

Application No: PLM2016/0038

Meeting Date: 3 May 2016

Property Address: 932 Pittwater Road, Dee Why

Proposal: Demolition works and Additions and Alterations to an existing Registered Club (Dee Why RSL)

Attendees for Council: Steve Findlay – Development Assessment Manager
Lashta Haidari – Senior Planner
Janelle Brooks – Senior Strategic Planner
Duncan Howley – Floodplain Management Officer
Ben Fallowfield – Senior Environment Officer
Joe Zappavigna – Traffic & Road Safety Manager
Dominic Chung – Senior Urban Designer
Paul David – Senior Development Engineer

Attendees for applicant: Grant Easterby
Sarah Sutherland
Ben Bacon
Andrew O'Connell
Derek Carroll
Ross Nettle
Naomi Daley

DESCRIPTION OF SITE

Dee Why RSL is an existing club at 932 Pittwater Road, Dee Why. The Club fronts Pittwater Road and Hawkesbury Avenue with multi storey car park at the rear fronting Clarence Avenue.

DESCRIPTION OF PROPOSAL

This proposal provides for the following components:

- Demolition of existing southern rear car park and construction of a four level car park (three levels of basement and one at grade)
- New drop off area and loading dock from Clarence Ave and adjacent to proposed new car park (at Levels 1 and 1A)
- Two levels of club space above the proposed new car park accommodating bar lounge and restaurant spaces and centred around an internal courtyard as well as a health and Fitness centre (Level 2 and 2A)
- Associated modifications to the existing club building and loading arrangements.





WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Registered Club and associated uses
Zone:	R3 Medium Density Residential Zone
Permitted with Consent or Prohibited:	Permitted with consent under Schedule 1

Principal Development Standards:			
Standard	Permitted	Proposed	Comments
Height of Buildings: Note: Building heights are measured from existing ground level.	12m	15.5m (Approximately)	<p>The proposed section of the building is measured at a height of 15.5m (29.16%) which exceeds the proposed permitted height of 12m as stipulated in the 'Height of Buildings' map. The additional height is not supported in view of the inability of the development to satisfy Clauses 4.6 and its potential impacts relating to view loss.</p> <p>Any variation to the building height needs to be minimal and located where it is not visible from public domain and adjoining residential properties.</p> <p>Any proposed variation to the building height standard must be formally requested in writing and address the provisions of Clause 4.6 in WLEP 2011 and provide full and compelling justification as to why the building is unable to comply with the height limit and what the impacts of the variation will have on views, solar access and visual amenity on the locality.</p> <p>In addition to the above, the</p>



Principal Development Standards:			
Standard	Permitted	Proposed	Comments
			caselaw of Four to Five in also required to be addressed in relation to environmental planning grounds and justify that a non-compliance proposal is a better than compliant proposal.

Note: The WLEP can be viewed following this link:

<https://eservices1.warringah.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=LEP>

Part 5 Miscellaneous Provisions	
None applicable	
Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.1 Acid Sulfate Soils	<p>According to Council's Acid Sulfate Soils Map, the site is not affected by acid sulfate soils.</p> <p>Notwithstanding, given the proposed depths of the basement car parking, a Geotechnical Engineering Report is to be provided which includes details on acid sulfate soils and, if encountered, appropriate methodologies on how it is to be managed.</p>
6.2 Earthworks	<p>The development will involve earthworks which may have an impact upon the environmental functions and processes, neighbouring uses and features of the surrounding land.</p> <p>The objectives contained under Clause 6.2(3) will be required to be addressed in the Statement of Environmental Effects to ensure that any impact is minimised and/or managed.</p>
6.3 Flooding	<p>The site is located within an identified Flood Planning area and is therefore subject to satisfying the requirements of this clause.</p> <p>Refer to comments provided by Council's Environment Officer (Floodplain Management) below in these Notes.</p>
6.4 Development on Sloping Land	<p>The proposed development area of the site is located within Landslip Area A, as detailed in Council's Landslip Risk Map.</p> <p>Given the construction of basement car parking, a Geotechnical Report will be required to be prepared by a suitably qualified person and submitted with a Development Application. The report is to provide an</p>



	analysis of how the development will respond to the geotechnical nature of the site. The report is to include recommendations as to the safe construction methodology of the development having regard to the protection of surrounding development and public assets.
--	--

Relevant Schedules	
Schedule	Comment
Schedule 1 Additional permitted uses	Schedule 1- Additional permitted use shown as "Area 9" applies to the subject site.

WARRINGAH Development Control PLAN 2011 (WDCP 2011)

Part G - Dee Why RSL
<p>1. MasterPlan</p> <p><i>Development will be generally in accordance with the Dee Why RSL Club – Masterplan prepared by Altis Architecture Stage 4 Amendment, Issue 4, and June 2011.</i></p> <p><u>Comment:</u> The proposal is contrary to the current masterplan/WDCP and therefore an application to amend the master plan will be required before any development application can be determined.</p> <p>In modifying the master plan, views, visual impact, traffic and amenity impacts as discussed on these notes are required to be addressed. Please contact Council's Strategic Section to discuss the process of amending the Masterplan/DCP.</p>
<p>2. Built Form</p> <p><i>Development will step down to the north and east.</i></p> <p><u>Comment:</u> The design presented at the meeting was conceptual and had not been fully detailed. No detailed elevations were provided. The built forms are to include the design requirements contained in this clause.</p>
<p>3. Boundary Envelope</p> <p><i>Development on this land must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) of 5m at the southern and eastern boundaries.</i></p> <p><u>Comment:</u> The design presented at the meeting was conceptual and had not been fully detailed. No detailed elevations were provided. The proposal is required to fully comply with the requirement of this Clause.</p>
<p>4. Boundary Setbacks</p> <ol style="list-style-type: none"><i>Boundary setback areas are to be landscaped and generally free of any structures or site facilities other than driveways, letter boxes, garbage storage areas and fences.</i><i>Northern boundary: development with frontage to Hawkesbury Avenue must not extend at any point beyond the existing building.</i>



3. *Southern boundaries: development is to maintain a minimum setback of 5.0m from the southern boundaries.*
4. *Eastern boundary: development is to maintain a minimum setback of 6.5m from the Clarence Avenue boundary and is not to encroach at any point beyond the existing building*
5. *Western boundary: development is to maintain a minimum setback of 6.5m from the Pittwater Road boundary and is not to encroach at any point beyond the existing building.*
6. *Any storey above the second storey is to be set back a minimum of 2.5m from the face of the second storey.*
7. *Residential development is to be articulated and varied in its setbacks generally in accordance with the Masterplan.*

Comment: The design presented at the meeting indicates that the proposal does not comply with the requirement of this clause along the eastern boundary (Clarence Ave). Any non-compliance in relation to this clause needs to provide full and compelling justification as to why the building is unable to comply with the required setbacks and what the impacts of the variation will have on streetscape, solar access for the public domain and surrounding residential properties, the visual amenity when viewed from the adjoining properties and the locality.

Furthermore, the issue relating to the articulation of the building (noted in Point 7) does require amendments to the Master plan as discussed earlier on these notes.

5. Safety and Security

1. *The built form and landscaping elements are to:*
 - *achieve casual observation of public domain, and*
 - *discourage vandalism.*
 -
2. *Provide lighting in areas intended for night use and/or areas accessed by pedestrians after dark.*

Comment: The proposal is considered to be capable of achieving consistency with this clause subject to the development being designed to satisfy the requirements in this clause.

6. Views

1. *Views from the site to the east (Dee Why coastline, Dee Why Lagoon and the South Pacific Ocean) are to be considered and retained.*
2. *Development shall provide for the reasonable sharing of views*

Comment: The development is to allow for the reasonable sharing of views. A detailed View Analysis is to be provided from various vantage points along the ridgeline to the west. The outcome is to satisfy the requirement of this Clause, any departure in relation to the building height needs to be carefully considered in regards to the requirement of this Clause.

In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of



Tenacity Consulting Pty Ltd vs. Warringah Council (2004) NSWLEC 140 (see: www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/c45212a2bef99be4ca256736001f37bd/a250daeb7704b18bca256e6e0016e31c?OpenDocument)

7. Landscaping and Civic Improvements

1. *Substantial landscaping is to be achieved on the site generally by the provision of trees at 1/10m², shrubs and ground-covers at a rate of 4 plants/m².*
2. *Opportunities for deep soil landscape areas are to be provided on the site.*
3. *The northern portion of the site is to be set aside for open spaces and civic improvements such as a war memorial.*
4. *The northern and eastern boundaries of the site are to be landscaped appropriately utilising predominately local native species reflecting the character of the adjoining Dee Why Lagoon. Exotic species may be used in the context of memorial design and entry definition.*
5. *Landscaping will provide a vegetative screen of the car park when viewed from adjacent streets.*
6. *Landscaping is to be used as part of the building fabric both internally and externally.*

Comment: Insufficient details were submitted with the application to determine compliance with the requirements of this clause. However, in general, the reduction in front setback to Clarence Ave will impact on the landscape setting to this frontage and diminish the opportunities to adequately soften and screen the building, which is of particular concern in relation to the proposal to increase the height of the building and reduce the extent of setback at the upper levels.

Details demonstrating compliance with the requirements of this clause are to be submitted with any Development Application.

8. Economic and social sustainability

Development will be undertaken in accordance with the approved Master plan prepared by Altis Architecture and the applicable controls in this DCP.

Comment: As stipulated above, the proposal is contrary to the current MasterPlan/WDCP and therefore an application to amend the master plan will be required before any development application can be determined.

9. Traffic, generation, car parking and vehicular access

1. *Vehicular access is to be restricted to Clarence Avenue with separate entry and exit driveways.*
2. *The Club shall undertake patronage and user surveys of the existing Club facilities and similar club developments.*
3. *Additional peak traffic generation is to be assessed using the RMS Guide to Traffic Generating Developments, and surveys undertaken by the Club.*



4. *Design and layout of the car park must demonstrate safe and convenient access for all users.*

Comment: Refer to comments provided by Council's Traffic Engineer below in these Notes.

Note: The Dee Why Town Centre was subject to a comprehensive Traffic Study by GTA Consultants in 2007 as part of the preparation of the WLEP 2011. The development is to be designed to respond to the findings in the Traffic Study and the Traffic Report submitted with a Development Application is to include an analysis of how the development achieves this.

The Traffic Study can be found here (PDF download)

<http://yoursaywarringah.com.au/dytcmasterplan/documents/9435/download>

In the preparation of this, you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application.

Other Relevant Controls within WDCP 2011

C3. Parking Facilities	<p>Compliant off-street car parking is to be provided within the subject property boundaries having regard to the land use, hours of operation, availability of alternative parking in accordance with Appendix 1 under the WDCP 2011.</p> <p>The car parking is to be designed in compliance with the relevant Australian Standards considering the height clearance required for the access of service vehicles on the accessway.</p>
C4. Stormwater	<p>Refer to comments provided by Council's Development Engineer below in these Notes.</p>
C5. Erosion and Sedimentation	<p>This clause requires:</p> <ol style="list-style-type: none">1. Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur.2. Any erosion and sedimentation is to be managed at the source. <p>Development that is likely to result in erosion and sedimentation is to be accompanied by a Soil and Water Management Plan which ensures minimum soil erosion and maintenance of the downstream water quality.</p> <p>The Plan is to be prepared in accordance with the <i>Managing Urban Stormwater: Soils and Construction Handbook</i> and is to provide details of the proposed method of on-site erosion and sediment control.</p>
C7. Excavation and Landfill	<p>Excavation of the site is to minimise impact upon Council's drainage assets and upon adjoining properties.</p>



	<p>A Geotechnical Engineering Report is to be provided which addresses the proximity of excavation works to Council's drainage assets and details appropriate methodologies on how it is to be managed.</p> <p>As the development involves substantial excavation works to accommodate multi-level basements, dewatering and tanking may be required. If dewatering is identified as a requirement then your application will be classified as Integrated Development and additional referral fee of \$320 plus a Council administration fee of \$140 will be required to be paid at the lodging of a Development Application.</p>
C8. Demolition and Construction	<p>A construction management plan must be and submitted with the Development Application.</p>
D3. Noise	<p>This clause requires that noise from combined operation of all mechanical plant and equipment must not generate levels that exceed the ambient background noise by more than 5dB (A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</p> <p>An Acoustic Report is to be prepared by a suitably qualified person and submitted with the Development Application which addresses the requirement of this clause.</p>
D6. Access to Sunlight	<p>The development is not to unreasonably reduce sunlight to surrounding properties (particularly to properties along Clarence Ave). Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building at 9.00am, Noon and 3.00pm on 21 June. Diagrams are to include "Elevational Shadow Diagrams" for all affected buildings to the south and east and are to show shadowing on an hourly basis.</p>
D10. Building Colours and Materials	<p>The effective use of colours and materials complement the architectural articulation of the built form and, in order to express how the development will relate to its surrounding built and natural environment, colour montages are to be provided which conceptually show the facades of the development as viewed from the public and private domains.</p> <p>Photomontages and 3D sketch up model will be required to be submitted with a Development Application.</p>
D12. Glare and Reflection	<p>Given the height of the building and the highly</p>



	visual location of the site in proximity to a classified road, glare and reflection to be minimised.
D18. Accessibility	<p>The siting (levels) and design (layout) of the development is to ensure that access will be made available to the public.</p> <p>Such access is to comply with the requirements of <i>the Disability Discrimination Act 1992</i> of the Commonwealth and with <i>Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities</i>.</p> <p>An Access Report is required to be prepared by a suitably qualified person and submitted with a Development Application.</p>

Referral Body Comments	
Referral Body	Comments
Traffic Engineering	<p>A comprehensive Traffic and Parking Study is required given that the proposed increase of about 50% of floor area and doubling up the population will have a significant impact on the area. The following are to be included in the study:</p> <ul style="list-style-type: none">• Traffic impact assessment including traffic analysis and modelling• Road and pedestrian access and mobility upgrades• Provision of parking requirements <p>An impact assessment of Hawkesbury Avenue, the future traffic arrangements and condition (Dee Why Town Centre traffic condition) is to be taken into consideration.</p>
Development Engineer	<p>The following pre lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detail assessment can only be provided upon a DA lodgement:</p> <ol style="list-style-type: none">1. The proposed development shall be connected into Council's piped drainage system. Council existing pipe drainage system shall be evaluated for a design capacity of 1 in 20 year Storm event from the drainage connection point for the development up to the eastern end of



Referral Body Comments	
	<p>Hawkesbury Avenue. The exiting Council drainage if determined to be below the 1 in 20 year design capacity an on-site detention system must be designed for the proposed development in accordance with Warringah Council on Site Stormwater Detention Technical Specification.</p> <p>2. Car parking and access to comply with AS2890.1 and Council's Vehicular Crossing Policy LAP-PL 413, Warringah Council Minor Works Specification and AS2890.1. (http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/minorworks specification20100527.pdf)</p>
Council's Environment Officer (Floodplain Management)	The comments relating to Flooding were not completed at the time of writing these notes, accordingly these comments will be forwarded to you separately once completed.
Urban Designer	At the time of writing these notes, Council's Urban Designer was leave and therefore his comments will be forwarded to you separately once completed.

Relevant Council Policies
<p>You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:</p> <ul style="list-style-type: none">• Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140• Stormwater drainage for low level properties PDS-POL 135• Vehicle access to all roadside development: LAP-PL 315

Documentation to accompany the Development Application
<ul style="list-style-type: none">• All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;• Amendment to the DCP;• All information as required on the Development Application form checklist;• Site Analysis;• Site Survey (prepared by a registered Surveyor);• Statement of Environmental Effects addressing:<ul style="list-style-type: none">◦ Section 79C of EPA Act,◦ All relevant sections of WLEP 2011, including demonstrating consistency with the objectives of the zone.◦ All relevant sections of WDCP 2011;◦ Other relevant Environmental Planning Instruments including:<ul style="list-style-type: none">◦ <i>State Environmental Planning Policy (Infrastructure) 2007</i>; and◦ <i>State Environmental Planning Policy No 55—Remediation of Land</i>.



Documentation to accompany the Development Application

- Geotechnical Report (prepared by a suitably qualified person)
- Access Report (prepared by a suitably qualified person);
- BCA Report;
- Traffic and Parking Report (prepared by a suitably qualified person);
- Crime Prevention Through Environmental Design (CPTED) assessment;
- Shadow diagrams;
- View Analysis;
- Photo montages and 3D Sketch up model;
- Landscape Plan showing the layout of the landscaping within the site and the selection of species;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Lighting Plan (including Lux Diagrams) if necessary;
- Cost Summary Report, if the cost of works exceeds \$100,000. This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.

Concluding Comments

These Notes are in response to a pre-lodgement meeting held on 3 May 2016 for Demolition works and Additions and Alterations to an existing Registered Club (Dee Why RSL)

Plans referred to in the meeting were prepared by Altis Architecture and dated September 2016.

These Notes have identified a number of fundamental issues which prevent Council from supporting the proposal in its current form.

In summary, the identified issues that are of critical importance include the following:

- The proposal is required to address the MasterPlan for the site. It is noted the application is contrary to the current MasterPlan and therefore an application to amend the MasterPlan will be required before any development application can be determined. It is noted that this process can run concurrently with the development application. In modifying the MasterPlan, views, solar access, visual impact, traffic, landscape area, streetscape, building bulk, carparking and amenity impacts are required to be addressed.
- The proposal exhibits a significant departure from the existing Height of Buildings Development Standard which cannot be supported via a variation under Clause 4.6 of the WLEP given the associated impacts with the proposal.

In addition to the above, various departments within Council have provided their comments, requirements and recommendations in these Notes and it is expected that these will be incorporated into the development at the Development Application stage. The Urban Designer and Flood Engineer comments will be sent under separate cover.

As the development involves substantial excavation works to accommodate multi-level basements, dewatering and tanking may be required. If dewatering is identified as a



Concluding Comments

requirement in the Geotechnical Report then your application will be classified as Integrated Development and an additional referral fee of \$320 plus a Council administration fee of \$140 will be required to be paid at the lodging of a Development Application.

A Development Application is not to be lodged until the matters raised in these Notes have been satisfactorily addressed and compliance with the relevant standards and controls have been achieved. The documentation submitted with the development application is to demonstrate compliance with all relevant planning controls including compliance with the specific controls within the WDCP/MastPlan.

It is recommended that you attend another pre-lodgement meeting once you have considered the comments in these Notes and have formulated a more appropriate and compliant scheme.

The relevant Consent Authority

Any Development Application for residential development which has an estimated cost of development exceeding \$20 million will be required to be referred to the Sydney East Joint Regional Planning Panel (JRPP) for determination.

General Comments/Limitations of these notes

These notes are an account of the specific issues discussed and conclusions reached at the meeting. They are not a complete set of planning and related comments for the proposed development. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP, relevant Clauses of the WLEP 2011 and WDCP 2011 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.