



Warringah Council

**Minutes of
Warringah Development
Assessment Panel Meeting
held on
Wednesday
1 December 2010**

Time: 5.10pm
Location: Warringah Council Chambers,
725 Pittwater Road, Dee Why

2010/12

ATTENDANCE:

Panel Member

Kevin Hoffman, Chair (Law)

Patrick O’Carrigan, Urban Design Expert

Susan Hobley, Environmental Expert

Lloyd Graham, Community Representative

Advisors

Malcolm Ryan, Director Strategic and Development Services (SDS)

Peter Robinson, Manager Development Assessment, (SDS)

Lashta Haidari, Senior Development Assessment Officer (SDS)

Teresa Gizzi, Senior Development Assessment Officer (SDS)

Minute Secretary

Cathie Arkell, Development Panel Coordinator (PDS)



Warringah Development Assessment Panel Table of Contents

Item No.	Item	Page No
1.0	Apologies	
2.0	Declaration of Pecuniary Interest	
3.0	Reports of WDAP	
	Nil	3
4.0	Reports of WDAP – Category 3 Items	
4.1	22-26 Albert Street, 18 -22 Marmora Street, 5, 5A, 9, 15 & 21 Lawrence Street, Freshwater - Construction of Mixed Use Commercial/Retail and Residential Buildings within The Freshwater Village Centre	3-7

1 APOLOGIES

Nil

2 DECLARATION OF PECUNIARY INTEREST

Nil

3 REPORTS OF WDAP

Nil

4 REPORTS OF WDAP – CATEGORY 3 ITEMS

4.1	22-26 Albert Street, 18 -22 Marmora Street, 5, 5A, 9, 15 & 21 Lawrence Street, Freshwater - Construction of Mixed Use Commercial/Retail and Residential Buildings within The Freshwater Village Centre
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DA2010/1446

Application Details

Demolition of existing buildings and construction of mixed-use retail and residential development comprising shop top housing buildings, a residential flat building and townhouse style buildings with 2 levels of basement car parking (within the Freshwater Village Centre).

Site Description

Lot 1, DP 830423, No. 22-26 Albert Street, Lot 9, DP 10321, No. 18 Marmora Street, Lot 10, DP 10321, No. 20 Marmora Street, Lot 11, DP 10321, No. 22 Marmora Street, Lot 2, DP 581226, No. 21 Lawrence Street, Lot CP, SP 1172, No. 15 Lawrence Street, Lot A, DP 356986, No. 9 Lawrence Street, and Lot 394, DP 752038, Nos. 5 and No. 5A Lawrence Street Freshwater.

Independent Public Hearing

This report is of an independent public hearing that has been convened pursuant to cl 15 of WLEP because this application is for Category 3 development. The application was advertised as such and there were 1953 submissions which included a form letter signed by 1813 people and 140 individual submissions.

The Chairperson informed the hearing that applications for Category 3 development entail additional requirements. In particular, the Panel can only recommend that consent be granted if it is satisfied that the proposed development is consistent with the Desired Future Character of the locality as described in the H1 Freshwater Beach Locality Statement [WLEP2000 cl 12(3)(b)]. Further, the Panel must consider the Statement of Environmental Effects, prepared by the applicant that addresses the items listed in Schedule 15 [WLEP2000 cl 15(1)].

Desired Future Character

For this application being a Category 3 item to be satisfactory, the application has to be consistent with the desired future character of the H1 Freshwater Beach Locality.

The Freshwater Beach locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses. Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except for the Harbord Diggers Club. The streets will be characterised by landscaped front gardens and

consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The locality contains hillsides and elevated landforms, prominent coastal headlands and cliffs and remnant vegetation. These elements will be protected from development that would detract from their visual and natural qualities, presenting in some parts of the locality a constraint to further development. The Harbord Diggers Club will continue to cater for the recreational and leisure needs of the community. If the existing approved building and carparking areas are to be expanded, regard must be had to any approved and detailed masterplan for the site. Such a masterplan is to address issues such as views, visual impact, natural features, management of traffic and impact upon the amenity of the locality.

The locality will continue to be served by the existing local retail centre shown on the map. Future development in this centre will be in accordance with the general principles of development control provided in clause 39.

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the Public Hearing. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Public Submissions

The Panel heard from 23 objectors and had regard to the objections received by Council, in the vicinity of 1900. Two of the listed speakers, Mr Mark Campbell was absent and Councillor Kirsch did not speak. On behalf of the applicant the Panel heard from the consultant Town Planner, and the Consultant Architect. Following the public meeting the Panel adjourned to consider its decision and recommendations to the Regional Panel.

Proceedings in Brief

There were several matters that concerned the Panel. The first being the location of the driveway access in regard to its impact on the local street traffic system. The Panel generally concluded that the location of the access at the north-eastern corner of the site, being the low end of the site is the correct general location. Since the driveway would be underground at the point at which it enters the H1 area of Freshwater Beach, it and the other Category 3 components of the underground carparking and the electrical switch room would have minimal impact and could be consistent with the Desired Future Character Statement for that locality.

However, since those Category 3 components relate to the higher density residential and retail development in the H2 Harbord Village Locality of the site, the question of the impact of the access to the driveway off Albert St on local traffic was considered. There was a traffic report lodged by the applicant, with which there had been no disagreement (except for the imposition of conditions) by either the RTA or the Council's traffic experts. The traffic proposal involves a roundabout at the Moore Street and Albert St intersection. The driveway access is proposed slightly to the north of that roundabout, and there is to be a median strip in Albert Street to prevent right turns in and out of the access driveway.

The RTA and Council experts, in considering the traffic reports, had recommended this roundabout subject to conditions. The conditions require the roundabout to be moved west, towards the site, an unknown distance and envisage that land dedication of parts of the site may be needed. Buildings of the proposal are close to the boundary in this location and could require some redesign. Also the centreline of Albert St is to be moved west to retain carparking on its east side opposite the driveway access to the development. Further, the conditions require the proposal to be submitted to the Traffic Committee for its consideration and any conditions.

The Panel formed the opinion that the final design of the roundabout and the proposal's access to the driveway is not known. The draft conditions in the reports requiring a roundabout to be moved further west than currently proposed would possibly push into the public footpath and as a result require a dedication of land on the existing site for the maintenance of footpath and impact on parts of the development. This has unknown implications for the buildings which come very close to the boundary adjoining the roundabout.

It was clear from the design of the left in, left out turn only, for the access, that traffic from the development would be directed to the north on Albert St. As a result, traffic wishing to travel to the west or the south would have to use either Marmora Street or Soldiers Avenue to travel in that direction. Both these streets are narrow and tree lined and the increased traffic, although it appeared from the expert reports to become congested only during peak hours, it would create impacts that could be seen as unsatisfactory in terms of the environmental capacity of those roads. The objectors attested to the extent of carparking in those streets due to the number of houses and apartment buildings fronting them, and existing traffic volumes and minor accidents. There are historic Heritage item trees in Soldiers Ave that cannot be removed for roadwork improvements.

In the light of these constraints and not knowing the final outcome of the impact of the roundabout and driveway access requirements until the Local Traffic Committee had the opportunity to consider the application, the Panel considers it is premature for a final decision, particularly, an approval of the development, until those matters are known. And since those matters are very relevant to whether or not the driveway is ultimately satisfactory in its current position as Category 3 Development, the Panel recommends the Joint Regional Planning Panel defer any decision until the requirements of the Local Traffic Committee and any resulting changes to the development are known.

A further matter of concern to the Panel arises from the Desired Future Character Statement for the H1 Locality under both the existing statute and the draft statute. In the Panel's opinion, the draft WLEP is in the imminent stage if not the certain stage of consideration by the Minister, and is a relevant consideration. The residential character for the H1 Locality remains the same in both instruments in that detached residential style of housing is required.

In the H1 Locality on the proposal's site, there are three attached town houses in one group and an additional two attached town houses off Marmora St. It is in this H1 Locality that the development exceeds the allowable density. In looking at the developed nature of the street with existing detached smaller dwellings, it is the Panel's opinion, that these attached forms of town houses do not maintain the character required.

It would be a relatively simple matter, there being only five units involved to redesign, eliminating one and having 2 detached buildings. Even if there were 2 dwellings in each, they could be designed to appear as large dwellings that would maintain the character of the streetscape. As proposed it is the Panel's opinion that the townhouses create a jarring change of character right on the bend of Marmora Street where it comes from Albert Street in the south and turns to rise towards Soldiers Avenue in the north.

If this suggestion is carried out, it would address the non compliance with the density requirements of the H1 locality and resolve the Panel's concern over the non compliance with the Desired Future Character Statement. Therefore the Panel would have no objection to such a change to the proposal being incorporated in the development. Having made these two recommendations, which necessitate deferral, the Panel's recommendation to the Joint Regional Planning Panel in addition to the Category 3 matters, is that any decision on the development be deferred, pending appropriate information becoming available for revised plans.

In regard to other matters, beyond the Category 3 matters, the Panel would like to comment to the Joint Regional Panel, on the basis that the two parking levels and the driveway and the switch room are relevant to the total development on both H1 and H2 Localities of the site.

The Panel has formed opinions about components of the overall development that the Joint Regional Planning Panel may wish to have regard to.

The Panel notes that the landscape plan submitted with the application shows existing street trees, one of which is to be retained just to the north of the Albert and Moore Streets intersection. The tree would probably have to be removed in creating any access to the driveway as it is currently proposed and as it might be amended by any decisions by the Local Traffic Committee. If the access is moved it would also necessitate changes to the onsite landscape plan along the northern boundary of the site adjoining No.22 Albert Street.

Other matters that the Joint Regional Planning Panel might like to have regard to in the landscape plan is that the proposal includes along the northern boundary adjacent the Anglican Church, tree landscaping in the drainage easement. The Council conditions for the drainage easement along that area require the removal of those trees and grassing of the embankments around the open channel to provide an overland stormwater flow path. The applicant has included privacy screens in the development to protect the privacy of the neighbours; however the engineering condition has deleted the landscaping that might soften the bulk of the building from the northern side.

Along the western boundary between Building B and the boundary with the Electrical Substation we noted the conditions of Energy Australia in regard to protecting the development from potential explosions or fires in the switch yard. This involves a masonry wall on the boundary, of some considerable height, such that the 5 metre wide setback between Building B and the western boundary will have a four storey wall immediately confronting the dwellings. This four storey 5 metre wide canyon, particularly at its lower levels would have unacceptable amenity impacts on the dwellings. It invites either a relocation of Building B or some amendment to take into account the requirements for protection from the Electrical Substation switch yard.

Among the other matters that the Panel felt may need closer consideration by the Joint Regional Planning Panel is the height of Buildings D at its eastern extremity where it adjoins intersection of Albert and Moore Streets. The building appears quite dominant in the streetscape and could comply better with the Village Character of the H2 Locality if it observed the height limits at that end.

The Panel had regard to the natural topography of the site, which is generally sloping in a westerly direction up from Albert Street. It is noted that the development has taken the option of excavating deeply to create a level site for the retail and residential components. This enabled Buildings B and C to achieve 4 and 5 storeys, with minor exceedances of the height limit of 11m above natural ground level.

However, the buildings do exceed the 3 storey limit for the H2 Locality. The Panel assumes that the Desired Future Character Statement does have work to do in placing a limit of 3 storeys on development. That work is to control density because there is no floor space ratio or site coverage limits applicable. As a result, the buildings towards the western side of the site, even though they have minimal impacts on areas beyond the site, they do exhibit a character that is not strictly in keeping with the storey limit and scale envisaged for the H2 Locality. The applicant has used the lack of impacts to justify the Clause 20 exception.

The Panel also notes that Building C has no retail or commercial component on the ground floor and strictly speaking this does not comply with the Desired Future Character Statement. However retail or commercial space that far into the site would probably not be viable and it would require additional parking in the basement. It is too remote from the retail street to attract customers that far into the site without any links through the site past Building C. The question of links through the site had been considered by Council in early assessments and been rejected and therefore it may be justified that Building C not have retail components or commercial components within it.

The adoption of deep excavation of the site to achieve a level ground has resulted in block form buildings which are larger in scale than one would expect by the Desired Future Character Statement for the H2 Locality. If the natural land fall had been adopted in the design, the buildings would have stepped down the site and maintain more articulated and compatible forms that the Village Character requires.

RECOMMENDATION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL (CATEGORY 3 ITEM)

The Panel generally concluded that the location of the access at the north-eastern corner of the site, being the low end of the site is the correct general location. Since the driveway would be underground at the point at which it enters the H1 Locality of Freshwater Beach, it and the other Category 3 components of the underground carparking and the electrical switch room would have minimal impact and could be consistent with the Desired Future Character Statement for that locality.

However other matters referred to above, in the Panel's assessment, indicate it is premature to determine the development application as:

- (a) The application has yet to be considered by the Traffic Committee, and traffic matters appear to require amended plans. Any changes have implications for the Category 3 components as well as the overall development, and render any final proposal uncertain at this time.
- (b) Other draft conditions, and other matters referred to above also indicate that amended plans are necessary, and render any final proposal uncertain at this time.

The recommendation to the Joint Regional Planning Panel is deferral of any decision on the proposal pending a clarification of the matters referred to in respect of Category 3 aspects of the development and subject to the Joint Regional Planning Panel's consideration of the other matters referred to it above.

Voting 4/0

The Independent Public Hearing concluded at 8.20pm

Meeting Concluded 10.35 pm

Kevin Hoffman
Chairperson