

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 15 October 2015

80 Evans Street Freshwater - Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0579
Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe.
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Mount Pritchard & District Community Club Ltd
Application lodged:	26/06/2015
Application Type:	Local
State Reporting Category:	Other
Notified:	10/07/2015 to 28/07/2015
Advertised:	11/07/2015
Submissions:	6
Recommendation:	Approval
Estimated Cost of Works:	\$ 612,570

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Detailed Site Description:	The site comprises the following parcel of land: • Lot 12 DP 1197725, No. 80 Evans Street, Freshwater; and The combined site has an area of 15,599 square metres and is irregular in shape. The site is located on a visually prominent headland between South Curl Curl Beach and Freshwater Beach. The site has three street frontages; being Evans Street to the south-west, Carrington Parade to the west/north-west and Lumsdaine Drive to the north-east. The topography of the site is characterised by a moderate fall to the north-east from the north eastern side of the existing Harbord Diggers Club building and carpark and a gradual fall to the west on the south-west side of the existing Harbord Diggers Club building and carpark. The Lot known as No.80 Evans Street is currently occupied by the part four and part five storey Harbord Diggers Club building and two storey carpark. Three bowling greens are provided on the roof of the carpark structure. The existing Harbord Diggers Club building incorporates a nil setback to Evans Street for a length of approximately 48m. The existing adjoining carpark is setback 6.5m from the boundary adjoining Evans Street. Three vehicular

crossings, a service block and other structures are located within the 6.5m setback. The setback of the existing carpark to Carrington Parade varies from 2.3 metres (midway along Carrington Parade) to approximately 20 metres (at the corner of Carrington Drive and Evans Street).

Vehicular and pedestrian access to the Harbord Diggers Club building is currently provided from Evans Street. Three vehicular crossings have been provided. One vehicular crossing is the entry to the Club's carpark, the second is the exit from the carpark and the third provides access for members and provides access to the loading dock.

Due to the visual prominence of the site, the existing Harbord Diggers Club building and surrounding land can be viewed from a number of vantage points to the north.

The site adjoins McKillop Park to the north east. McKillop Park is a Crown Reserve.

Development on the south-west side of Evans Street is characterised by apartment style dwellings. The development to the west is generally characterised by detached style dwelling houses. The topography of the land to the west of the site has resulted in many of the dwellings to the west being elevated above the subject site.

The site is in the vicinity of the coastal cliffs located along the northern side of Lumsdaine Drive. The coastal cliffs are identified as a heritage 'Conservation Area' in Warringah Local Environmental Plan 2011.

Map:



SITE HISTORY

Development Application No. 2014/0875

This application for Demolition and Excavation works and Construction of Seniors Housing, a Registered Club, a Childcare Centre and associated car parking and landscaping (Harbord Diggers Club Site) was approved by the Joint Regional Planning Panel on 01/12/2014.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to an existing Registered Club (Harbord Diggers) to provide a temporary club facility for use during the redevelopment works of Harbord Diggers.

Specifically the works involve:

Basement Level

- Partial demolition of existing facade addressing Evans Street to accommodate temporary bin storage and loading dock area.

Ground Floor Level

- Alterations to Evans Street facade to provide fire doors to the existing building.
- Demolition works and alterations to the Evans Street pedestrian entry to accommodate an ancillary mobile cafe van and terrace for members and guests;

The mobile cafe van is proposed to have the following operating hours:

- Sunday – Thursday: 5.30am – 2.00am; and
- Friday – Saturday: 5.30am – 4.00am.

First Floor Level

- Demolition of part of existing roof to accommodate a new outdoor deck area with seating for 82 persons; and
- Mechanical plant enclosures.

Roof Level

- Mechanical plant enclosures

Signage

- 1 x sign (10.8m x 2.1m) located on the Evans Street façade;
- 1 x sign (4m x 1.5m) located on the car park façade;
- 1 x sign (3.2m x 4.3m) located on the northwest façade (facing west along Evans Street)

All signage will be illuminated between the hours of 5pm to midnight 7 days a week, operated with a time-clock.

Hours of operation

- The proposed hours of operation for the temporary club are as follows:
 - Sunday – Thursday: 5.30am – 2.00am; and
 - Friday – Saturday: 5.30am – 4.00am.

Surrender of consent

The applicant proposes condition of consent that requires the surrender of any future development approval for the temporary club proposal upon the issue of the final occupation certificate for the registered club component of DA2014/0875.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements

Section 79C 'Matters for Consideration'	Comments
	under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Gregory Kenneth Ernest Bowman	C/- Brewster Hjorth Architects 85 Commonwealth Street SURREY HILLS NSW 2010
Carolann Bristol	16 / 69 Evans Street FRESHWATER NSW 2096
Ms Catherine Casey	16 / 69 Evans Street FRESHWATER NSW 2096

Name:	Address:
William Rhodes Kugler Jr	14 / 69 Evans Street FRESHWATER NSW 2096
Mrs Laura May	17 / 67 Evans Street FRESHWATER NSW 2096
Kimberley Ann Cook	71 / 30 Moore Road FRESHWATER NSW 2096

The following issues were raised in the submissions and each have been addressed below:

- **Mobile cafe van**
- **Traffic impacts**
- **Construction noise/hours**

The matters raised within the submissions are addressed as follows:

- **Mobile cafe van**

Concern is raised regarding the location of the mobile cafe van on the Evans Street frontage and proposed hours of operation of the mobile cafe van and its impact upon the amenity of neighbouring residential properties.

Comment:

The mobile cafe van is located within the site boundaries on the Evans Street frontage. The van is to be setback 4.8m from the front boundary. The location of the van has been discussed in greater detail elsewhere within this report (refer to 'B7 - Front Boundary Setbacks under the WDCP section).

In summary, the development satisfies the underlying objectives of 'Clause B7 - Front Boundary Setbacks' and the location of the van is supported based upon the existing built form being located on the boundary and its temporary nature and use whilst the Harbord Diggers Club undergoes its redevelopment.

The proposal seeks to operate the mobile cafe van Sunday – Thursday: 5.30am – 2.00am; and Friday – Saturday: 5.30am – 4.00am.

The mobile van is to be located on the existing entry stair case and landing area addressing Evans Street on the outside of the existing building footprint/area and at what will be the front and main entrance to the temporary club. In this regard it is reasonable to expect that the cafe will be used not only by patrons of the club but also by the general public and passers-by.

The mobile van will have a direct interface with neighbouring residential properties along Evans Street with minimal acoustic measures able to be provided given the construction of the van and 'alfresco' service arrangement. In this regard and notwithstanding the proposed mitigation measures (security guards patrolling area and treatment of balustrades), the proposed hours of operation are considered to provide the potential to unreasonably interfere with the residential amenity of the area and are not supported.

In this regard, a condition has been included in the recommendation of this report restricting the hours of operation for the mobile cafe van to 7am to 7pm any day of the week in order to protect the residential amenity of the area.

Subject to the above condition this matter does not warrant refusal of the application.

- **Traffic impacts**

Concerns are raised regarding the increased traffic on the local roads and its impact on traffic flow, safety and noise as a result of building works.

Comment:

The concerns raised are general comments regarding the traffic congestion as part of ongoing building works. This proposal involves a substantially reduced and temporary club facility which will reduce traffic generally and the amount of required car parking for the development. Council's Traffic Engineer has reviewed the proposal and provided the following comments regarding traffic generation:

'The proposal will result in an reduction in the size of the club and accordingly in the traffic generation. Therefore, the traffic generation of the proposed temporary club will not have adverse impact on the road network and is acceptable.'

Therefore, this matter does not warrant refusal of the application.

- **Construction noise/hours**

A submission requests that construction noise and equipment use is limited to 7am to 5pm.

Comment:

The building construction hours and delivery hours will be the subject of a standard condition of consent as follows:

7.00 am to 5.00 pm inclusive Monday to Friday,
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

This is Council's standard condition and consistent with residential noise guidelines.

This matter does not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections to the proposal subject to conditions.
Development Engineers	No Development Engineering objection raised to the proposed alteration to existing building.
Environmental Investigations (Industrial)	The application was referred to Council's Environmental Health (Industrial) who provided the following comments:

Internal Referral Body	Comments					
	<i>'At this stage Environmental Investigations recommends refusal due to the long hours of operation, and the times that the noise testing was undertaken. Environmental investigations will reconsider this referral if the hours of operation are significantly reduced along with the implementation of the noise control recommendations detailed in the Noise assessment report - report no. 5716-1.1R.'</i> <u>Planners Comment:</u> This matter has been addressed by conditions restricting the hours of operation for the mobile cafe van and outdoor deck area.					
Health and Protection (Food Premises)	The temporary café van will require an application and inspection see conditions of approval					
Heritage Advisor	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td> This application has been referred as it is in the vicinity of Item I65 Duke Kahanamoku Statue and Memorial Park, which is listed as a local heritage item under Schedule 5 of Warringah Local Environmental Plan (WLEP) 2011. This item is located adjacent to the existing open Harbord Diggers carpark and approximately 60 metres from the club building. Also, located at approximately 100 metres from the club building is Conservation Area C14 - Coastal Cliffs, which is also listed in Schedule 5 of WLEP 2011. </td></tr><tr><th>Details of heritage items affected</th></tr><tr><td> Details of the heritage items in the vicinity are:- Item I65 Duke Kahanamoku Statue and Memorial Park Statement of Significance The statue and park area is a rare and significant cultural site commemorating significant persons and events in Australian surfing history at Freshwater Beach, where surfing was first popularised in Australia in December 1914 by Duke Kahanamoku. The mosaics, statue and park setting are of outstanding creative achievement. The statue and park area were opened on the 26 January 1994 by Duke Kahanamoku's widow, Mrs Nadine Kahanamoku. They are also dedicated under the NSW Crown Lands Act and its Regulations as a part of the Manly-Freshwater National (2010) and World (2012) Surfing Reserves. Physical Description The Park is located on the northern headland of Freshwater Beach and consists of a walkway and stone paved spaces with figurative mosaics of each of the champion surfers set on sandstone boulders and in the paving, as well as a one and a half life-sized bronze </td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	This application has been referred as it is in the vicinity of Item I65 Duke Kahanamoku Statue and Memorial Park, which is listed as a local heritage item under Schedule 5 of Warringah Local Environmental Plan (WLEP) 2011. This item is located adjacent to the existing open Harbord Diggers carpark and approximately 60 metres from the club building. Also, located at approximately 100 metres from the club building is Conservation Area C14 - Coastal Cliffs, which is also listed in Schedule 5 of WLEP 2011.	Details of heritage items affected	Details of the heritage items in the vicinity are:- Item I65 Duke Kahanamoku Statue and Memorial Park Statement of Significance The statue and park area is a rare and significant cultural site commemorating significant persons and events in Australian surfing history at Freshwater Beach, where surfing was first popularised in Australia in December 1914 by Duke Kahanamoku. The mosaics, statue and park setting are of outstanding creative achievement. The statue and park area were opened on the 26 January 1994 by Duke Kahanamoku's widow, Mrs Nadine Kahanamoku. They are also dedicated under the NSW Crown Lands Act and its Regulations as a part of the Manly-Freshwater National (2010) and World (2012) Surfing Reserves. Physical Description The Park is located on the northern headland of Freshwater Beach and consists of a walkway and stone paved spaces with figurative mosaics of each of the champion surfers set on sandstone boulders and in the paving, as well as a one and a half life-sized bronze
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Internal Referral Body	Comments		
	statue of Duke Kahanamoku on the surfboard mounted on a spectacular, honeycomb weathered, sandstone boulder. The concept for the park was developed by the late John Douglas and the design of the mosaics and statue was by the late Barry Donohoo.		
	Conservation Area C14 - Coastal Cliffs		
	Statement of Significance The South Curl Curl-Freshwater Coal Cliffs have significant existence value, demonstrating the underlying Hawkesbury Sandstone geological formation of the eastern edge of the Sydney Basin. They provide a raised dramatic profile to the coastline and high viewing platforms, while their rock platforms provide valued opportunities for fishing and marine life. Their aesthetic and recreational values have been much valued by the community since the early 1920s, with ocean swimming baths established on their rock platforms at the southern and northern ends of the cliffline in the mid-1920s.		
	Physical Description The South Curl Curl-Freshwater Coastal cliffs demonstrate Hawkesbury sandstone rock formations, topped by remnants of typical Hawkesbury heath community vegetation. The cliffs are generally lower and more benched than nearby headlands, tapering down on the north to the South Curl Curl rock platform ocean swimming baths. The South Curl Curl Swimming and Surf Life Saving Club occupies a site just beyond its northern limit. The Cliffs are higher on the southern end but taper down near the Freshwater rock platform baths. The Freshwater Swimming Club has been built half way up the slope, a little to the west of the pool. Carrington Drive runs north-south close to the edge of the Cliff tops, separating the cliffs and upper slopes from residential development, which has intensified on the land to its western side. Lumsdaine Drive provides good road access to the southern end of the headland and to the Freshwater Swimming Club and Pool. The upper slopes of this section of the coastline are quite steep (> 50°) but have a covering of sand which supports typical Hawkesbury sandstone coastal vegetation, although this peters out to the north, where mainly grasses (some of them garden escapes) occur. A coastal walking track has been developed along the midslope, where the rock benches emerge from the sandy upper slope. Steps down to the track have been provided at intervals, and these are being upgraded, to provide a proper link with the Manly to Pittwater coastal walk.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	

Internal Referral Body	Comments		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	This application is for alterations and additions to the existing Harbord Diggers club building, to enable them to continue to operate during the construction of their development approved by Consent DA2014/0875. The proposal reduces the overall floor area of the club and proposes only minor alterations and additions, which are largely internal to the existing building. As a result it is considered that, there will be no adverse impact upon the local heritage items in the vicinity. Therefore, no objections are raised to this application on heritage grounds and no heritage conditions are required. Consider against the provisions of CL5.10 of WLEP. Is a Conservation Management Plan (CMP) Required? NO Has a CMP been provided? N/A Is a Heritage Impact Statement required? NO Has a Heritage Impact Statement been provided? N/A		
	Further Comments		
	COMPLETED BY: Janine Formica		
	DATE: 1 October 2015		
Landscape Officer	No objections to approval.		
Natural Environment (Biodiversity)	The proposed additions to this development are unlikely to have a significant impact on biodiversity or the wildlife corridor in this area.		
Parks, reserves, beaches, foreshore	No objections to the proposal.		
Buildings, Property, Spatial Information	No objections to the proposal.		
Traffic Engineer	The proposal is for alterations and additions to provide temporary accommodation for the Club during the construction phase of the		

Internal Referral Body	Comments
	major redevelopment of the site. The following comments are provided on the traffic report prepared by GTA consultants on behalf of the applicant: <u>Traffic generation:</u> The proposal will result in a reduction in the size of the club and accordingly in the traffic generation. therefore, the traffic generation of the proposed temporary club will not have adverse impact on the road network and is acceptable. <u>Parking requirements:</u> The traffic report indicates that the proposed temporary club will generate a peak parking demand of 90 spaces, which will be accommodated in the existing at-grade car parking with the provision of 105 spaces. This is acceptable on traffic ground. <u>Loading facilities:</u> The proposal indicates that a temporary loading dock will be constructed to cater for a 12.5 metre heavy rigid vehicle. The swept path of the proposed loading dock shown in the traffic report indicates that the trucks are required to reverse in to the loading dock. This would be acceptable subject to the temporary club to be operated in a short term timeframe (until the completion of the construction) and also subject to service vehicles to access the loading dock while traffic control plans are in place to ensure maintaining the road users safety. The proposal for accommodating the service vehicles in the at-grade car parking under traffic management supervision is acceptable for duration of the construction of the loading dock . <u>Conclusion:</u> No objection is raised on the proposal on traffic ground subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposal was referred to the NSWPS. No response has been received to date and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Department of Lands - Lands and Property Management Authority	The proposal was referred to the NSW Department of Lands. No response has been received to date and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council

Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 19 - Bushland in Urban Areas

The aims of the SEPP are to protect the remnants of plant communities which were characteristic of land now within an urban area, in parcels of a size and configuration, which will enable the existing plant and animal communities to survive in the long term. The site adjoins land to which SEPP 19 applies, being land within the McKillop Reserve which is reserved for open space.

Clause 9(2) applies to land which adjoins zoned or reserved for open space purposes and requires that a public authority shall not grant development consent unless it has taken into account:

- *The need to retain any bushland on the land,*
- *The effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
- *Any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

The on going use of the site as a club and proposed alterations and additions to the existing club for temporary purposes will not compromise the values of the adjoining bushland areas with respect to the aims of SEPP 19.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed Signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is consistent with that of existing Harbord Diggers business identification signage and will replace the existing signage on a temporary basis whilst the new club is under construction.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the existing business signage in the area.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise any important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline or reduce the quality of vistas. The signage is to be affixed to the building walls consistent with that of existing building identification signage.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is modest in size and is consistent with the scale, proportion and form of similar uses within the locality and with that of existing business identification signage on site. In this regard, the scale, proportion and form of the proposal is considered to be appropriate for the streetscape, setting and landscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will make the temporary club easily identifiable from Evans Street and surrounding public spaces.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will reduce the amount of signage on site and simplifies it in a way that will easily identify the temporary club.	YES
Does the proposal screen unsightliness?	No.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposal does not protrude above buildings, structures or tree canopies in the area or locality.	YES
5. Site and building Is the proposal compatible with the scale,	Yes.	YES

proportion and other characteristics of the site or building, or both, on which the proposed Signage is to be located?	The signage is consistent with the scale, proportion and form of similar uses within the locality and with the existing signage located on site. Therefore, the proposal is compatible with the scale, proportion and other characteristics of the site or building.	
Does the proposal respect important features of the site or building, or both?	Given the proposal is consistent with the existing use of the site and compatible with surrounding uses in the locality it is considered that the proposal respects the important features of the site and the proposed temporary club building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is contemporary and consistent with modern business identification signage in varying forms and therefore shows sufficient innovation and imagination in its relationship to the site and building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the Signage or structure on which it is to be displayed?	Yes. All of the signs include lighting devices and logo of the business.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The illumination would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation.	YES
Can the intensity of the illumination be adjusted, if necessary?	No details of the ability to adjust the intensity of illumination has been provided. Notwithstanding, it is not considered necessary for illumination to be adjusted.	YES
Is the illumination subject to a curfew?	Yes. The signage is subject to a midnight curfew.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal will not reduce the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	15.4m	81.17%	No (see Clause 4.6)
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	15.4m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	81.8%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The site is adjoined by a mix of single dwelling houses and residential flat buildings of varying heights and scales. To the south of the site and directly opposite the proposed temporary club are residential flat buildings some of which are similar in height to that of the existing club building.

The development is consistent with the height and scale of the existing club building and is a temporary facility whilst the bulk of the redevelopment works for the site are undertaken. In this regard, the temporary club building works are considered to be compatible with the height and scale of surrounding , nearby and existing development on the site.

The development satisfies this objective.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The site and its surrounds are relatively level and given that the proposal does not extend above the height of the existing Harbord Diggers building the proposal will not result in a loss of any significant views.

The proposed development, as conditioned, is well separated from surrounding residential properties by the public road and public open space. Therefore the proposal will not result in a loss of privacy to nearby residences.

Shadow diagrams have been provided with the application which demonstrate that the proposal does not result in any additional overshadowing to adjoining properties.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

The development will have a minimal impact on the scenic quality of the coastal environment in which it sits. The development is temporary in nature and will be demolished as part of the redevelopment works for the site. The development will sit comfortably in the context of the site and will be finished of materials that are considered with the existing club building.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

The non complying elements of the development relate to mechanical roof top plant and the addition of a deck area of the first level. The mechanical plant is to be located on top of the existing roof setback from the outer-edges of the building and will therefore not be readily viewable or have a visual impact when viewed from adjoining public spaces or the road.

The new deck area is located on the first level and has a height lower than that of the existing club building and will therefore have minimal visual impact.

Further, these structures are temporary in nature and will be demolished as part of the redevelopment works for the site.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The development does not include any form of residential housing and will continue to be used as a registered club.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The temporary club will ensure that there are facilities and services available on site to meet the day to day needs of residents.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The development will continue to use the site for the purposes of a registered club as permitted by Schedule 1 of WLEP 2011. The development will maintain the existing landscape setting of the site and will not have an adverse impact on the natural environment of the area.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

Flexibility should be applied for this particular development given the existing development on site which comprises the Harbord Diggers and Club building. The proposed temporary club building whilst having a maximum height of 15.4m does not extend above the height of the existing building and as such limiting the height of the development would be unreasonable

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

Allowing flexibility ensures a better outcome by providing a development that is compatible with the existing building on site and provides a temporary club facility for use during the redevelopment works for the site.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The applicants written request has provided satisfactory justification to vary the development standard and has demonstrated that compliance with the development standard is unreasonable or unnecessary in this instance and that there is sufficient environmental planning grounds to justify the contravention.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	8.8m	22.22%	No
B3 Side Boundary Envelope	South-east - 5m	Breach of a maximum height of 3.4m for a maximum length of 11.7m	N/A	No

B5 Side Boundary Setbacks	0.9m	1.9m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	4.8m to mobile van cafe 9m to first level deck	26.15% N/A	No Yes
B9 Rear Boundary Setbacks	6m	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Existing and unchanged.	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	N/A	N/A
All other land under R2	N/A	N/A
Rear Boundary Exceptions - R2	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D23 Signs	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The control permits buildings to be located within a building envelope measured 4m at the side boundary and a 45 degree angle.

The proposed development breaches the side boundary envelope on the south-eastern elevation as follows:

- Breach of a maximum height of 3.4m for a maximum length of 11.7m

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The existing Club building has nil setbacks for the entire building and has a height of up to and above 15m and breaches the envelope for the entire elevation.

The proposal will introduce a deck on the first level that is in part an open structure. The openness of the deck structure will ensure the development does not become visually dominant by virtue of its height and bulk. Further, the structure is temporary and will be demolished in the future as part of the redevelopment works for the site and will be replaced by a significantly larger built form.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The non-compliant building envelope provides reasonable massing within close proximity to the McKillop reserve, accordingly there are no direct impact upon the amenity of surrounding residential development beyond what is already existing and approved within this site.

- *To ensure that development responds to the topography of the site.*

Comment:

The topography in the area of the site in which the works are proposed is relatively flat. The deck structure is considered to be appropriate in this context.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The control requires development to be setback a minimum 6.5m from the primary street frontage and a minimum 3.5m from any secondary street frontage.

The existing club building has a nil setback to the front boundary. The mobile cafe van is to be setback 4.8m which represents a variation of 35.41%.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The existing club building has a nil setback to the front boundary of the site and therefore the sense of openness across the front boundary is already compromised. The mobile cafe van will be located at the front entrance/concourse area of the site and will be used temporarily whilst the whole site undergoes a redevelopment.

In this regard the location of the mobile van cafe will not further reduce the sense of openness across the front of the site and given its temporary nature is considered to satisfy this objective.

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

Comment:

The mobile van cafe is located behind the existing building line and will be obscured from view by virtue of the bulk and scale of the existing building. The development does not reduce or remove any areas of landscaping and therefore it is considered that the development satisfies this objective.

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

Comment:

As discussed above the existing building has a nil setback to the front boundary. The mobile van cafe is

to be setback behind the existing building line and therefore visual impact of the structure is minimised and will not have an unreasonable impact on the visual quality of the Evans Street streetscape or surrounding public spaces.

- *To achieve reasonable view sharing.*

Comment:

The mobile cafe van will not obstruct any views and will allow for a reasonable sharing of views to be maintained.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

The development includes the addition of a new deck level with seating for 82 persons on the first level of the temporary club building. The deck is proposed to be used during the same hours as the club will operate, 5.30am to 2.00am Sunday to Thursday and 5.30am to 4.00am Friday and Saturday.

The outdoor deck area addresses the car park to the east and Evans Street to the south. The southern side of Evans Street contains residential accommodation in the form of single dwellings and residential flat buildings.

In this regard, the deck area will have will have a direct interface with neighbouring residential properties along Evans Street which will provide the potential for the use of the deck during the hours proposed to unreasonably interfere with the residential amenity of the area and in particular those residences to the south.

Similar outdoor entertaining areas have been approved on the site (refer to Development Consent No.2007/1179) with restrictions placed on the hours of use included as conditions of consent.

In this regard, in order to maintain a reasonable level of amenity to neighbouring residential properties it is considered appropriate for the use of the outdoor deck area to be limited to 7am to 10pm any day of the week. A condition to this effect has been included in the recommendation of this report.

E10 Landslip Risk

The site is identified as Landslip Risk Class B on Council's Landslip Risk Map.

In accordance with the requirements on this control and Council's checklist, a Geotechnical Report prepared by JK Geotechnical Consultants has been submitted with the application.

The report provides recommendations and requirements to ensure the development is undertaken and carried out in a satisfactory geotechnical manner. A condition of consent has been included in the recommendation of this report requiring the compliance with all recommendations and requirements contained within the report.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 612,570		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,819
Section 94A Planning and Administration	0.05%	\$ 306
Total	1%	\$ 6,126

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2015/0579 for Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe. on land at Lot 12 DP 1197725, 80 Evans Street, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-10 - Site Plan Issue B	24/06/2015	Gensler
DA-20 Floor Plans - Basement & Ground Issue B	24/06/2015	Gensler
DA-21 Floor Plans - Mazzanine & First Issue B	24/06/2015	Gensler
DA-22 Floor Plans - Roof Issue B	24/06/2015	Gensler
DA-30 Sections Issue B	24/06/2015	Gensler
DA-40 Elevations - Southwest & Southeast Issue B	24/06/2015	Gensler
DA-41 Elevations - Northeast & Northwest Issue B	24/06/2015	Gensler
DA-42 Detail Sections & Elevations Issue B	24/06/2015	Gensler
DA-61 Materials & Finishes Issue B	24/06/2015	Gensler

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	17 June 2015	JK Geotechnics
Environmental Noise Assessment	25 June 2015	Day Design Pty Ltd

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Waste Management Plan

Drawing No.	Dated	Prepared By
Temporary Waste Management Plan Rev. 2 - Final	25 June 2015	Foresight Environmental

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

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

2. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 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 materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(n) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

4. **Surrender of Consent**

The applicant shall surrender to Council this Development Consent in accordance with the requirements of the Environmental Planning and Assessment Act 1979 upon the issue of the Final Occupation Certificate for Development Consent No. 2014/0875.

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg).(DACPLBOC1)

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 612,570		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,819
Section 94A Planning and Administration	0.05%	\$ 306
Total	1%	\$ 6,126

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney -

All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Waste Management Plan

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.(DACHPC03)

8. Temporary Food Van

The temporary food van will require a Section 68 approval from Council and an application is available from Council's website.

Construction and operational information is also available from the NSW Food Authority.

Reason: To ensure food and drink is prepared in a clean and hygienic location (DACHPCPC2)

9. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian

Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

10. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

11. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and

- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

13. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

14. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.
(DACPLF03)

15. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire

Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

16. Hours of Operation

The hours of operation are to be restricted as follows:

Registered Club

- Sunday – Thursday: 5.30am – 2.00am; and
- Friday – Saturday: 5.30am – 4.00am.

Mobile cafe van

- 7am to 7pm any day of the week.

First level deck

- 7am to 10pm any day of the week.

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

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

17. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 12.00 midnight and 7.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

18. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

19. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 8am on any day.

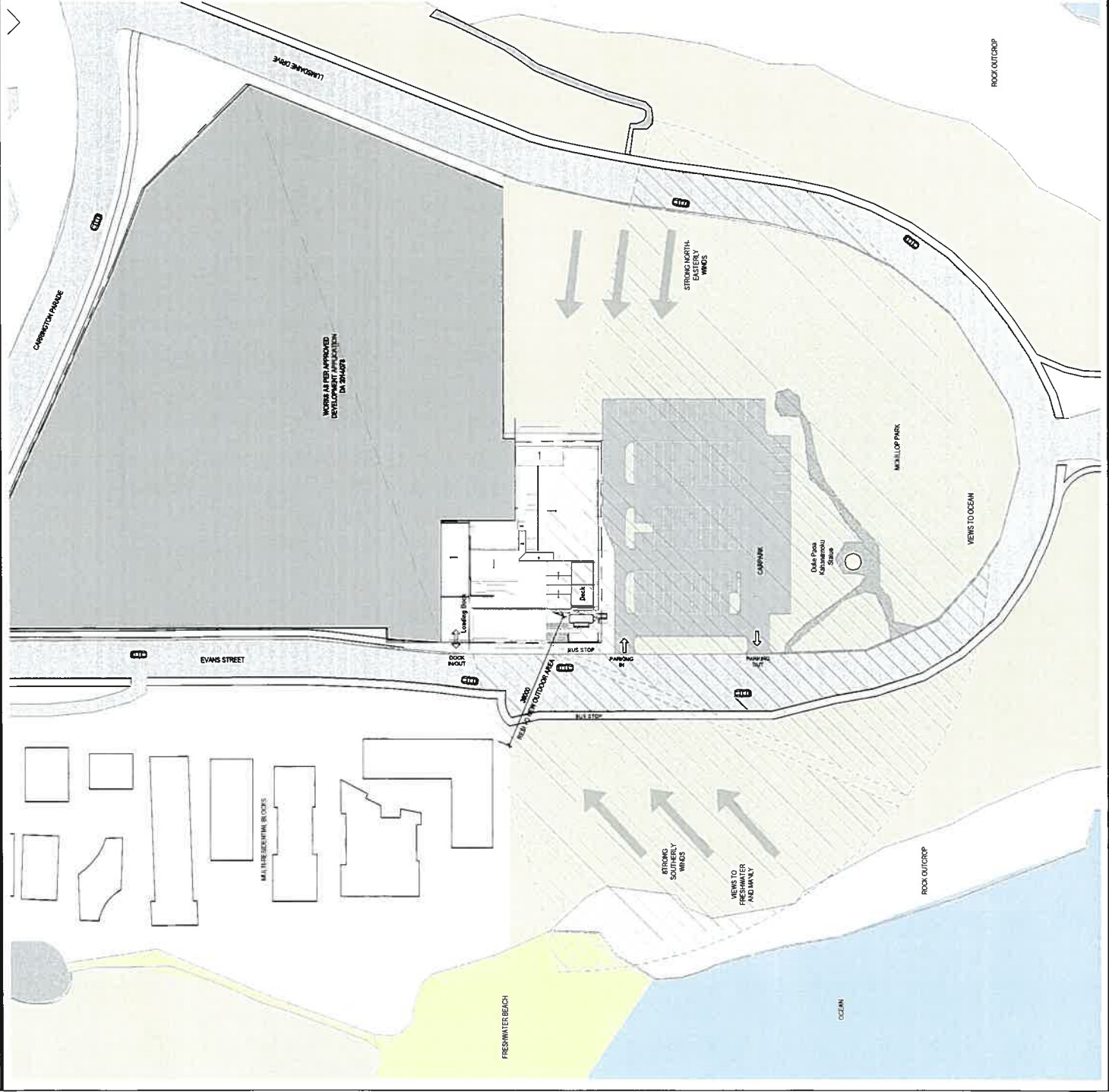
Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG24)

20. **Operation of Loading Dock**

Traffic Control measures (i.e. traffic controllers) are to be used at all times when vehicles are using the loading dock to maintain pedestrian and road users safety.

Reason: Public Safety (DACTRGOG1)

KEYNOTES



SHEET NOTES

harbord diggers
mainline group

80 Evans Street, Freshwater NSW 2096

Project Manager
cenog

Level 1
36 Hickson Rd
Sydney NSW 2000
Australia
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Gensler

Issue	Description	Date
A	PRELIMINARY DA	09/06/2015
B	DEVELOPMENT APPLICATION	24/06/2015

Seal/Signature	
Sheet Status	DEVELOPMENT APPLICATION
Project Name	Harbord Diggers Temporary Club
Project Number	73.0016.000
Description	SITE PLAN
Scale @ A1	1:500



DA-10

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Issue	Description	Date
A	PRELIMINARY DA	09/06/2015
B	DEVELOPMENT APPLICATION	24/06/2015

CODE	MATERIAL LIST
	DESCRIPTION

MF-01	CONCRETE FLOOR - EXISTING
MF-02	TILES TO MATCH EXISTING ADJACENT
MF-03	POWDERCOAT METAL TO MATCH 'DULUX NATURAL WHITE' OR SIMILAR
MF-04	WEATHERED TIMBER BOARDS
MF-05	EPOXY FLOOR, GREY
MF-06	CORRUGATED METAL ROOF
MF-07	CLADDING BOARDS STEEL SURFIMIST' OR SIMILAR
MF-08	CORRUGATED CLEAR POLYCARBONATE
MF-09	WHITEWASHED TIMBER
MF-10	CLEAR PERSPEX
MF-11	PAINTED FIBRECEMENT 'DULUX NATURAL WHITE' OR SIMILAR
MF-12	BLACKOUT GLAZING FILM
MF-13	POLISHED CHROME
MF-14	PANT FINISH TO MATCH EXISTING
MF-15	CONCRETE TO MATCH EXISTING
MF-16	MIRROR GLAZING TO MATCH EXISTING ADJACENT

WORKS AS PER APPROVED DA	PROPOSED BUILDING FABRIC (CUT)
INTERNAL AREAS NOT PART OF DA	EXISTING BUILDING FABRIC TO REMAIN (CUT)
GROUND (CUT)	EXISTING BUILDING FABRIC TO REMAIN (CUT)
EXISTING BUILDING FABRIC TO REMAIN (ELEVATION)	EXISTING BUILDING FABRIC TO REMAIN (ELEVATION)
PROPOSED BUILDING FABRIC TO REMAIN (ELEVATION)	PROPOSED BUILDING FABRIC TO REMAIN (ELEVATION)

Scale/Signature

Sheet Status
DEVELOPMENT APPLICATION

Project Name
Harbord Diggers Temporary Club

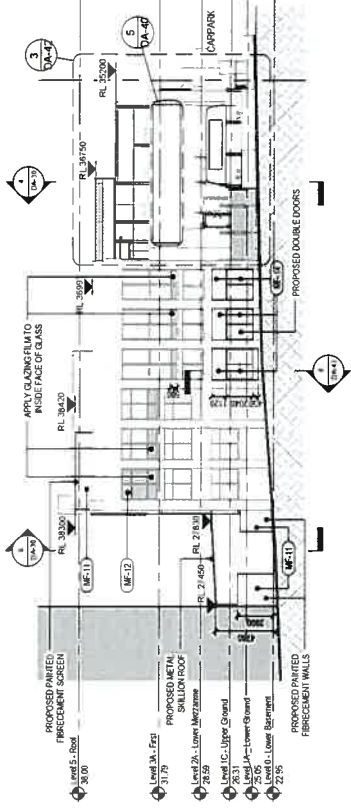
Project Number
73,001,600

Description
ELEVATIONS - SOUTHWEST & SOUTHEAST

Scale @ A1
As indicated

DA-40

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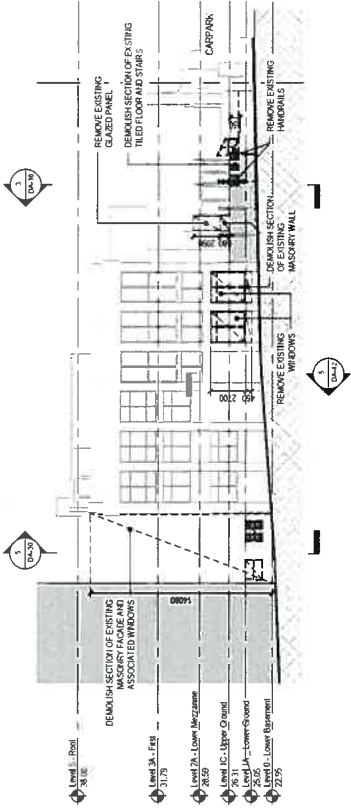
2 Southwest Elevation (Evans St) - Proposed
SCALE: 1:200



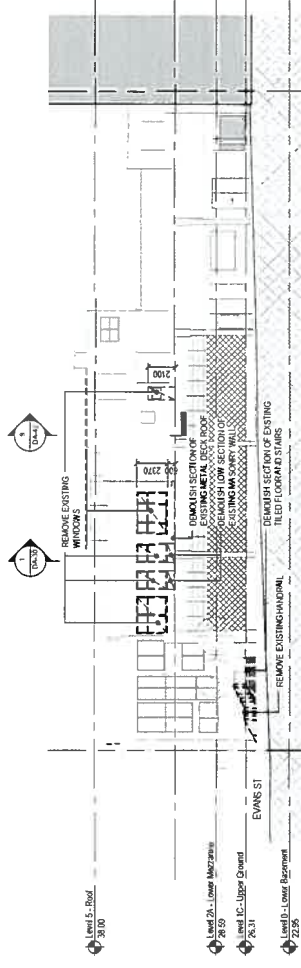
5 Signage #1 Detail
SCALE: 1:50



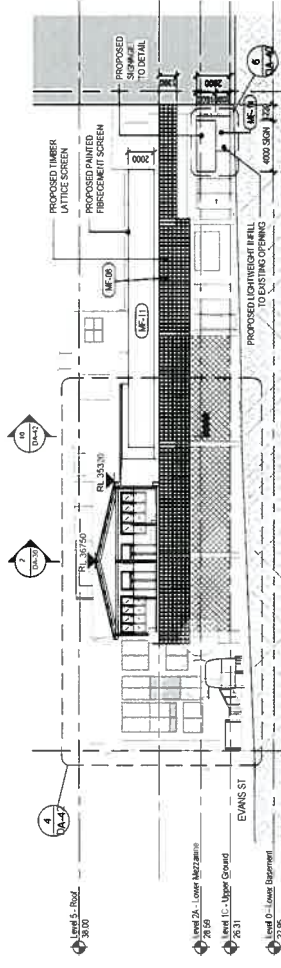
6 Signage #2 Detail
SCALE: 1:50



1 Southwest Elevation (Evans St) - Existing & Demolition
SCALE: 1:200



3 Southeast Elevation (Carpark) - Existing & Demolition
SCALE: 1:200



4 Southeast Elevation (Carpark) - Proposed
SCALE: 1:200

