechnics
Harbord Diggers- Seniors Living by Watermark	07/2014	Watermark
Arboricultural Impact Assessment	08/2014	Tree Wise Men Australia Pty Ltd

REPORTS / DOCUMENTATION – ALL RECOMMENDATIONS AND REQUIREMENTS CONTAINED WITHIN:

REPORT	DATED	PREPARED BY
<i>Stormwater Management Report</i>	<i>July 2014</i>	<i>Cardno</i>
<i>CPTED Assessment</i>	<i>August 2014</i>	<i>Urbis</i>
<i>Arboricultural Impact Assessment</i>	<i>August 2014</i>	<i>Tree Wise Men - Australia Pty Ltd</i>
<i>Specialist Lighting Concept Report</i>	<i>22 July 2014</i>	<i>Wood & Grieve Engineers</i>
<i>Heritage Assessment Report</i>	<i>January 2012</i>	<i>Urbis</i>
<i>Building Services Infrastructure Report</i>	<i>29 July 2014</i>	<i>Wood & Grieve Engineers</i>

- a) *Any plans and or documentation submitted to satisfy the Conditions of this consent.*
- b) *No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.*
- c) *The development is to be undertaken generally in accordance with the following:*

LANDSCAPE PLANS – ENDORSED WITH COUNCIL'S STAMP

DRAWING NUMBER	DATED	PREPARED BY
<i>L-01-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-02-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-03-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-04-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-05-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-06-A-B</i>	<i>01/08/2014</i> <i>16/07/15</i>	<i>Architectus + Chrofi</i> <i>JMD Design</i>
<i>L-09-A-B</i>	<i>01/08/2014</i>	<i>Architectus + Chrofi</i>

LANDSCAPE PLANS – ENDORSED WITH COUNCIL'S STAMP		
DRAWING NUMBER	DATED	PREPARED BY
	16/07/15	JMD Design
L-10-A B	01/08/2014	Architectus + Chrofi JMD Design
L-11-A B	01/08/2014	Architectus + Chrofi JMD Design
L-12-A B	01/08/2014	Architectus + Chrofi JMD Design
L-13-A B	01/08/2014	Architectus + Chrofi JMD Design
L-14-A B	01/08/2014	Architectus + Chrofi JMD Design
L-15-A B	01/08/2014	Architectus + Chrofi JMD Design

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

4.2 CONDITION 4 - FACILITIES ASSOCIATED WITH HARBORD DIGGERS CLUB

An application is made to amend Condition 4 in the following manner:

*“The Cafe, **Hairdresser, Day Spa, Aquatic Centre and Gymnasium** are to be used only in conjunction with the operations of the Harbord Diggers Club.”*

4.3 CONDITION 6 - GENERAL REQUIREMENTS

An application is made to amend Condition 6 in the following manner:

b) *Demolition and excavation works are restricted to:*

a. *8.00 am to 5.00 pm Monday to Friday only.*

*(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing **excavated** materials from the site).*

Reasons for the proposed modification

The demolition will involve the removal of asbestos from the site. The nearest asbestos disposal centre is at Eastern Creek which is approximately 61 km from the site. To enable the efficient and timely removal

of asbestos, the trucks are required to be on-site at 7.00am to avoid delay and impact on peak hour traffic movements. The noise impacts of the proposed loading and truck movements will comply with the relevant Industrial Noise Policy criteria.

4.4 CONDITION 12 – TRAFFIC ‘PROPOSED REFUGE ISLANDS’

An application is made to amend Condition 12 (b)(3) in the following manner:

~~“3. The refuge island at the eastern end of Evans Street near the Club’s pedestrian access is to line up with the pathway on the opposite side of the club.”~~

Reasons for the proposed modification

There are private driveways on the south side of Evans Street and inadequate road widths available for the eastbound bus stop to be retained; it is proposed to retain the refuge in the approved DA location. Refer to **Appendix A** for further discussion.

4.5 CONDITION 18 – STORMWATER DISPOSAL

An application is made to amend Condition 18 in the following manner:

*“Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank storage volume of minimum **50200kl**.”*

Reasons for the proposed modification

Further detailed design analysis has determined that a minimum 50kl rainwater tank storage volume is appropriate for the development. Refer to Table 11 under Section 6.7 for further discussion.

4.6 CONDITION 19 – SUBMISSION OF ENGINEERING PLANS

An application is made to amend Condition 19 (b) in the following manner:

~~“b. Layby bays proposed in Evans Street and Lumsdaine Drive are not permitted and should be deleted.”~~

Reasons for the proposed modification

Evans Street

The proposed layby will provide convenient drop-off access for two cars. It is located adjacent to Building E to allow the seniors living apartments. The design of this drop-off will ensure that it is clear of bus movements using the existing stop and any exit movements from the site driveway.

Lumsdaine Drive

The proposed layby will provide convenient drop-off access for club patrons from Lumsdaine Drive. The location and operation of the layby is not anticipated to have any adverse impacts on the operation of the road.

4.7 CONDITION 73 – ALLOCATION OF SPACES

An application is made to amend Condition 73 in the following manner:

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- ~~135~~ **162** spaces - Senior Housing
- 20 spaces - Senior Housing visitors
- ~~527~~ **495** spaces - Registered Club including the associated facilities
- ~~23~~ **26** spaces- Child Care Centre

Reasons for the proposed modification

The club floor area has been reduced by approximately 16%. A total GFA of 22,636m² is proposed for the club compared to the previous 27,033m² in the approved DA. Therefore, the parking requirements are reduced which allows parking to be reallocated to the seniors living component.

4.8 CONDITION 80 – RESTRICTION OF LANDSCAPING ON THE ROOFS

An application is made to amend Condition 80 in the following manner:

~~“The landscaping on the roof of all new buildings is not to exceed the height of the parapet of each building.”~~

Reasons for the proposed modification

The landscaped roof is proposed to be removed from the proposal and the condition is no longer required.

5 DA2014/0875 – Comparative Analysis

This Section provides a comparative analysis of the development, as modified, against the scheme approved under DA2014/0875 in order to identify if the proposed modifications will result in any unacceptable environmental impacts.

Building Volume

TABLE 4 – BUILDING VOLUME ABOVE NATURAL GROUND

DA2014/0975	PROPOSED MODIFICATION
43,030m ³	43,030m ³

FIGURE 1 – DA2014/0875 – BUILDING MASSING ABOVE NATURAL GROUND PLANE

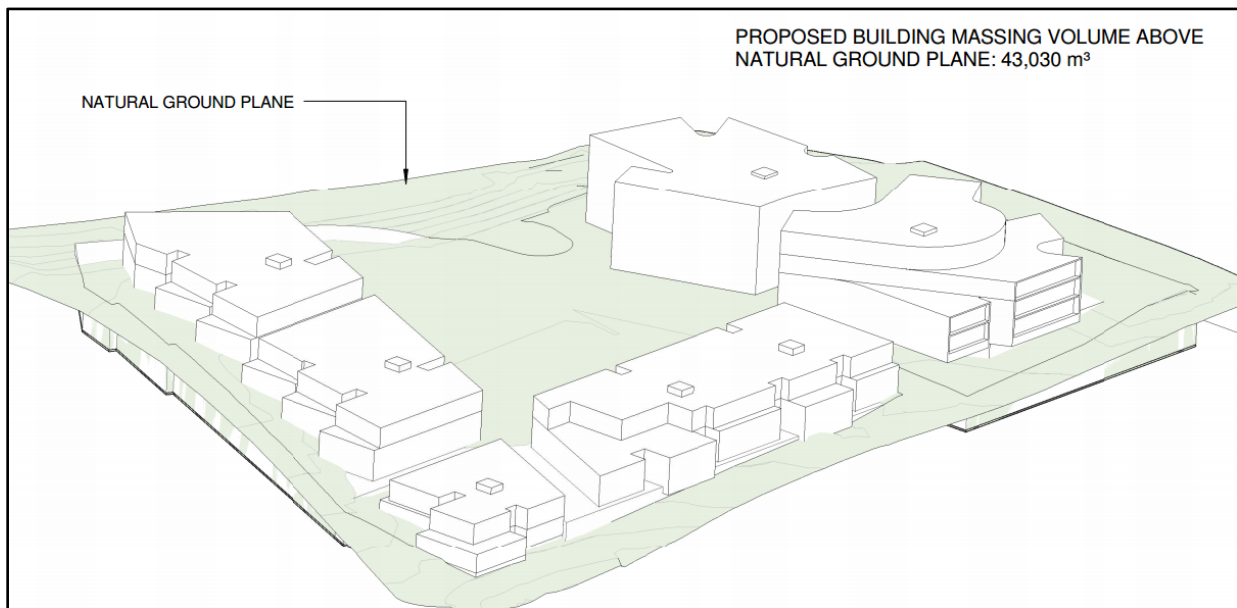
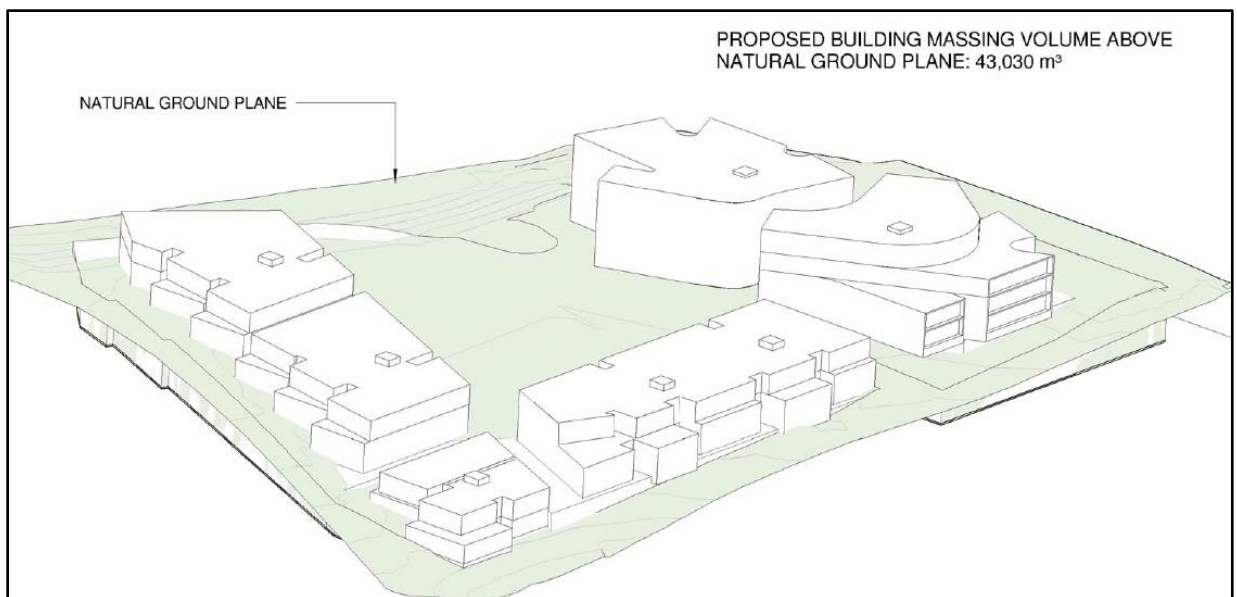


FIGURE 2 – PROPOSED MODIFICATION – BUILDING MASSING ABOVE NATURAL GROUND PLANE



Comment

The proposed building mass is consistent with the building mass approved under DA2014/0875.

Building Height

TABLE 5 – BUILDING HEIGHT (RL)

BUILDING	DA2014/0875	MODIFICATION	COMMENT
A	RL32.00	No change	NA
B	RL31.00	No change	NA
C	RL26.80	No change	NA
D	RL31.00	No change	NA
E	RL39.65	RL39.70	Further detailed design has resulted in the requirement to raise the lift overrun by 50mm (5cm). The lift overruns are setback from the building parapet and the proposed variation will be imperceptible from the public domain.
F	RL38.95	RL38.975	Further detailed design has resulted in the requirement to raise the lift overrun by 25mm (2.5cm). The lift overruns are setback from the building parapet and the proposed variation will be imperceptible from the public domain

Comment

The proposal seeks approval for a minimal increase in the building height for Building E and F. The proposed modification will not have any additional impacts beyond those considered by Council and the JRPP during the assessment of DA2014/0875. Nevertheless, a request to vary the Warringah LEP 2011 maximum height limit is submitted under Section 6.1.6.

Building Footprint

A comparative analysis of the building footprint is illustrated in Figure 3.

FIGURE 3 – BUILDING FOOTPRINT



The dashed red line indicates the approved building footprint. The white areas include balconies and terraces located on the ground plane.

Comment

The proposed modifications will result in building footprints that are generally consistent with those approved under DA2014/0875. The proposed modifications will maintain the view corridor from Building

Street Setbacks

DA2014/0875 applied a weighted average methodology to the street setbacks to Carrington Parade and Evans Street. The proposed modifications to the street setbacks are discussed below and illustrated on the architectural plan DA159 (Volume 2).

Carrington Parade

The application of a weighted average to the proposed Carrington Parade setback (both 6.5m and 9.5m) results in the proposed modifications ‘giving back’ an additional 21m² building bulk from the front setback area to that achieved by the DA2014/0875 building envelope.

Evans Street

The application of a weighted average to the proposed Evans Street setback (both 6.5m and 9.5m) results in the proposal ‘giving back’ an additional 45m² building bulk from the front setback area to that achieved by the DA2014/0875 building envelope.

Landscaping

TABLE 6 – LANDCAPE AREA – COMPARATIVE ANALYSIS

ELEMENT	DA2014/0875	PROPOSED MODIFICATIONS	COMMENT
Total Landscaped Area (exc. Roof planting and planting <2m wide)	6,054m ² (38.5%)	6,346m ² (40.4%)	The proposed modifications will increase the amount of significant landscaped area on site.

FIGURE 4 – DA2014/0875 – OPEN SPACE

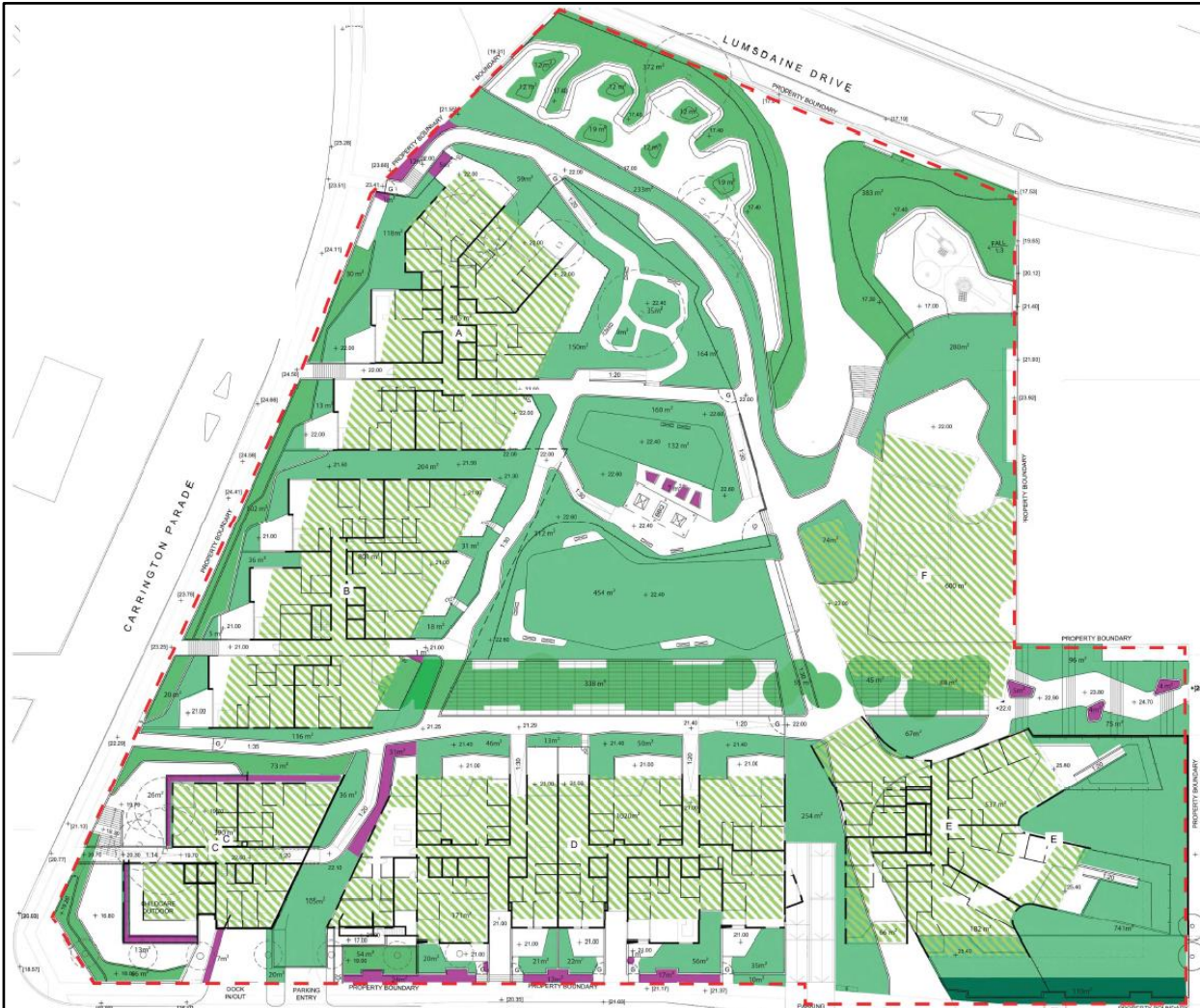
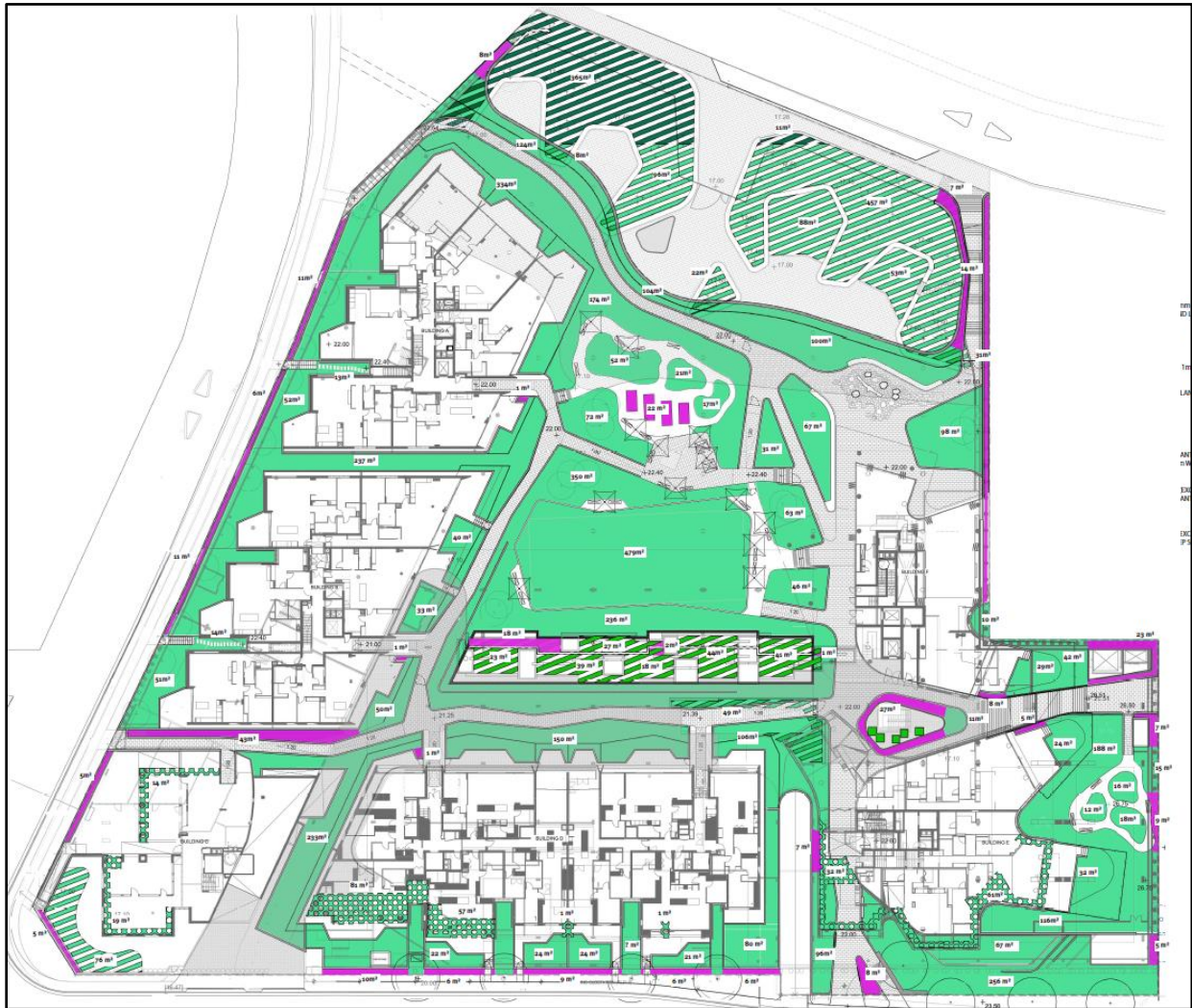


FIGURE 5 – PROPOSED MODIFICATION – OPEN SPACE



A comparison of the approved and proposed landscape open space plans demonstrates that the proposed modifications are generally consistent with DA2014/0875.

Land Uses

The proposed land uses are consistent with those approved under DA2014/0875. The proposed modifications include the provision of a hairdresser and day spa. These uses will operate ancillary to the registered club and will only be able to be patronised by members of the club.

Apartment Numbers and Mix

TABLE 7 – APARTMENT COMPARISON

TYPE	DA2014/0875	PROPOSED MODIFICATION
1 BED	5	3
2 BED	57	54
3 BED	35	39
TOTAL	97	96

The proposed modifications result in the reduction of one apartment. The proposed mix is generally the same.

6 Planning Assessment

The following planning assessment has been undertaken in accordance with the requirements of Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The relevant matters for consideration are reproduced below.

79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

6.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The relevant environmental planning instruments are listed below:

- *State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65)*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)*

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Warringah Local Environmental Plan 2011 (Warringah LEP)*

The relevant environmental planning instruments are addressed in turn below.

6.1.1 SEPP 55 – REMEDIATION OF LAND

Environmental Investigation Services (EIS) have previously prepared the following reports for the proposed development:

- Report to Mount Pritchard & District Community Club on Revised Preliminary Stage 1 Environmental Site Assessment for the “Concept Plan” at Harbord Diggers Club, 4, 4A & 25 Lumsdaine Drive, Freshwater, NSW. (Report Ref: E24001K-rptREV1.1, dated September 2011 (original report May 2010);
- Report to Mount Pritchard & District Community Club on Additional Environmental Site Assessment for Proposed Residential/Commercial Development “Concept Plan” at Lumsdaine Drive, Freshwater, NSW. (Report Ref: E24001Krpt2, dated October 2012);
- Report to Mount Pritchard & District Community Club on Additional Environmental Site Assessment and Remediation Action Plan for Proposed Residential/Commercial Development at 80 Evans Street, Freshwater, NSW. (Report Ref: E24001Krpt3, dated 2 April 2015); and
- Report to Mount Pritchard & District Community Club on Contamination Management Plan for Proposed Residential/Commercial Development at 80 Evans Street, Freshwater, NSW (Report Ref: E24001Krpt4-CMP, dated 2 April 2015);

EIS have reviewed the proposed design alterations to DA 2014/0875 and confirm that the proposed alterations to the proposed development have no impact on the recommendations and conclusions provided within the reports listed above and previously considered by Council. A statement to this effect is submitted as **Appendix E**.

6.1.2 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

An Architectural Design Verification Statement has been prepared by Architectus as part of this application and is submitted as **Appendix F**. The Statement provides a detailed consideration of the 10 Design Quality Principles contained within SEPP 65.

6.1.3 SEPP BASIX

Revised BASIX certificates are provided under **Appendix G**. The proposed modifications will not hinder the development’s ability to meet the minimum BASIX requirements.

6.1.4 SENIORS SEPP

The seniors housing component of the proposed development has been lodged pursuant to the Seniors SEPP and has been designed with reference to the Seniors Living Policy for Urban Design. A detailed assessment of the seniors housing component against the provisions of the Seniors SEPP is submitted under **Appendix H**. The key matters and development standards are discussed below.

Site Compatibility Certificate (SCC)

A Site Compatibility Certificate under clause 24 only applies for a development application. As development consent was granted for the Harbord Diggers Club (DA2014/0875), a revised site compatibility certificate is not required for a section 96(2) modification application.

Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000* states that a development application must be accompanied by a Site Compatibility Certificate. However, under clause 115, a Site Compatibility Certificate is not required for an application for modification of development consent. The requirement for a site compatibility certificate is exhausted once DA consent is given.

Therefore a revised site compatibility certificate for a section 96(2) modification application to DA2014/0875 is not required. This interpretation has been confirmed by the NSW Department of Planning and Environment.

Key development standards

The following table assesses the proposed seniors housing against the key development standards of the Seniors SEPP as applicable to the proposed modifications.

TABLE 8 – SENIORS SEPP – KEY DEVELOPMENT STANDARDS

STANDARD	COMMENTS
<p>Cl. 40 (4) Building height</p> <p>Maximum building height 8m.</p> <p>A building that is adjacent to a boundary of the site must be not more than 2 storeys in height</p>	<p>The maximum building height for Buildings A – D is not proposed to change. The height of the lift overruns on Building E and F is proposed to increase by 5cm and 2.5cm respectively. A variation under Clause 4.6 of the Warringah LEP 2011 is submitted under Section 6.1.6.</p>
<p>Cl. 50 (b) Density and scale</p> <p>Floor space ratio - 0.5:1</p>	<p>The proposed floor space ratio for the seniors living component is consistent with the approved floor space ratio.</p>
<p>Cl. 50 (c) Landscaped area</p> <p>30% of the area of the site</p>	<p>The proposed modifications result in landscaping on 42% of the site area. The landscaping includes planting on structures. It is noted that the proposed landscaping does not meet the technical definition under the Seniors SEPP. Notwithstanding, the proposed landscaping treatment is considered to be acceptable in the circumstances. This is discussed in detail below.</p>
<p>Cl. 50 (d) Deep soil zones</p> <p>15% of the area of the site</p>	<p>The proposed modifications will result in the provision of 376m² of continuous deep soil on site. This represents a 241% increase to that approved under DA2014/0875.</p> <p>The proposed modifications will result in 5,970m² of soil ranging in depths between 400mm - 1m on the site. This equates to 38% of the site area and represents a minor 1.2% reduction to that approved under DA2014/0875. It is noted that the existing native environment is coastal sandstone heathland. It is the intention of the landscape strategy to bring the heathland into the site. The heathland has a character specific to Sydney's Northern Beaches and survives under harsh conditions. The nominal soil depth to accommodate the heathland ranges from 400mm – 600mm. Therefore, typical deep soil planting (i.e. 1m+) is not required to accommodate the indigenous plant species.</p>
<p>Cl. 50 (e) Solar access</p> <p>70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between</p>	<p>66 apartments will achieve 3 hours direct sunlight in mid-winter. This equates to 69% of the total dwellings. Four additional apartments achieve a minimum of 2 hours being altogether 70 apartments (72.9%) of 96. This is considered appropriate and is</p>

STANDARD	COMMENTS
9am and 3pm in mid-winter.	discussed further under Section 6.7.4.
<p>Cl. 50 (f) Private open space</p> <p>Ground floor – 15m²</p> <p>Upper floor – 10m²</p>	All apartments will achieved the minimum requirements for private open space with the exception of D.108 which will have a minimum private open space area of 9.2m ² . The balcony is accessible from the main living area and is large enough to accommodate a table and four chairs. The proposed variation equates to a minor reduction of 8% to the minimum requirement and is considered appropriate in the circumstances.
<p>Cl. 50 (h) Parking</p> <p>0.5 spaces per bedroom</p>	There are 228 bedrooms proposed and 162 car parking spaces (excluding visitors).

Landscape area and deep soil provision

The approved development involves building on the entire site. In this regard, the approved landscaped area does not meet the technical definition for landscaped area under the Seniors SEPP. Notwithstanding this; DA2014/0875 demonstrated that the development, in the absence of a stated landscape objective within the Seniors SEPP, meets the Council's landscape objectives under Part D1 'Landscaped Open Space and Bushland Setting' of the Warringah DCP. This is demonstrated again below.

"To enable planting to maintain and enhance the streetscape"

There is currently minimal landscaping on the site's street frontages. It primarily comprises grassed verges with limited tree planting. The proposed landscaping will significantly enhance the streetscape through the provision of a highly textured and contextually appropriate planting strategy. The proposed planting around the perimeter of the site will contribute to the visual amenity of the public domain as well as soften the visual impact of the proposed built form. The proposed verge treatments include plantings found at Manly and along the NSW coast. *Banksia integrifolia* is proposed along Carrington Parade as a lower growing local species to protect views. *Cupaniopsis anacardioides* are proposed as a street tree along Evans Street providing a continuous green canopy.

"To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife"

The proposal is consistent with this objective for the following reasons:

- No native vegetation or habitat will be removed;
- The proposed landscaping will reintroduce the coastal sandstone heathland into the site;
- The proposed landscaping will reintroduce the historic topography of the site by placing the building into the landscape and maximising opportunities to provide landscaped areas across all levels of the development;
- The proposal will increase the amount of planting on-site thereby increasing habitat for local wildlife; and
- The Ecological Assessment that forms part of the DA2014/0875 consent is still valid (refer **Appendix I**) and concludes that the development is acceptable and recommends measures to address the impact of construction on the surrounding environment

"To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building"

- Soil depth is limited due to on slab planting conditions. Therefore shrubs and tree planting will be located in raised planters on the Lower Ground, Upper Ground and Level 1. 40.4% of the site will accommodate planting.
- Heathland species of varying heights are proposed at the site's interface with McKillop Park. This will serve the dual purpose of mitigating the impact of the built form and also reintroduce the existing coastal landscape environment into the site.

“To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.”

The proposal will provide the following outdoor recreational areas:

- The Club terrace on Lumsdaine Drive will provide a variety of spaces allowing groups of different sizes to gather;
- Children's playground; and
- The Upper Ground Level terrace area provides open communal open space for residents, private patios for upper ground apartments, and bowling green facilities accessible by the general public. Views from this terrace are significant and kept open through the use of low heath species planting at strategic locations.

“To provide space for service functions, including clothes drying.”

Space for services such as clothes drying will be provided in appropriate locations.

“To facilitate water management, including on-site detention and infiltration of stormwater”

A Stormwater Management Plan was approved with the Development Application. The Plan is still applicable to the development as proposed to be modified (refer **Appendix J**).

6.1.5 SEPP INFRASTRUCTURE

The following table summarises the relevant SEPP Infrastructure considerations.

TABLE 9 – SEPP INFRASTRUCTURE – RELEVANT CONSIDERATIONS

CLAUSE	COMMENT
45 Determination of development applications— other development	The proposed development will be referred to Ausgrid for comment due to its proximity to the electrical substation and overhead power lines.
104 Traffic-generating development	The proposed development will be referred to the RMS for comment as the parking is proposed for more than 200 vehicles.

6.1.6 WARRINGAH LEP 2011

The WLEP 2011 is the principal instrument applying to the site. A comprehensive assessment of the proposed development against the relevant matters for consideration is provided under **Appendix H**. The following table summarises the key issues.

TABLE 10 – WARRINGAH LEP 2011 – KEY CONSIDERATIONS

CONSIDERATION	COMMENT
Cl. 4.3 Height of buildings 8.5 metres	Building A – D: No change Building E – 16 metres (5cm increase) Building F – 14.545 metres (2.5cm increase) The proposed variations to the maximum building height are negligible and are considered reasonable and justified in the circumstances. The proposed variations to the building height limit are addressed below
Cl. 4.6 Exceptions to development standards	A request to vary the maximum building height for Buildings E and F is submitted below.
Cl. 6.2 Earthworks	The proposal includes bulk excavation to accommodate two basement levels. A Geotechnical and Hydrogeological Investigation Report has been submitted as Appendix K . The Report addresses the relevant matters for consideration.
Cl. 6.4 Development on sloping land	The Geotechnical and Hydrogeological Report considers the landslide risk associated with the site and the proposed development to be 'barely credible'. The approved Stormwater Management Report is still applicable. The Report outlines stormwater management options to limit the impacts of stormwater discharge from the site. The proposed development is unlikely to impact on existing subsurface flow conditions as the site is located on relatively impermeable rock mass.

Height of buildings

Clause 4.3 Height of buildings states that:

- “(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*”

The site is subject to a maximum building height standard of 8.5 metres. In accordance with WLEP 2011 Clause 4.6 'Exemptions to Development Standards', the proposal seeks approval to vary the maximum building height standard. The proposed variation is addressed below.

The proposed variation to the maximum building height standard

The maximum height of the modified lift overruns for Building E and F is 16m (RL 39.70) and 14.54m (RL 38.975) respectively.

Clause 4.6 (3) of the WLEP 2011 permits exceptions to development standards where compliance is unreasonable or unnecessary in the circumstances. Strict compliance with Clause 4.3 is considered unnecessary in the circumstances for the following reasons:

1. The maximum height of the existing Club building is 16.55 metres (RL 40.55). The minor increase to the lift overruns will not exceed the existing maximum height of the existing building.
2. Council approved a maximum height of 15.95 metres (RL 39.65) for the site under DA2014/0875. The modifications to the lift overruns represent a maximum 0.1% increase to the approved maximum building height.
3. Council approved a maximum height of RL38.50 for the site under DA2013/0412.
4. The lift overruns are setback from the building parapets. The building parapets are still set at the height approved under DA2014/0875. As such, the proposed minimal variation to the maximum building height will not be perceptible from the public domain or the surrounding dwellings. Therefore, there are sufficient environmental planning grounds to support the proposed variation as there will be no adverse or permanent impacts on the surrounding area with regard to solar access or view loss.

In summary, the development standard has been virtually abandoned by Council's own actions in granting consents departing from the standard and hence compliance with standard is unnecessary and unreasonable.

6.2 ANY PROPOSED INSTRUMENT

No proposed planning instruments are relevant to the assessment of the proposed modifications.

6.3 ANY DEVELOPMENT CONTROL PLAN

The Warringah Development Control Plan 2011 (Warringah DCP) is relevant to the assessment of the proposed modifications.

6.3.1 WARRINGAH DCP 2011

A detailed assessment of the proposed development against the provisions of the Warringah DCP 2011 is considered within the compliance assessment submitted as **Appendix H**. The overall level of DCP compliance is consistent with DA2014/0875. The following discussion addresses the proposed modifications to the approved front boundary setbacks.

B7 Front Boundary Setbacks

The Warringah DCP requires the built form to maintain a minimum 6.5 metre front boundary setback to Evans Street, Carrington Parade and Lumsdaine Drive. The proposal complies at the ground level;

however, Basement Levels 1 and 2 are proposed to be built to the Carrington Parade and Evans Street boundary. The proposed variation is necessary as a significant amount of car parking is required to meet the parking demand and requirements of the proposed uses.

Notwithstanding the proposed variation to the side boundary envelope control, the proposal is considered to meet the Council's side setback objectives as discussed below.

"To create a sense of openness."

A weighted 6.5 metre street setback is maintained on the Carrington Parade and Evans Street frontages. The Lumsdaine Drive setback exceeds 6.5 metres for the extent of the frontage. The physical setbacks proposed along the street frontages are consistent with Council's control and will allow a sense of openness to be created between the public domain and the proposed development.

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

The proposed variations are subterranean and will not have any impact on the visual continuity and pattern of the built and natural environments. The proposed street level landscaping will enhance the existing setback treatment along all street frontages.

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

The proposed variations are subterranean and will not have any impact on the visual quality of streetscapes and public spaces. The proposed development will enhance the visual quality of the site and its relationship with the surrounding area for the following reasons:

- The existing Club building will be adaptively re-used to create two building forms of reduced bulk that will be setback from Evans Street in accordance with Council's requirements;
- The proposal will replace the existing blank car park façade along the Evans Street and Carrington Parade street frontages with active residential frontages that have been designed to respond to the fine grain of the surrounding residential development, and
- The proposed landscape treatment will soften the appearance of the proposed development and will provide a sensitive and appropriate landscape setting that will reflect the coastal setting and existing streetscape character.

"To achieve reasonable view sharing"

The proposed variations are subterranean and will not have any impact on view sharing in the vicinity of the development. Notwithstanding this, the reduction in building bulk and the increased street level setback along Evans Street at the location of the existing Club building will enhance view sharing along Evans Street south-east to the ocean.

Summary

The proposed modifications to the front boundary setbacks will not hinder the development's ability to achieve the Council's objectives.

6.4 ANY PLANNING AGREEMENT

No planning agreements have been entered into relevant to this modification application.

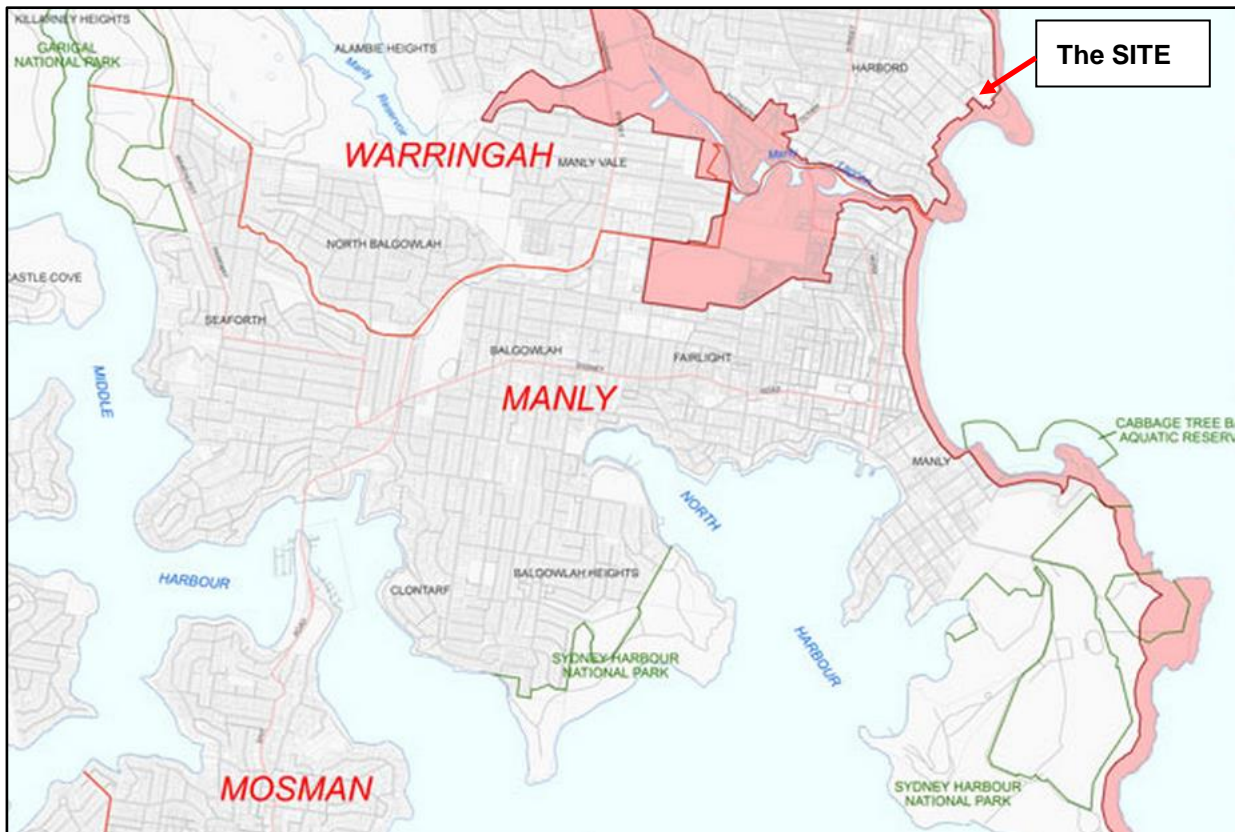
6.5 THE REGULATIONS

The Development Application is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

6.6 ANY COASTAL ZONE MANAGEMENT PLAN

The site is not located in the NSW Coastal Zone (refer to Figure 6). No Coastal Zone Management Plans are relevant to the proposed development.

FIGURE 6 – COASTAL ZONE – GREATER METROPOLITAN REGION MAP 15



6.7 THE LIKELY IMPACTS OF THE DEVELOPMENT

In accordance with Section 79C(b) of the EP&A Act, the proposed modifications have been considered with regard to their impact on relevant matters. These matters are outlined in Table 11 below.

TABLE 11 – ASSESSMENT OF THE LIKELY IMPACTS

CONSIDERATION	COMMENT
Compatibility with the Urban Environment	The proposed modifications will not reduce the development's compatibility with the urban environment (refer Section 6.7.1).
Visual Impact	The proposed modifications will not have any additional impact on view loss or view sharing (refer to Section 6.7.2).
Traffic, Parking and Access	The proposed modifications to the approved traffic, parking and access arrangements are appropriate and acceptable (refer to Section 6.7.3).
Residential Amenity	The proposed modifications will not result in any reduction to residential amenity (refer to 6.7.4).
Crime Prevention Through Environmental Design	A Crime Prevention through Environmental Design (CPTED) assessment prepared by Urbis forms part of the DA2014/0875 consent. The Crime Risk Assessment undertaken by Urbis and the recommendations of the NSW Police Northern Beaches LAC contained in the CPTED assessment

CONSIDERATION	COMMENT
	have been reviewed with regard to the proposed modifications. The assessment, recommendations and conclusions of the CPTED Assessment approved as part of DA2014/0875 are still applicable.
Landscaping and Tree Removal	The Aboriginal Impact Assessment approved as part of DA2014/0875 is still applicable (refer to Appendix N).
Compliance with the Building Code of Australia	The proposed modifications do not affect the development's ability to comply with the requirements of the BCA (refer to Appendix O).
Building Sustainability and Energy Efficiency	The Environmental Sustainability & Social Impact Report submitted with DA2014/0875 is still generally applicable to the proposed modifications (refer to Appendix P).
Equitable Access	The proposed modifications do not alter the findings of the Access Review approved as part of DA2014/0875 (refer to Appendix D).
Flora, Fauna and Ecology	The proposed modifications do not alter the findings and recommendations of the Flora and Fauna Assessment approved as part of DA2014/0875 (refer to Appendix I).
Stormwater, Soil and Water Management	The proposed modifications do not alter the findings and recommendations of the Stormwater Management Report approved as part of DA2014/0875 (refer to Appendix J).
Lighting	The proposed lighting will still meet the relevant standards (refer to Appendix Q).
Infrastructure Services	The proposal will be serviced by all required infrastructure (refer to Appendix R).
Heritage Conservation	The proposed modifications will have no additional impacts on the heritage significance of the surrounding heritage items (refer to Appendix S).
Waste Management	A revised Waste Management Plan for the operational phase of the development is submitted as Appendix M .

6.7.1 COMPATIBILITY WITH THE URBAN ENVIRONMENT

DA2014/0875 demonstrated that the development was compatible with the surrounding urban environment. The proposed modifications will not reduce the development's compatibility for the reasons outlined below:

Noise Impacts

An acoustic assessment has been prepared by WSP (**Appendix B**). It concludes that:

"With the exception of the proposed Child Care modifications, the conclusions of the Acoustic Logic Noise Impact Assessment (dated 01/08/14) approved under DA2014/0875 are still applicable to the development as modified.

Criteria for Childcare facility outdoor play areas is given within this Noise Impact Assessment in line with the Australian Acoustical Consultants (AAAC) Guideline Child Care Centre Acoustic Assessment (48dB LAeq, 15min).

The results of the Noise Impact Assessment required 'line of sight' awnings to Child Care Centre outdoor play areas. Within the Section 96 proposed alterations, these awnings are replaced by alternative mitigation measures; barriers to balconies, reduced awning areas, barrier wall along walkway.

An assessment of the childcare outdoor play areas taking into consideration the number of and age of the children in each play area and new mitigation measures. The model predicts noise levels associated with outdoor play areas comply with the established AAAC criteria at all times based on the supplied information and assumptions."

Therefore, the noise impacts of the proposed modifications are considered to be reasonable and consistent with those anticipated under DA2014/0874 as approved.

Overlooking

The separation distances between the development as approved and the nearest dwellings is not proposed to change. Therefore, the development is still considered to maintain acceptable levels of privacy to the surrounding dwellings.

Overshadowing

Shadow diagrams have been prepared by Architectus and have been submitted with the Architectural Drawings. The shadows cast by the modified building envelopes are consistent with the shadows cast by the development approved under DA2014/0875.

Constraints to future development potential

The proposed modifications will not introduce any factors that will constrain the future development potential of the surrounding sites.

Visual compatibility with the surrounding context

Evans Street

The proposed modifications will still result in a development that is visually compatible for the following reasons:

- Buildings E and F are a significantly reduced scale and bulk than the existing building envelope. The proposed modifications to the Building E envelope further reduce the bulk along Evans Street.
- The proposed scale will represent a significant reduction to the existing monolithic structure and will be responsive and compatible with the scale of the existing development on the southern side of Evans Street.
- The proposed adaptive re-use of the Club building will result in a general improvement on building shadow and activation of the Evans Street frontage. The 6.5m setback from Evans Street and reduced bulk to that approved under DA2014/0875 contributes to further reducing the building's perceived height and bulk, and its presence in the streetscape.
- Building D follows the topography of the land and steps down towards the Carrington Parade intersection. In this regard, the proposed height of Building D is responsive to the topography of the land and the lower density residential development on the southern side of Evans Street.
- The Building D façade is articulated to reflect the fine grain nature of the development on the southern side of the street. The massing has been adjusted, however, it is still broken down to reduce the bulk and scale of the building which increases their compatibility with the surrounding development.

Carrington Parade & The Drive

The proposed modifications to the development along Carrington Parade will not reduce its compatibility with the height and scale of the surrounding and nearby development for the following reasons:

- The proposed modifications will not increase the maximum height of the development in this location;
- The proposed variations to the front setbacks are minor and are setback from the primary building line; and
- The proposal maintains the heavily stepped facades with recessed breaks which break down the scale of the development and reflects the prevailing fine grain scale of the existing residential development along Carrington Parade.

Lumsdaine Drive

The proposed modifications to the development along Lumsdaine Drive will maintain the increased setbacks to reflect the character of the interface with the ocean and the setbacks to the existing Club.

6.7.2 VISUAL IMPACTS & POTENTIAL VIEW LOSS

A comprehensive Visual Impact Assessment was prepared by Architectus and submitted with DA2014/0875. The assessment analysed the visual impact of the proposed development on regional, suburban, immediate and private views. Architectus have undertaken a review of the proposed modifications with regard to the Visual Impact Assessment submitted with DA2014/0875 (**Appendix C**), and consider that:

“The following design changes will have no change or an insignificant change to the Visual Impact of the proposal in all views considered:

- *All changes proposed within the basement levels*
- *Blocks A, B and D – introduction of stairs internally within the common corridor*
- *Changes to street entries to Block A – B to incorporate required fire egress stairs.*

The following external design changes have been considered further:

- *Modifications to the form of Blocks E and F.*
- *Modifications to the form of Blocks C and D including:*
 - *Modifications to Block C including building façade, awning and access location changes for the proposed childcare centre.*
 - *Changes to the Porte Cochere including changes to the Evans Street frontage at Lower Ground and Upper Ground level.*
 - *Block D altered building façade, and setbacks.”*

The Visual Impact review re-assessed view 15 and view 39 and concluded that the proposed modifications identified above will not:

“create a significant change to the overall bulk and scale of the proposal from any location considered, or the analysis of impacts within the Visual Impact Assessment document for the approved development.

The proposed changes are therefore considered acceptable in terms of their visual impact.”

Therefore, the visual impact assessment undertaken in accordance with the principles of Tenacity Consulting v Warringah Council [2004] as part of DA2014/0875 is still applicable for view 39 (69 Evans Street). The original assessment concluded that:

“The proposed development will substantially reduce building bulk of the existing Club building but it will block some very small glimpses of ocean view.

The part of the proposed development impacting on the view is of substantially lower height than the location the view is obtained from.

The proposal will be of higher architectural quality than existing development on the site.”

It is also noted that the painted lift overruns have not been determined to have any additional visual impact – they will reduce nocturnal light spill and reduce reflectivity to the surrounding area.

The proposed modifications will not result in any additional visual impacts to those considered by Council and the JRPP during the assessment of DA2014/0875.

6.7.3 TRAFFIC, ACCESS AND PARKING

A Traffic Report has been prepared by Arup (**Appendix A**) to address the proposed modifications to DA2014/0875 and matters raised by Council at the pre-lodgement meeting held

27 May 2015. In summary:

- *“The amended loading dock is compliant with the requirements in AS2890.2-2002 as demonstrated by swept paths;*
- *The sight lines for vehicles accessing the site are satisfactory and have not been reduced since the approved DA stage;*
- *The proposed modification to parking numbers are acceptable and will not have any unreasonable impacts on the surrounding area given there is a decrease of floor area and peak parking occupancy is less than the capacity;*
- *The proposed consolidation of the exit driveway to a single lane will improve vehicular and pedestrian safety without resulting in any unreasonable queuing impacts on the internal operation of the car park and Porte Cochere;*
- *Car park signage will be provided in accordance with the conditions of consent at a later stage of design;*
- *The pedestrian refuge and indented drop-off on Evans Street is proposed in the original location of the approved DA locations due to private laybacks and road width constraints; and*
- *The Porte Cochere angled entry has been demonstrated by swept paths as suitable for both left and right turns from Evans Street for largest vehicle.”*

Therefore, the proposed traffic, parking and access modifications are considered to be appropriate and will not create any additional adverse impacts to the surrounding area.

6.7.4 RESIDENTIAL AMENITY

The following assesses the proposal against the key Apartment Design Guide criteria. Architectus have undertaken an assessment of the proposal against the 9 SEPP 65 design principles (**Appendix F**). A SEPP 65 solar access and natural ventilation assessment has also been submitted under **Appendix F**.

Solar access

70 apartments (72.9%) receive a minimum of 2 hours between 9am and 3pm at mid-winter which fully complies.

Natural ventilation

68 (70.8%) of the 96 dwellings are cross ventilated which fully complies.

Building separation

The proposed modifications do not change the approved separation distances between buildings.

Apartment size

The proposal will comply with the minimum internal apartment areas.

Apartment mix

The proposed modifications maintain a mix of 1, 2 and 3 bedroom apartments.

Summary

The proposed modifications will not result in any additional residential amenity impacts beyond those considered by Council and the JRPP during the assessment of DA2014/0875.

6.8 THE SUITABILITY OF THE SITE

The proposed modifications do not alter the site's suitability for the development.

6.9 ANY SUBMISSIONS

Submissions received by Council in response to the proposed modifications will be considered as part of the Council and JRPP assessment.

6.10 THE PUBLIC INTEREST

The proposed redevelopment of the Harbord Diggers Club will remain in the public interest.

7 Section 96(2) Application

The relevant part of the Act, states:

“96(2) Other modifications

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 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*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (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 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, 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.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

The Warringah Council have confirmed that this application can be submitted as a Section 96 (2) application under the requirements of the Act, as the proposed modifications will result in substantially the same development and the potential environmental impacts individually and cumulatively, are considered minor and will have no significant impacts beyond those considered by the JRPP or Council during the assessment of DA2014/0875. This has been demonstrated by the assessment under Section 6 above.

The proposed modifications to the approved development will result in substantially the same development, and will not have any major impact on the operation and form of the approved development or the surrounding environment.

8 Summary and Conclusions

This submission has been prepared to support the Section 96(2) application, lodged by the Mt Pritchard & District Community Club and has clearly demonstrated that:

- The development will remain substantially the same as that approved under DA2014/0875;
- The proposed modifications will have negligible environmental impact; and
- The development will continue to meet the objectives of all relevant planning controls.

In light of the above, the proposed modifications are considered to warrant the support of the Warringah Council and the Sydney East Joint Regional Planning Panel.

Disclaimer

This report is dated July 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Mt Pritchard & District Community Club (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Traffic Report

Appendix B

Acoustic Report

Appendix C

Visual Impact Review

Appendix D

Accessibility Statement

Appendix E

Contamination Statement

Appendix F

SEPP 65 Design Verification
Statement

Appendix G

BASIX

Appendix H

Planning Compliance Table

Appendix I

Ecological Statement

Appendix J

Stormwater Statement

Appendix K Geotechnical and Hydrogeological Investigation Report

Appendix L

Childcare Centre – Design Considerations

Appendix M

Waste Management Plan

Appendix N

Arboricultural Statement

Appendix O

BCA Statement

Appendix P

ESD Statement

Appendix Q

Lighting Statement

Appendix R

Infrastructure Statement

Appendix S

Heritage Statement

Appendix T

Remediation Action Plan

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