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SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

20 October 2016

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Sir/Madam,

SECTION 96 (1A) APPLICATION TO MODIFY DA2014/0875

1. INTRODUCTION

This application has been prepared by Urbis on behalf of the Mount Pritchard and District Community Club to accompany a S96(1A) application to modify development consent DA2014/0875 as it pertains to the redevelopment of the Harbord Diggers Club at 80 Evans Street, Freshwater (the site). It provides an overview of the existing approval, the proposed modification and consideration of relevant matters under Section 96(1A) and Section 79C of the *Environmental Planning & Assessment Act 1979* (the Act).

The application is accompanied by the following documentation:

- A completed Section 96 application form with owner's consent;
- Credit Card Authorisation Form made payable to Northern Beaches Council for \$1,310 being the requisite S96 (1A) fee advised by Northern Beaches Council;
- 1 copy of this Planning Assessment and respective appendices; and
- One CD containing electronic versions of the above documents.

Specifically, this application proposes to modify the approved façade of the site, amend the layout of the approved privacy screens to increase the overall amenity of the development and minor modification to the approved roof layout. The amendment will result in the modification of Condition 1 of the existing development consent only and does not warrant amendment to the remaining aspects of the development consent.

The proposal has been assessed against the relevant provisions of the Act, concluding that the proposal will not alter the use, bulk & scale, or substantially modify the appearance of the building such that it cannot be considered substantially the same development.



2. THE APPROVED DEVELOPMENT

A Development Application (DA2014/0875) was approved on 1 December 2014 for:

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

The application has been subsequently modified by a previous Section 96 (2) application (Mod2015/0152) which was approved by the Sydney East Joint Regional Planning Panel on 23 November 2015.

3. PROPOSED MODIFICATION

The subject Section 96 (1a) Application seeks to amend DA2014/0875 to make alterations to the approved external façade and roof layout of the approved Harbord Diggers Facility. Specifically the application seeks to make the following amendments to the approved development:

- Removal of part sections of sandstone wall and replacement with a white render;
- Rationalisation of the residential privacy screens;
- Minor alteration to the existing window location; and
- Alteration to rooftop plant layout.

These amendments are shown in the Architectural Plans attached as Appendix A of this letter and are further supported by an Architectural Design Statement which is attached as Appendix B of this report. The proposed amendments relate to Condition 1 only. No further amendment to the development as approved is sought by this application.

3.1. CONDITION AMMENDMENT

Condition 1 of the consent lists the existing approved plans. The proposed amendment to **Condition 1** can be seen below in **red and bold**.

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

a) *Approved Plans*

Drawing No.	Dated	Prepared By
DA002 - D	10/11/2015	Architectus + Chrofi
DA100 – C	15/7/2015	Architectus + Chrofi
DA101 – C	14/07/2015	Architectus + Chrofi
DA102 - C	15/07/2015	Architectus + Chrofi
DA103 – D	09/11/2015	Architectus + Chrofi
DA104 - E	09/11/2015	Architectus + Chrofi
DA105 – C	15/07/2015	Architectus + Chrofi
DA106 - C	15/07/2015	Architectus + Chrofi
DA107 – C	15/07/2015	Architectus + Chrofi
DA108 – C	15/07/2015	Architectus + Chrofi

DA109 – C DA109 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA111 – C DA111 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA112 – C DA112 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA113 – C DA113 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA114 – C DA114 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA115 – C DA115 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA116 – C DA116 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA117 – C DA117 – D	15/07/2015 14/10/2016	<i>Architectus + Chrofi</i>
DA120 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA121 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA122 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA123 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA124 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA125 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA126 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA130 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA131 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA132 – B	15/07/2015	<i>Architectus + Chrofi</i>
DA139 – B	10/07/2015	<i>Architectus + Chrofi</i>
DA150 – B DA150 – D	10/07/2015 14/10/2016	<i>Architectus + Chrofi</i>

4. SECTION 96(1A) ASSESSMENT

Under Section 96(1A) the consent authority may approve an application to modify a development consent where it is satisfied that the proposed modification will satisfy the elements of Section 96(1A), which the proposed modification is assessed against below.

4.1. MINIMAL ENVIRONMENTAL IMPACT

The proposal will not result in significant environmental impact, will not change the use of the site and will consist of minor amendments to the architectural treatments and roof layout only. The alterations are therefore considered to have a minimal environmental impact

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(1A) (a) of the Act stipulates that a consent authority may modify the consent if it is satisfied that the development is substantially the same to which the consent was originally granted. The proposed modifications are minor and the amended proposal is considered substantially the same development, taking into account:

- The application proposes no changes to the approved land use.
- The change is proposed to the approved built form of the site.
- No changes to the overall function of the development are proposed.

The proposed modifications will not alter the use, bulk & scale, or substantially modify the appearance of the building such that it cannot be considered substantially the same development. Accordingly, the proposed condition amendment will not change the nature of the approved development.

4.3. SECTION 79C ASSESSMENT

4.3.1. Any Planning Instrument

Warringah Local Environmental Plan 2011

The proposed modifications are minor and do not constitute any impact towards the developments compliance with the land use objectives or the permissibility of the development within the R2 Low Density Residential Zone under the Warringah Local Environmental Plan 2011. The proposal does not represent a change in maximum building height of FSR to what has been previously approved by Council.

Warringah Development Control Plan 2011

The Warringah Development Control Plan contains a comprehensive set of controls for mixed use development such as that approved for the Harbord Diggers Site. A complete assessment of the amended proposal sought by this application against the relevant controls of the DCP is contained in Table 1 below.

Table 1 – Warringah DCP Compliance Table

CONTROL	COMMENTS	COMPLIANCE
Part B Built Form Controls		
B1 Wall Heights	The proposed modification will not alter the approved wall heights of the development.	Yes
B3- B7 Setback Controls	The proposal will not impact on the setbacks of the proposal.	Yes
Part C Siting Factors		
C2 and C3 Traffic, Access and Safety and Parking Facilities	No alteration is proposed to the existing traffic management and parking arrangements.	Yes
C4 Stormwater	Stormwater management for the site will not be altered as a result of the proposal.	Yes
C7 Excavation and Landfill	No additional excavation or landfill is proposed by the subject application.	Yes
C9 Waste Management	The ongoing waste management of the proposal will not be impacted by the proposal.	Yes

Part D Design		
D1 Landscaped Open Space and Bushland Setting	The proposed development will not impact on the landscaped open space of the proposal.	Yes
D2 Private Open Space	The proposed modifications will not impact on the private open space assigned to each dwelling.	Yes
D3 Noise	The removal of the screens proposed by the application will not impact on screening to mechanical ventilation systems and will therefore not impact on acoustic measuring.	Yes
D6 Access to Sunlight	The proposed rationalisation of screens and relocation of roof lights will increase and improve the access to sunlight for the proposal. This is considered to improve the internal amenity of the apartments.	Yes
D7 Views	The proposed amendments will not alter the building envelope and in doing so will not impact on views for adjacent development.	Yes
D8 Privacy	The screens removed as part of this application will not alter the privacy of the individual dwellings as the orientation of the windows do not clash with dwellings elsewhere on the site or within close proximity of the site.	Yes
D9 Building Bulk	The overall building bulk of the proposal will not be altered as a result of the proposal as the setbacks, orientation and building height will not be altered by the proposal.	Yes
D10 Building Colours and Materials	A white building render has been selected for the façade to enhance the visual connection between the site, the village character of Freshwater and the coastal location of the proposal. This is considered to be consistent with the objectives of the Warringah DCP which encourages new developments to be sympathetic to the surrounding natural and built environment.	Yes
D11 Roofs	<p>The proposed amendments of the rooftop layout have been proposed to facilitate better solar access to the apartments from the proposed roof lights and amend the location of the carpark exhaust and substation to comply with manufacturer's specifications. The amendments will not be visible from the public domain.</p> <p>No alteration is proposed to the approved roof form of the proposal as a result of the application.</p>	Yes



D14 Site Facilities	Site facilities will not be altered as a result of the proposal.	Yes
D18 Accessibility	Disabled access has not been impacted by the proposed amendments.	Yes
D20 Safety and Security	The proposal is considered to have a negligible impact on the safety and security of the site. The removal of the proposed screening could however be considered to increase the casual surveillance of the site.	Yes

4.3.2. Likely Impacts

The application proposes a minor modification to the approved development which is considered appropriate. The likely impacts of the proposed development is considered below however at a general nature they are not considered to result in any negative environmental, social or economic impacts both for the development site and surrounding sites.

Built Form

The proposed amendments seek to alter the external façade to further enhance a sense of connection between the proposed development and the village character of Freshwater by introducing more diversity of materials and reinforcing the fine-grained pattern of development of the street buildings. Further as detailed in the Design Verification Statement attached as Appendix B of this report the proposed palette of materials and colours which have been considered as part of the detailed design development of the construction process assists in de-scaling the bulk of the development without detracting from the overall architectural merit.

Having regards for this the modification proposed by this application is considered to improve the overall built form of the proposal by enhancing the visual interest of the façade when viewed from the public domain and further linking the development to the overall village character of Freshwater.

Residential Amenity

The proposed amendments are considered to enhance the overall amenity of the approved apartments by providing a nominal increase to solar access for residential apartments without impacting on the overall design of the proposal. The rationalisation of the privacy screens have been considered in close consultation with the purchasers of the apartments and will have a negligible impact on privacy to the individual apartments. Having considered this the proposal is considered to improve upon the residential amenity of the site.

View Loss and Overshadowing

The proposed amendments to the rooftop plant equipment and roof light will be imperceptible from the public domain and will not impact on the views of adjacent development or result in additional overshadowing which will impact on solar access to internal or external spaces.

4.3.3. Suitability of the Site

The proposed modification does not change the suitability of the site of the approved development.

4.3.4. Submissions

In accordance with Section 96(1A)(d) of the Act, the applicant will consider and respond to any relevant 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.

4.3.5. Public Interest

The proposed modification is consistent with the approved development, and allows for minor modifications to the façade of the development which is not considered to impact on the proposals relationship with the streetscape. There is no adverse outcome in respect of the public arising from the application.

5. CONCLUSION

The impact of the proposed modifications has been assessed with consideration to the previous approvals for the building and relevant statutory and non-statutory planning policies. Having regard to each of the matters considered above, the proposal is considered reasonable and appropriate for the subject site for the following reasons:

- The proposed façade alterations are considered to strengthen the overall architectural integrity of the development by enhancing the connection between the development and Freshwater itself;
- The rationalisation of the amount of screens used for the residential portion of the site will increase the solar access for the apartments without adversely impacting on the privacy of the dwellings;
- The proposed amendments to the rooftop will be imperceptible from the public domain and will not impact on the visual or acoustic amenity of the area; and
- The proposal is considered to be in the public interest.

Based on the above, we conclude that the proposed modification can and should be approved pursuant to the provisions of Section 96(1A) of the Act.

If you have any questions please don't hesitate to contact me on (02) 8233 7614.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Cameron Nixon".

Cameron Nixon
Senior Consultant