



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

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Urbis Pty Ltd
ABN 50 105 256 228

23 January 2020

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

Dear Sir/Madam,

DEVELOPMENT APPLICATION FOR STRATUM SUBDIVISION HARBORD DIGGERS CLUB -80 EVANS STREET, FRESHWATER

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared on behalf of the applicant, Mt Pritchard and District Community Club Ltd (Mounties Group) for the Stratum Subdivision of 80 Evans Street Freshwater ("Harbord Diggers Club").

The subject Development Application seeks consent for the creation of three (3) stratum allotments which pertain to Seniors Living, the Club premises and associated uses and Car parking in addition to appropriate easements and right of ways required to service the development.

This SEE provides an assessment of the likely impacts of the proposed development, and includes the following components:

- A description of the site and surrounding development;
- A description of the site planning history;
- A detailed description of the proposed works; and
- An assessment of the relevant environmental planning instruments and controls relating to the site, as per Section 4.15 of the Environmental Planning and Assessment Act 1979.

In addition to this letter, the application comprises:

- A completed application form;
- Draft Stratum Subdivision Plan;
- Draft S.88b instrument; and
- USB containing electronic files for the complete application.

Due to the minor procedural nature of the proposal and that no works are proposed, we anticipate that public notification will not be required as part of the development assessment process.

2. SITE AND SURROUNDS

The subject site is known as Lot 20 DP1242304 with a street address of 80 Evans Street, Freshwater (also referred to 68-90 Evans Street Freshwater). The site is located in a prominent location on the coastal headland between Freshwater and Curl Curl Beaches. It is located amongst a mix of residential development of varying forms and density. It is bounded by Carrington Parade to the north, McKillop Park and at grade car park (south), Lumsdaine Drive to the east and Evans Street to the west. The site is located in close proximity to local shopping facilities and services in Freshwater Village, which is centred on Lawrence Street and Moore Road, approximately 700m from the site.

The subject site is outlined in red in the aerial context image in the Figure below.

Figure 1 – Aerial view of site



3. DEVELOPMENT CONSENT HISTORY

The Harbord Diggers Club has been subject to multiple Development Applications over many years to facilitate the long term redevelopment as an intergenerational club facility. A summary of the key applications approved for the site are provided below.

DA2013/0412- Stage 1 Development Approval

Approval was granted by the Sydney East Joint Regional Planning Panel (JRPP) on 16th September 2013 for the building envelopes of the redevelopment of the site for the purpose of an intergenerational club comprising seniors housing, new club facility, child care, gymnasium, community centre and respite care. The consent approved building envelopes for four (4) new buildings and the adaptive re-use of the existing Club building. No approval was given for physical works to commence on the site under DA2013/0412.

DA2014/0875-Stage 2 Development Approval

Approval was granted for physical works on the site generally in accordance with the Stage 1 building envelopes by the JRPP on 1st December 2014. The proposed works included to four (4) three storey buildings (known as Buildings A, B, C and D), the adaptive re-use of the existing Club building (known as Buildings E and F), new club facilities, 97 independent seniors living units across the six buildings and Car parking within common basement levels. The consent was stated as:

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

This application was subsequently modified under Section 4.55 (formerly S.96) by Mod2015/0152 (23 November 2015), Mod2016/0298 (5 January 2017) and Mod2017/0063 (1 June 2017).

The construction works in accordance with the approvals are generally completed across the site and Interim Occupation Certificates issued.

4. PROPOSED STRATUM SUBDIVISION DEVELOPMENT

This proposal seeks consent for the subdivision of the Harbord Diggers development site into three stratum allotments. These allotments are shown in the draft plan of subdivision attached as Appendix A of this letter and are summarised below:

- **Seniors Living Allotment (Stratum Lot 1):** Comprising all seniors living components for the site including recreational landscaped areas exclusive for village use;
- **Club/Other Uses Allotment (Stratum Lot 2):** Comprising the licensed club, ancillary club uses and all common areas of the Development. The club/other uses stratum will retain air rights across the entirety of the site; and
- **Parking Allotment (Stratum Lot 3):** Comprising the basement levels of car parking excluding specific plant rooms or facilities which exclusively support other stratus.

The table below details the total stratum lot areas:

Lot No.	Footprint Area
1 (seniors)	11,422 m2
2 (club)	15,661 m2
3 (parking)	13,044 m2

As indicated in the draft 88B Instrument, each stratum allotment will be supported by easements and rights of ways/ access. These easements are summarised as follows:

- Easement for support and shelter (whole of lot);
- Easement for Services (whole of lot);
- Easement for Fire egress (whole of lot);
- Easement for Access shared facilities (whole of lot);
- Right to use Lift variable width (Limited in stratum);
- Right of access variable width (Limited in stratum);
- Easement for Light and air variable width (Limited in stratum);
- Easement for Access variable width (Limited in stratum); and
- Easement for public access viable width (Limited in stratum).

5. SECTION 4.15 ASSESSMENT

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

Warringah Local Environmental Plan 2011

Zoning and Permissibility

Under the Warringah Local Environmental Plan 2011 (WLEP), the site is zoned R2 Low Density Residential. Under Clause 2.5 of WLEP, the site is also subject to *Schedule 1- Additional Permitted Uses* which specifically permits, “*Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent*”.

Stratum Subdivision is permissible with development consent pursuant to *Clause 2.6 – Subdivision-Consent Requirements* of WLEP. Further each individual land use and component of the three allotments forming part of the Harbord Diggers site is permissible itself with development consent.

Development for the purpose of a carpark such as that proposed by Stratum Lot 3 is permissible only if the facility is an ancillary land use to a permissible land use. The easements and right of ways/access proposed by the stratum subdivision in conjunction with **Condition 73 - Allocation of**

Spaces of DA2014/0875 will ensure that the carpark which will form Stratum Lot 3 will not be considered inconsistent and will serve the dominant purpose of the development as a whole. Having considered this the use of Stratum Lot 3 for the sole purpose of a carpark is considered to be ancillary to the development of Stratum Lots 1 and 2 in a matter consistent with the Department of Planning and Infrastructure Circular PS 13-001 dated 21 February 2013 "How to Characterise Development" and as such forms a permissible land use pursuant to Clause 2.5 and Schedule 1.

Minimum Lot Size

The minimum lot size controls detailed in the WLEP2011 apply only to Torrens Title Subdivision and is not applicable to Stratum Subdivision.

Height

The proposed building heights of the stratum subdivision are compliant with development approval DA2014/0875. This application does not seek any works and as such no change to built form.

Floor Space Ratio (FSR)

The proposed floor space ratio of the stratum subdivision is compliant with development approval DA2014/0875. This application does not seek any works and as such no change to built form.

There are also no draft Environmental Planning Instruments that are applicable to the proposed development.

5.2. DEVELOPMENT CONTROL PLAN

Warringah Development Control Plan 2011

The site is subject to the detailed controls of the Warringah Development Control Plan 2011 (WDCP). The subdivision plans have been prepared in accordance with the development approvals for buildings and basement car parking. WDCP was comprehensively considered as part of DA2014/0875 and accordingly the proposed stratum subdivision is consistent with the built form controls of the DCP.

5.3. PLANNING AGREEMENT OR REGULATIONS

There are no applicable planning agreements or regulations of note relevant to the subject proposal.

5.4. LIKELY IMPACTS OF DEVELOPMENT

There are no environmental, social or economic impacts created by the subdivision of the site. There are no associated works and proposed subdivision follows the previously approved uses, unit and parking distribution and the application is merely assigning allotments to components of the site.

5.5. SUITABILITY OF THE SITE FOR DEVELOPMENT

The suitability of the site for the proposed development has been established under the previous development approvals. The stratum subdivision of the site represents a logical and suitable division of the uses and units and will have no impact on the continued suitability of the site for future development.

5.6. PUBLIC SUBMISSIONS

Due to the minor procedural nature of the proposal and that no works are proposed, we anticipate that public notification will not be required as part of the development assessment process.

5.7. THE PUBLIC INTEREST

The proposed stratum subdivision will have no environmental or economic impacts and is in line with the previous approvals for the site. The subdivision of the property will greatly benefit the senior residents by providing open space and an increase in recreation options. As such the proposal is within the public interest. All necessary easements are noted on the draft stratum subdivision plans.

6. SUMMARY AND CONCLUSION

The impact of the proposed works has been assessed with regard to the relevant statutory and non-statutory planning controls. This assessment has shown that the development will have no tangible environmental effects and is consistent with the previous consent and conditions of DA2014/0875.

It is recommended that the proposed subdivision be approved pursuant to the provisions of the Environmental Planning and Assessment Act 1979.

If you have any queries regarding this application, please feel free to contact the undersigned on 02.8233 9967.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Naomi Daley".

Naomi Daley
Associate Director

Enc.