

# NORTHERN BEACHES COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SNH026
<b>DA Number</b>	DA2017/0244
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Demolition works and redevelopment of part of an existing Registered Club (Dee Why RSL Club)
<b>Street Address</b>	Lot 1 DP 706230, 932 Pittwater Road DEE WHY NSW 2099
<b>Applicant/Owner</b>	Dee Why RSL Club Ltd
<b>Date of DA lodgement</b>	22 March 2017
<b>Number of Submissions</b>	16
<b>Recommendation</b>	APPROVAL (subject to conditions)
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Development with a Capital Investment Value (CIV) of more than \$20 million  Total Cost of the Development is \$ 51,482,500
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy – Infrastructure 2007</li> <li>• Warringah Local Environmental Plan 2011</li> <li>• Warringah Development Control Plan 2011</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1: Conditions of Consent</li> <li>• Attachment 2: Pre-Lodgement Meeting Notes</li> <li>• Attachment 3: Clause 4.6 of WLEP 2011</li> <li>• Attachment 4: Peer Review by GHD, dated 22 June 2017</li> </ul>
<b>Report by</b>	David Kerr– General Manager Planning, Place & Community
<b>Report date</b>	31 July 2017

## Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied with a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

## Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **Executive Summary**

The proposal seeks consent for the partial redevelopment and expansion of the existing registered club, additional parking and associated landscaping at 'Dee Why RSL Club' on a site known as No. 932 Pittwater Road, Dee Why ('the site').

The 14,830m<sup>2</sup> site has three street frontages; Pittwater Road to the west, Hawkesbury Avenue to the north and Clarence Avenue to the east. Surrounding development includes a childcare centre (Dee Why Kindergarten) directly to the south and a seniors living development ("Oceangrove") to the south-west.

The proposed development constitutes 'Regional Development' requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$20 Million (DA2017/0244 is \$51 Million). Whilst Council is responsible for the assessment of the DA, the SNPP is the consent authority.

The site required a site-specific Masterplan under the previous Environmental Planning Instrument that applied to the site, being the Warringah Local Environmental Plan 2000 (WLEP 2000). A Master Plan was approved by Council on 17 July 2001 and contained the future development plans of the Club over a number of stages. The adopted Master Plan made provision for a five stage upgrade of the Club to include:

- Stage 1: Car parking, Club extensions and landscaping
- Stage 2: Club fit-out and landscaping
- Stage 3: Administration fit-out
- Stage 4: Tourist accommodation and car parking
- Stage 5: Car parking, food court extension, main entry and tourist accommodation

The Club has progressively implemented the approved stages of work along with several modifications to the approved Masterplan over a time of period that related to the first 4 stages. The final stage of development (Stage 5) was for 'Tourist and Visitor Accommodation' which became prohibited development with the Gazettal of Warringah Local Environmental Plan 2011 (WLEP 2011) on 9 December 2011, and the Masterplan for the site subsequently became included within the Warringah Development Control Plan 2011 (WDCP 2011). The amendments to WDCP 2011 (Part G6) clarified the Masterplan by stating that Stage 5 of the development is for 'Club Expansion Space'.

The proposed development will see the completion of Stage 5 of the site Masterplan as envisaged by the former WLEP 2000 and the current WDCP 2011.

The subject application was conceived through a series of consultations with Council prior to lodgement of the application. The development is submitted pursuant to the provisions of WLEP 2011 and must be assessed in accordance with the current planning controls applying to the site. In this regard, the application requests a variation to the Height of Buildings development standard.

In this case, the non-compliance is not considered to be determinative as the resultant built form is assessed as being of a scale and character that is compatible with surrounding and nearby developments and is appropriate for the location and attributes of the land. The

applicant has submitted a well-founded Clause 4.6 variation request which accompanies the Development Application (DA).

Other built form non-compliances such as the variation to the front setback as prescribed by WDCP 2011 is not considered to be significant and is supported.

The proposal will result in a net overall increase of 204 parking spaces on the site (including a surplus of 104 spaces) to accommodate the proposed addition of 2,722m<sup>2</sup> gross floor area for the club. The increase in the car parking on this site has been an ongoing issue prior to and during the assessment of this application. However, the applicant has demonstrated that the proposed increase in carparking spaces is required to address the existing undersupply of car parking on site as well as adequately providing for staff parking.

The public exhibition period of the application resulted in the primary concern being the construction phase impact on the adjoining Dee Why Kindergarten, inter alia the impacts on the general public. The matters raised have been considered and, where appropriate, included as conditions of consent.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is an appropriate development for the site which will continue to be an important recreational and entertainment facility within the locality and is consistent with the adopted Masterplan for the Dee Why RSL site. It is considered that the proposal is worthy of support.

## **Conclusion**

The DA has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Based on the detailed assessment contained in this report, it is recommended that the SNPP, as the consent authority, approve the proposal subject to conditions as contained within Attachment 1

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0244
<b>Responsible Officer:</b>	Lashta Haidari – Senior Planner
<b>Land to be developed (Address):</b>	Lot 1 DP 706230, 932 Pittwater Road DEE WHY NSW 2099
<b>Proposed Development:</b>	Demolition works and redevelopment of part of an existing Registered Club (Dee Why RSL Club)
<b>Zoning:</b>	LEP - Land zoned R3 Medium Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses.
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Sydney North Planning Panel
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Dee Why RSL Club Ltd
<b>Applicant:</b>	Dee Why RSL Club Ltd
<b>Application lodged:</b>	22 March 2017
<b>Application Type:</b>	Integrated Development
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	6 April 2017 – 15 May 2017
<b>Advertised:</b>	8 April 2017
<b>Submissions:</b>	16
<b>Recommendation:</b>	APPROVAL
<b>Estimated Cost of Works:</b>	\$ 51,482,500

### 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 (up to 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 - Zone R3 Medium Density Residential  
 Warringah Local Environmental Plan 2011 - Clause 4.6  
 Warringah Development Control Plan 2011 - C7 Excavation and Landfill  
 Warringah Development Control Plan 2011 - D3 Noise  
 Warringah Development Control Plan 2011 - D6 Access to Sunlight  
 Warringah Development Control Plan 2011 - D18 Accessibility  
 Warringah Development Control Plan 2011 - G6 Dee Why RSL Club

## SITE DESCRIPTION

The subject site is No. 932 Pittwater Road, Dee Why and is legally identified as Lot 1 in DP 706230, but is more commonly known as the Dee Why RSL site.

The site is irregular in shape and has a site area of approximately 14,830m<sup>2</sup>.



**Figure 1 – Site Map**

The site has 3 street frontages being:

- Northern boundary (Hawkesbury Avenue frontage): 100.585 metres
- Eastern boundary (Clarence Avenue frontage): 178.435 metres

- Western boundary (Pittwater Road frontage): 109.73 metres

The site is currently occupied by the Dee Why RSL Club building that includes the AMF bowling centre and a multi-level carpark. Vehicular access to the site is off Clarence Avenue which provides the entrance to the onsite carpark. Pedestrian access to the site is via entrances both Clarence Avenue and Pittwater Road.

The surrounding developments are generally characterised by residential flat buildings to the north, east and west. A senior's living development ("Oceangrove") adjoins the site to the south/west and is operated by the DYRSL Club. Some other commercial uses including a service station, bike shop and real estate agent exist near the north-west corner of the site fronting Pittwater Road.

## **SITE HISTORY**

The Warringah Local Environmental Plan 2000 (WLEP 2000) included in its provisions the requirement for the Dee Why RSL Club to provide a Masterplan for the long-term development of the club site.

### **Development Application No. DA2001/0394**

This application for Stage 1 works was lodged with Council on 4 April 2001 along with a proposed Masterplan for the site.

The Stage 1 DA works and the Masterplan were approved/adopted concurrently by Council at its meeting of 17 July 2001. The Masterplan also included 930 Pittwater Road, Dee Why.

The adopted Masterplan made provision for a 5 stage upgrade of the club to broadly include:

- Stage 1: Car parking, Club extensions and landscaping.
- Stage 2: Club fitout and landscaping.
- Stage 3: Administration fitout.
- Stage 4: Tourist accommodation and car parking.
- Stage 5: Car parking, food court extension, main entry and tourist accommodation.

Since the adoption of the Masterplan, the following Development Applications and amendments to the Masterplan have been lodged and determined by Council:

### **Development Application No. DA2005/0292**

This application was lodged with Council on 5 April 2005 for a revision to the Masterplan for the site and Stage 2 works. The revision included the deletion of Stage 5 and the removal of 930 Pittwater Road, Dee Why, from the Masterplan. The floor area proposed as part of Stage 5 was transferred to the north-eastern corner of the site as part of Stage 2. The Stage 2 works included the construction of additional car parking, indoor and outdoor terraces, bar/lounge and dining areas.

This application was approved on 13 September 2005.

### **Development Application No. DA2008/0997**

This application was approved on 3 June 2009 for alterations and additions to the existing Dee Why RSL Club for an outdoor garden terrace and alfresco gaming area. The



development application included an amendment to the Dee Why RSL Masterplan to create Stage 2.5 in order to allow for the above works.

To date, the club has not proceeded with the works approved as part of Stage 2.5.

#### **Development Application No. DA2009/0822**

This application was approved on 24 September 2009 for alterations and additions to an existing club for a new outdoor gaming terrace including reconfiguration of an existing kitchen, toilets and changes to the club entry area.

These works have since been completed.

#### **Development Application No. DA2015/0603**

This application was approved on 5 May 2016 for replacement of the north-east roof over level 2 of the club as well as an upgrade to the internal entry to this part of the club, internal refurbishment of the existing 'Flame Bar' cabana and minor façade alterations to complement a new roof.

These works have since been completed

#### **Development Application No. DA2016/0648 (Previous DA for Similar Scheme to Current Proposal)**

This application involved a larger Club expansion and a greater quantum of car parking spaces. This application was withdrawn by the applicant on 21 February 2017 following the advice of Council.

#### **WDCP Amendments**

The final stage of development, Stage 5, for 'Tourist and Visitor Accommodation' was prohibited with the introduction of Warringah LEP 2011 on 9 December 2011. As such Warringah DCP 2011 clarifies the Masterplan by stating that the fifth stage of development is for 'Club Expansion Space.'

Part G8 of the Warringah DCP draws reference to the previous site Masterplan. A request to amend the DCP was submitted concurrently with D2016/0648. The DCP amendment (Amendment 9) was adopted at the Council Meeting on 22 November 2016 and came into force on 6 December 2016.

#### ***Prelodgement Meeting***

A pre-lodgement meeting was held with the applicant on 3 May 2016 prior to the lodgement of DA2016/0648 to discuss a proposal for redevelopment of the club site.

A copy of the notes are attached to this report (refer to Attachment 2).

#### **PROPOSED DEVELOPMENT IN DETAIL**

Pursuant to Clause 78A (1) of the EP&A 1979 (as amended) this application seeks consent for demolition works, partial redevelopment and expansion of the Dee Why RSL Club with associated car parking and landscaping.

Specifically, the proposed development involves:

- Demolition works that includes part the existing southern carpark;
- Excavation works to accommodate a 4 level basement carpark with an additional 2 levels of car parking above; providing a total of 406 new car spaces, 12 bicycle spaces and 6 motorbike spaces. The proposal also includes a new loading dock.
- The expansion of the existing club by adding an additional floor Level 2 above the proposed carpark with a total GFA of 2,722m<sup>2</sup>, which includes:
  - Expansion and refurbishment of the existing Sports Bar;
  - An open-facade smokers terrace adjacent to the central bar area;
  - Refurbishment to part of the existing bistro and bistro kitchen; and
  - Expansion and refurbishment of food and beverage venue options including the central bar, casual food area and restaurant
- An additional car park entrance from Clarence Avenue to the existing car park.
- Modification to the current entrance on Clarence Avenue, including changes to the existing facade.
- The introduction of skylights and plant equipment to the existing club roof.
- Landscaping treatment along Clarence Avenue and around part of the perimeter of the retained car parking structure;

The changes relating to the Gross Floor Area (GFA) and the car parking numbers of the Club is summarised in the tables below

**Table 1 - Gross Floor Area (GFA)**

Existing GFA	Proposed GFA Increase	Total GFA
12,622m <sup>2</sup>	2,722m <sup>2</sup>	15, 344m <sup>2</sup>

**Table 2 – Car Parking**

Existing Car parking	Demolition & Reduction in Parking	Proposed New Parking	Total Club Parking under DA2017/0244	Net increase in Parking
482 spaces  Northern carpark - 233 spaces  Southern carpark - 249 spaces	-203 spaces	+408 spaces  406 in the new car parking and Placement of 1 additional space in the Northern	<b>686</b>	+204



		carpark		
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Hours of operation

There is no change proposed to the existing operating hours.

Staff Numbers

The applicant has indicated that there will be 25 additional staff on site to cater for the additional area of the club; this will result in a total of 325 staff members employed by the club.

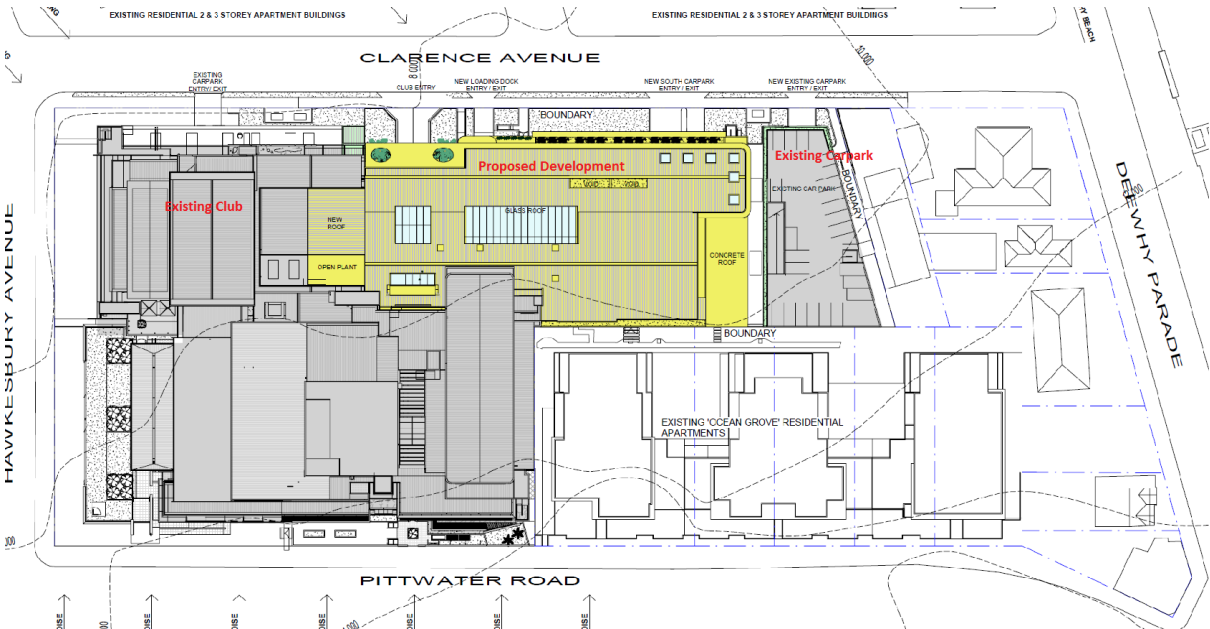


Figure 1 – Showing the proposed footprint of the development (Source: Altis Architects)



**Figure 2 – Proposed development as viewed from Clarence Ave (Source: Altis Architects)**

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See the 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 2011 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)	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter may be addressed via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.</p>
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	<p><b>i) Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the WDCP 2011 section in this report. In summary, the proposal is capable of being</p>

Section 79C 'Matters for Consideration'	Comments
	<p>constructed so as to not result in any adverse environmental impacts on the natural and built environment subject to conditions.</p> <p><b>ii) Social Impact</b></p> <p>The proposal will not have a detrimental social impact in the locality considering the commercial nature of the proposal. The new and improved registered club will provide positive social impacts in terms of recreation and leisure opportunities for the locality.</p> <p><b>iii) Economic Impact</b></p> <p>The proposal will result in a positive economic impact on the locality as the development will assist to strengthen economic vitality in this area by maintaining the registered club on the site, which will generate additional employment opportunities.</p>
Section 79C (1) (c) – the suitability of the site for the development	There are no natural hazards or other site constraints that are likely to have an adverse impact on the proposed development. The proposed development is considered suitable as the proposal involves a redevelopment of a portion of the existing RSL club, which is an already established landmark in the Dee Why locality.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	<p>The proposed development is considered to be in the public interest as no matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p> <p>The proposal has taken into account the applicable planning controls and any potential impact on the locality. Issues in relation to increased traffic and car parking on site and construction phase impacts have been adequately addressed and, where appropriate, will be mitigated as prescribed by the conditions of consent.</p> <p>Accordingly, the proposed development is considered to be in the public interest.</p>

## 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 2011.

As a result of the public exhibition, process Council is in receipt of 16 submissions, which includes seven (7) letters objecting to the proposal and nine (9) letters of support from:

<b>Name:</b>	<b>Address:</b>
Mr Gordon Peter Irga	8 / 5 Kingsway DEE WHY NSW 2099
Mr Peter Joseph Norman	19/12-14 Richmond Avenue DEE WHY NSW 2099
Ms Julie Hutchings	No details provided
Mr Ian Hardy	No details provided
Ms Angela Doolan	30 Howard Ave DEE WHY NSW 2099
Dominic Ian Pearman	8 Worcester Street COLLAROY NSW 2097
Ms Margaret Ellen Lown	4 / 29 Hawkesbury Avenue DEE WHY NSW 2099
Mrs Noeleen Jane Ellevsen	97 Fuller Street COLLAROY PLATEAU NSW 2097
Pikes & Verekers Lawyers	DX 521 SYDNEY NSW
Mr Dylan Morrissey	No details provided
Barbara Smith	C/- Kaddy Transport Po Box 248 DEE WHY NSW 2099
Macken Strategic Planning Solutions	Level 2, 276-278 Abercrombie Street DARLINGTON NSW 2008
Kylie Dumas	No details provided
Quentin Charles Johnson	5 Fairport Street NORTH CURL CURL NSW 2099
Dee Why Kindergarten	2 Clarence Ave DEE WHY NSW 2099
Brett Daintry	Invalid Address NSW

The issues raised in the submissions received are each addressed below:

### **1. Traffic/Road Capacity**

Concern has been raised that the development will have a detrimental impact on the congestion of surrounding streets and increase give rise to greater traffic hazards and risks, particularly upon pedestrian crossings on Clarence Avenue, Hawkesbury Avenue and Pittwater Road.

Further, concern has been raised that the increase in traffic congestion will directly relate to the decline of local business activity and will dissuade customers from visiting the local area.

#### **Comments:**

This issue is addressed in detail under the WDCP section of this report.

In summary, it is considered that the traffic generation caused by the proposal will not be of a quantum commensurate to that of the town centre area to the south of the site that would individually or cumulatively give rise to unreasonable traffic congestion or road safety hazards.

The DA is accompanied by a Traffic and Parking Report, which finds that the proposal will have an acceptable impact. Further, the application has been reviewed by Council's Traffic Engineer and the RMS, both of which raise no objections to the proposal, subject to conditions as recommended.

The issue on the proposed car parking numbers and use are also detailed in the WDCP section of the report. It should be noted that the new car park will not be used by commuters, and a condition restricted the car park for the use of the Club patron and staff is included within the recommendation of this report.

This issue does not warrant the refusal of the application

## **2. Views**

Concern has been raised in the submissions received, that the proposed additions to the RSL, will result in the cumulative impacts from previous developments and anticipated future developments, will impact upon the existing provision of views enjoyed from surrounding properties, specifically from 8 / 5 Kingsway Street, Dee Why located on the western side of Pittwater who made the submission.

### Comments:

The proposed development has been considered having regard to the Land and Environment Court Planning Principles '*Tenancy Consulting v Warringah Council*' which establishes a mechanism to qualitatively assess the reasonableness of view impacts. The applicant has submitted a View Impact Assessment (reproduced in Figure 4 below), which confirms that the proposed additions on the roof of the existing club building will not result in any water view impact or horizon impact from the residential properties on the western side of Pittwater Road.



**Figure 4 – Proposed development as viewed from western side of Pittwater Road (Source: Altis Architects)**

This issue does not warrant the refusal of the application.

## **3. Public Amenity**

Concern has been raised in a submission received that the architecture of the proposal is of poor urban design which will be of detriment to the streetscape and public amenity.

Comments:

This issue is subjective and the assessment of the application has concluded that the proposed development will result in an improved urban design outcome streetscape on the western side of Clarence Ave.

Furthermore, Council's Urban Designer has reviewed the proposal and has raised no objection to the proposed development on grounds of the architectural and urban design subject of the development.

This issue does not warrant the refusal of the application

#### **4. Disruption during Construction / Monitoring of Compliance**

A submission has been received from the Dee Why Kindergarten, prepared by Daintry Associates. The submission specifically emphasises the issue of compliance with construction controls, and has requested a number of conditions to be included in the consent to ensure minimal impact during the construction phase. The submission notes the monitoring of compliance for noise, vibration and ultimately compliance with the Planning Principle established by *Dayho v Rockdale City Council [2004] NSWLEC 184 revised – 4/03/2005*.

Comments:

The applicant has responded to the concerns raised by the Dee Why Kindergarten, by stating that the Club will be appointing a reputable building contractor who will be required to manage the construction process in accordance with statutory requirements.

The applicant has indicated that the conditions, as requested in the submission by Dee Why Kindergarten, have been addressed by the acoustic/vibration report and that the additional conditions as recommended by the objector are unnecessary and unwarranted.

The construction impacts of the proposed development on the adjoining child care centre have been an on-going issue during the assessment of the current and previous applications. This current application provides a 20m to 34m setback from the child care centre which largely resolves much of the impact concerns, and is further mitigated by ensuring compliance with the recommendations of the accompanying acoustic report.

Notwithstanding the above, a condition of consent has been included within the recommendation of this report which requires that a detailed Construction/Traffic Management Plan" be prepared, which includes "respite periods" for noisy activities to be incorporated in the plan during the construction phase to mitigate potential impacts of noise on the child care operation.

Therefore, some of the specific conditions that have been put forward within the submission which to relate to a Concrete Batch Plant in Rockdale, are considered unnecessary in this instance.

#### **5. Inadequacy of the Submitted Documents**

Concerns have been raised that the Statement of Environmental Effects (SEE) does not adequately address the potential impacts of the proposed method for construction traffic.

Comments:

A Traffic Construction Management Plan will be required as a condition of consent, and this requirement has been included within the recommendation of this report.

This issue raised is noted and addressed by conditions of consent.

## 6. Summary of Submissions in Support

- *The new design is vibrant, bright and airy and will be a vast improvement on the existing club providing additional parking for both existing members and the local community.*
- *The additional parking is in significant demand to alleviate the congestion on the roads nearby.*
- *The increased space to create more availability for community events is important for organisations wishing to hold local events and the new food and beverage areas which will relieve pressure on existing function and food outlets will benefit all users of the community and the RSL Club.*
- *Parking is presently an issue in Dee Why RSL, the additional parking spaces will assist with this issue.*
- *The expansion will lead to more job opportunities.*
- *The improvements will be welcomed by the community.*
- *The proposed development addresses a shortage of parking at the Dee Why RSL.*
- *It's important that the Club continues to be successful so that it maintain support to local sporting and community organisations.*
- *On busy nights there is a lack of parking, this will address this issue along with the providing new hospitality offerings.*

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<i>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</i>
Development Engineers	<i>Development Engineers have reviewed the proposal and raise no objections to the proposal subject to conditions.</i>
Environmental Investigations (Acid Sulphate)	<i>No objection subject to conditions</i>
Environmental Investigations (Industrial)	<i>No objections to referral subject conditions:</i>
Health and Protection (Food Premises, Skin Pen.)	<i>No objections subject conditions.</i>
Landscape Officer	<i>No objections subject to conditions as recommended.</i>
Natural Environment (Flood)	<i>The development is not considered to increase flood risk. There are no relevant flood controls.</i>



Internal Referral Body	Comments
Strategic Planning - Urban Design	<p><i>The proposed extensions sit well within the surrounding context and will improve the amenities of the existing club. The height breach is minor and will not impact negatively on the neighbouring developments.</i></p> <p><i>There is a minor additional shadow impact on the neighbouring Ocean Grove apartments but the additional shadowing will only affect a section of the ground floor area for about half an hour during mid-winter. The proposal is acceptable in that respect.</i></p>
Traffic Engineer	<p><i>The proposed parking provisions are lesser compared to the previous development application. In terms of car parking provisions based on a 12,622m<sup>2</sup> GFA, including parking for staff, the proposal is considered acceptable. A dedicated area within the new car park for staff is required.</i></p> <p><i>It is noted the intersection of Hawkesbury Avenue and Pittwater Road is included in the Dee Why Town Centre modelling study undertaken by WSP Parsons Brinckerhoff. The Paramedics Model results show generally acceptable performance except for the East/North movement. Whilst the SIDRA model is considered acceptable, the RMS could consider extending parking restrictions along the eastern side of Pittwater Road, on its approach to Hawkesbury Avenue.</i></p>
Water Management	<i>No objection to approval subject to conditions.</i>

External Referral Body	Comments
Ausgrid: (SEPP Infrastructure 2007)	<p><i>The application was referred to Ausgrid under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure).</i></p> <p><i>Ausgrid provided their comments on 28 April 2017 in which no objection was raised subject to conditions.</i></p> <p><i>The conditions provided by Ausgrid may be included in a consent should this application be approved.</i></p>
Integrated Development NSW Office of Water - Department of Primary Industries (Permit for Temporary Construction Dewatering)	<p><i>The application was referred to the DPI as Integrated Development under s.91A (2) of the EP&amp;A Act 1979. The DPI provided the following comments on 29 July 2017:</i></p> <p><i>"The proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation, therefore, General Terms of Approval have been provided".</i></p> <p><i>The conditions provided by the DPI may be included in a consent should this application be approved.</i></p>
Concurrence - NSW Roads and Maritime Services -	<i>The application was referred to the RMS for comment as a traffic generating development under Schedule 3 of SEPP Infrastructure.</i>

External Referral Body	Comments
(SEPP Infrastructure 2007, Traffic generating dev)	<i>The RMS provided their comments on 29 June 2017 in which no objection was raised.</i>

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, EPIs (State Environmental Planning Policies (SEPPs), Regional Environment Plans (REPs) and Local Environment Plans (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 EPIs (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 and State Regional Environmental Plans**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

The proposed development does not constitute State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011.

Of more relevance, Clause 20 of this policy cross-references Schedule 4A of the EP&A Act 1979 which identifies a range of developments that either due to their nature, scale, value, impact or location are deemed to be of regional significance and which, as a result, require that the SNPP become the consent authority.

In this regard, Schedule 4A (3) indicates that Development that has a Capital Investment Value (CIV) of more than \$20 million is regional significance. As indicated on the DA form and as confirmed by a quantity surveyors report accompanying the application, the proposed development has a CIV of \$51,482,500 As such, the consent authority for the application will be the SNPP.

#### **State Environmental Planning Policy 55 - Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers in determining when the land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response to these requirements, the applicant has submitted a Preliminary Site Investigation prepared by Douglas Partners, although this report was prepared for the previous DA, which is now withdrawn, the recommendation of this report was considered as part of this assessment and found to be satisfactory with respect to addressing the requirement of this SEPP.

The application was also referred to Council's Environmental Health Officer who raised no objection to the proposal subject to conditions. Accordingly, based on the information submitted, the requirements of SEPP 55 have been satisfied and the land is considered to be suitable for the development subject to conditions.

## **SEPP (Infrastructure) 2007**

### **Clause 45**

Clause 45 of the SEPP Infrastructure requires the consent authority to consider any DA (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 5m 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 5m of an overhead electrical power line.

The application was referred to Ausgrid under clause 45(2) of SEPP Infrastructure.

Ausgrid provided their comments on 28 April 2017, in which no objection was raised subject to conditions. The conditions provided by Ausgrid may be included in a consent should this application be approved.

### **Clause 106**

Pursuant to Clause 106(1) (a) the clause applies to new premises of the relevant size or capacity. (2) In this clause, "relevant size or capacity" means: *"in relation to development on a site that has direct vehicular or pedestrian access to any road the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3"*.

Clause 106 'Traffic Generating Development' of the SEPP Infrastructure requires the application be referred to the RMS within seven days, and take into consideration any comments made within 21 days, if the development is specified in Schedule 3 of the SEPP Infrastructure.

The proposed car parking arrangement accommodates a total of 406 spaces in the basement levels. The development triggers a requirement to refer the application to the RMS under Column 2 of Schedule 3.

The application was referred to the RMS who provided their comments on 29 June 2017 in which no objection was raised subject to conditions.

## STATE REGIONAL ENVIRONMENTAL PLANS

There are no SREPs applicable to the site.

## LOCAL ENVIRONMENTAL PLANS

### Warringah Local Environment Plan 2011

Is the development permissible?	Yes Clause 9 of Schedule 1
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
Height of Buildings:	12m	14.5m	20.8%	<b>No</b> Refer to Clause 4.6 Assessment

### Compliance Assessment

Clause	Compliance with Requirements
<b>Part 1 Preliminary</b>	
Land Use Table	Yes
<b>Part 4 Principal development standards</b>	
4.3 Height of buildings	<b>No</b>
<b>Part 5 Miscellaneous Provisions</b>	
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
<b>Part 6 Additional Local Provisions</b>	
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

### Zoning and Permissibility

The site is within the R3 Medium Density Residential zone.

Clause 2.5 relates to additional permitted uses on land nominated in Schedule 1 of WLEP 2011. Clause 9 of Schedule 1 states;

- *This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as "Area 9" on the Additional Permitted Uses Map.*
- *Development for the purposes of recreational facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.*

The proposed development relates to a 'registered club' and as such, is permissible uses under the provisions of WLEP 2011 via Schedule 1 of WLEP 2011.

Accordingly, the proposed development is permissible with consent.

### **Zone Objectives**

Clause 2.3(2) of the WLEP 2011 requires the consent authority to have regard to the zone objectives when determining a development application. The underlying objectives of the R3 Medium Density Residential zone and how it relates to the proposed development is addressed as follows:

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

#### **Comment:**

The proposed development is for the expansion of an existing Registered Club (Dee Why RSL), which is made permissible via Schedule 1 of WLEP 2011. Therefore, this objective is not applicable to the proposed development.

- b) To provide a variety of housing types within a medium density residential environment.*

#### **Comment:**

Not applicable to the proposed development, as the proposed development relates to an existing registered club.

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

#### **Comment:**

The existing Dee Why RSL Club is an integral part of the Dee Why locality, so it fulfils the objective of meeting the day to day needs of residents.

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

#### **Comment:**

The proposed development includes additional landscape works along the Clarence Ave frontage, which will ensure that the proposed development is within a landscape setting consistent with this objective.

- e) To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

**Comment:**

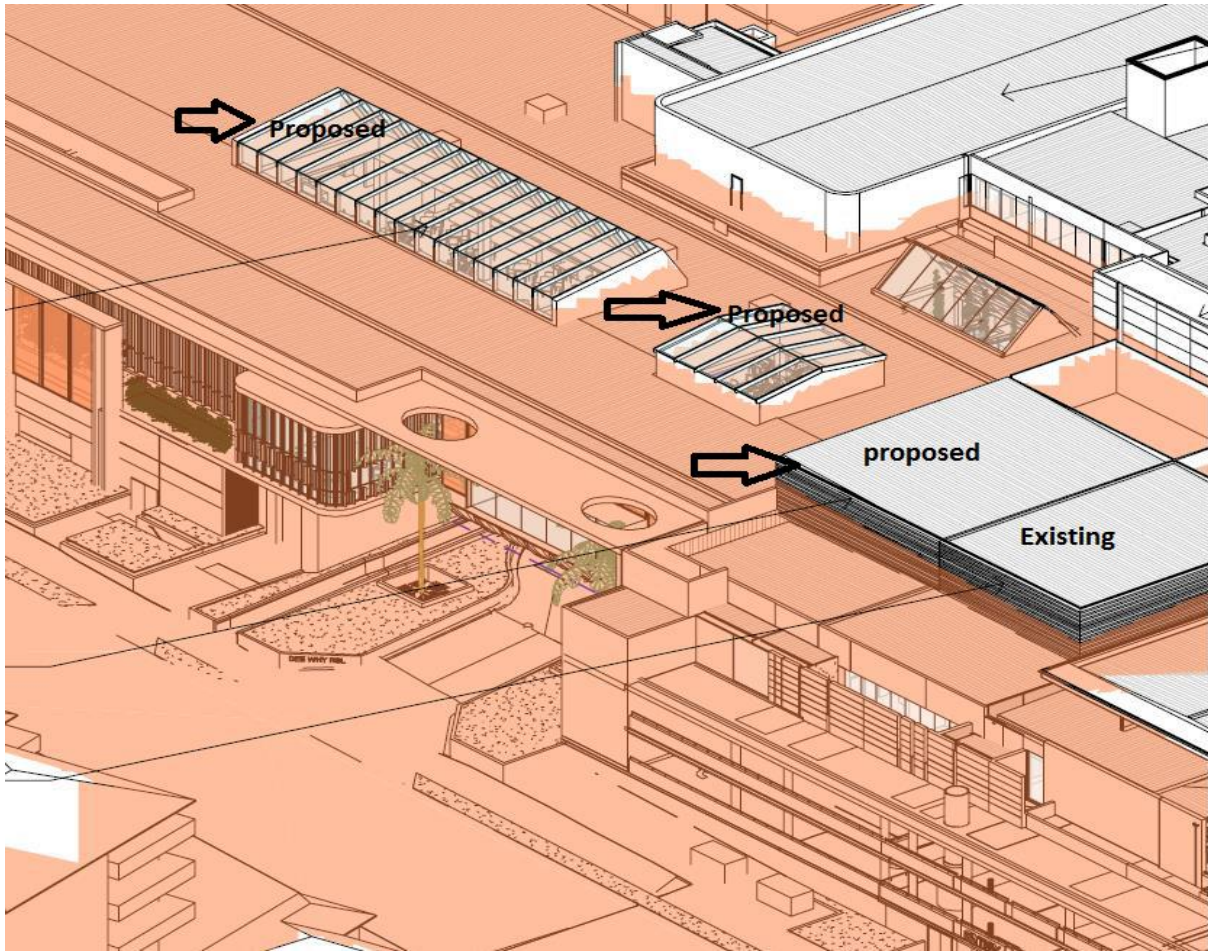
The proposal maintains the established use of the site for recreational and leisure purposes of the Club for the local community and the proposed development will significantly improve the Club's facade on the western side of Clarence Ave and entrance from Clarence Ave. Accordingly, the proposal is found to be consistent with this objective.

**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.

Permitted Maximum:	12m
Proposed:	14.5m Skylights -2.5m above the height limit and plant room 1.9m above the height limit.
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	20.8% (2.5m)



**Figure 5 – Areas of Building Height non-compliance are shown in white with black arrows to highlight new areas under DA2017/0244 (Source: SEE, as prepared by Urbis)**

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 control 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:**

As evidenced in Figure 5, the variation in height comprises the proposed skylight and an additional plant room, which is to be located next to the existing plant room to the north. The proposed additions to the roof are located within the central portion of the site and are



considered to be consistent and compatible with the height and scale of the existing club building and the surrounding and nearby development.

The areas encroaching the building height are considered minor and are consistent with the existing plant room encroachment on the club building. The additional plant room and skylights will not materially impact on the amenity of surrounding developments.

The development is considered to satisfy this objective.

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

Comment:

The maximum overall height of the club building will not be altered as a result of the proposed development. The only non-compliance elements are the skylights and plant room which exceed the standard by 2.5m for the skylights and 1.9m for the plant room. This is considered to be minor and, as it does not cover a larger area of the roof and is consistent with other non-compliant elements on the roof, the non-compliance will not unreasonably impact upon the visual appearance of the development when viewed from private or public domains disrupt views, contribute towards a loss of privacy or solar access.

The development is considered to satisfy this objective.

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

Comment:

The surrounding development consists of similarly scaled development reflective of a highly urbanised environment within close proximity to a major town centre.

The development will not have any adverse impact on the scenic quality of Warringah or the Northern Beaches' coastal and bush environments.

The development is considered to satisfy this objective.

- 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-compliance is considered to be minor and, because it does not cover a large area of the roof it will not be visually prominent and the non-compliance will not unreasonably impact upon the visual appearance of the development when viewed from nearby public places.

The development is considered to satisfy this objective.

**What are the underlying objectives of the zone?**

In assessing the developments non-compliance, consideration must be given to its consistency with the objectives of the R3 Medium Density Residential zone.

An assessment of the proposal against the objectives of the zone is provided in the zoning section of the report. In summary, the proposal is found to be consistent with the zoning objectives of the R3 zone.

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

*(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**

Council has considered the written request from the applicant that seeks to justify the contravention of the development standard.

The request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

*(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 sub-clause (3), and*

**Comment:**

The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (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 the reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone in the WLEP 2011. Therefore, the development is considered to be in the public interest.

*(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.

**Other relevant provisions of WLEP 2011**

Considerations of the other provisions of the WLEP 2011 which are relevant to this application are addressed in the following table:

Clause	Comment	Complies
Clause 2.7 – Demolition	Demolition works are included as part of this application. Appropriate conditions are recommended to ensure the demolition works carried out in a manner that is safe and consistent with the requirement of this Clause.	Yes (subject to condition)
Clause 5.10 Heritage	The Dee Why RSL Club is not heritage listed under WLEP 2011. There are no heritage items in the vicinity, nor know Aboriginal Site.	N/A
Clause 6.1 Acid sulphate soils	The site is not within an acid sulphate soils area on Council's Acid Sulphate Soils Hazard Map.	N/A
Clause 6.2 Earthworks	<p>This clause requires consent for earthworks and specifies the matters to be taken into consideration when granting consent.</p> <p>The proposed development includes earthworks for the formation of the basement levels. The geotechnical and contamination assessments have been submitted with the current application to ensure all relevant matters relating to the potential impact of the proposed earthworks on including surrounding development, contaminated soils, drainage and soil stability, etc. are addressed.</p> <p>The Geotechnical Report by Douglas Partners which accompanies the DA has been peer reviewed by GHD Consultants at the request of Council. The initial peer review by GHD raised several issues and requested clarification regarding the minimisation of geotechnical risk to adjacent properties during the</p>	Yes (Subject to conditions)

	<p>basement excavation process.</p> <p>The applicant provided the additional information in response to the GHD's concerns. GHD reviewed the additional information on 22 June 2017 and raised no further objection to the proposed development on geotechnical grounds (copy of the GHD report is included in Attachment 4).</p> <p>Having regard to the peer review from GHD and subject to the imposition of relevant conditions of consent, it is considered that the proposed earthworks will not result in any unacceptable impacts.</p>	
Clause 6.3 Flood Planning	<p>The subject site is identified as flood prone land being affected by the Probable Maximum Flood levels.</p> <p>The flooding issue has been assessed by Council's Development Flood Engineer and no issues or conditions were raised in relation to the proposed development.</p>	Yes

## Warringah Development Control Plan 2011

The proposal has been considered against the provisions of the WDCP 2011. The table below is an assessment of the proposed development against the relevant provisions of the WDCP 2011.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
<b>Part A Introduction</b>		
A.5 Objectives	Yes	Yes
<b>Part C Siting Factors</b>		
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
<b>Part D Design</b>		
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
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
<b>Part E The Natural Environment</b>		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
<b>Part G6 Dee Why RSL Club</b>		
Built Form	Refer to Build form table below	Yes
Safety and Security	Yes	Yes
Views	Yes	Yes
Landscaping and Civic Improvement	Yes	Yes
Economic and Social Sustainability	Yes	Yes
Traffic Generation, Car Parking and Vehicular access	Yes	Yes

### **Detailed Assessment of Part G6 – Dee Why RSL Club**

#### **Built Form Control – Part G6**

Built Form Control	Requirement	Proposed	Complies
Side Boundary Envelope	East: 5.0m x 45° South: 5.0m x 45°	Within the Envelope	Yes

Boundary Setbacks	<b>Northern Boundary</b> (Hawkesbury Ave) - must not extend at any point beyond the existing building	No changes proposed to this frontage	N/A
	<b>Southern Boundary</b> – 5m	20m to 33.7m	Yes
	<b>Eastern Boundary</b> (Clarence Avenue) – 6.5m	5.45m – 9m	<b>No</b>
	<b>Western Boundary</b> (Pittwater Rd) - 6.5m	No changes proposed to this frontage	N/A
Setback for any storey above the second storey	2.5m	The proposed development does not exceed 2 storeys on the Clarence Ave frontage	Yes

### **Eastern Boundary Setbacks (Clarence Avenue)**

Part G6 requires development for the RSL Club to maintain a minimum of 6.5m front setback to the Clarence Ave frontage.

A portion of the Clarence Avenue façade encroaches the 6.5m setback as feature vertical blades have a setback of 5.45m from the boundary.

The non-compliance with this frontage is found to be acceptable on the following grounds:

- The proposed development will significantly improve the Clarence Ave street frontage, and contribute towards the articulation of the front facade and, therefore, add visual interest to the built form;
- The proposed development does not add any unreasonable building bulk such that these features would impact upon the sense of openness to the street or neighbouring properties;
- The development introduces a contemporary element to the existing architecture of this part of Clarence Ave which consists of a mix of aged and modern residential flat buildings. The provision of landscaping at the ground floor level and variable setback elements provide architectural interest which contributes towards the visual quality of the streetscape.

Therefore, having regard to the above, it is considered that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the variations to the Boundary Setbacks control are supported, in this particular circumstance.

### **Part G6 - Traffic Generation, Car Parking and Vehicular access**

#### **Traffic Generation**

The applicant submitted a Traffic Impact Assessment with the application, which assessed the likely traffic impacts of the proposal on the adjacent road network due to additional traffic and parking demand generated by the development. The applicant's traffic report indicates that the proposal is expected to generate an additional 54 movements (45 entering and 9 exiting) during peak periods, which the traffic report advises is within an acceptable level and

will not have a significant effect on the operation or amenity of the surrounding road network and its intersection.

This assessment is considered reasonable and adequate and Council's Traffic Section and RMS raises no concerns in relation to the proposed development on traffic grounds recognising that the proposal will be acceptable in relation to traffic impacts.

Overall, the increase in traffic generation associated with the proposed development is not considered to have a significant traffic impact on the adjacent road network and intersections nor on the amenity of adjoining and surrounding sites.

### **Carparking**

The existing club provides a total of 482 parking spaces with a total Gross Floor Area (GFA) of 12,622m<sup>2</sup>, which equates to a ratio of 3.8 spaces per 100m<sup>2</sup> of the Club's GFA.

The proposed development seeks to increase the GFA by 2,722m<sup>2</sup> resulting in a total GFA of 15,394m<sup>2</sup>. Based upon the above ratio of 3.8 spaces per 100m<sup>2</sup>, the total required provision of on-site car parking would, therefore, be 584.97 (585) spaces which equates to an additional 103 spaces above that already provided.

However, the proposal seeks to increase the net overall number of on-site parking spaces by 204 spaces, which is 101 spaces more than what is required when analysing the existing parking provision.

Part G6 of the WDCP requires that parking for the club should be calculated based on user surveys of the existing Club facilities and draw a comparison to similar club developments. The applicant submitted a Traffic Impact Assessment Report with the application.

The report provides a detailed survey of the Club which was undertaken in 2016, with particular emphasis placed on Friday evenings and Saturdays which are considered to be peak demand periods. The survey records that Friday evening has a peak demand of 478 cars which represent 99% of the existing parking provision. The Saturday survey recorded a peak demand of 383 cars, which represents 80% of the existing parking provision. The survey, therefore, indicates that the car park is operating within capacity and has the potential to reach the practical maximum provision of 585 spaces.

A staff survey was also undertaken as part of the report, which indicates that 67% of the staff drives to work, and noting that staff are not allowed to park on the premises from Thursday evening to Sunday evening (inclusive).

The report concludes that based on the survey undertaken, the additional parking spaces relative to the proposed floor area are required for the club. The report concludes that whilst the proposal will increase the current ratio from 3.8 spaces per 100m<sup>2</sup> space of GFA to 4.5 spaces per 100m<sup>2</sup> GFA, the additional 205 parking spaces will accommodate the current shortfall in spaces and provide for a typical peak activity associated with the extended club, whilst also providing parking to accommodate staff parking and increased demand associated with functions and peak events.

Based on the information provided, it is considered that proposed surplus parking spaces is supported for the following reasons:

- The applicant has demonstrated that the existing carpark regularly reaches capacity, which is why the additional 10 spaces are required.



- Staff is currently not allowed to park on site on Thursday – Sunday evening due to lack of parking. Staff parking has been included in the proposed parking provision.
- The club has indicated a boom gate will be installed to restrict neighbours and general commuter parking.
- The additional parking spaces will reduce the on-street parking demand, thus increasing the amenity and availability for the general public.
- Finally, the traffic impact on the road network is found to be acceptable. The additional of 54 movements will occur outside the peak time, noting that the club opens at 10 am and therefore the proposal will generate minimal traffic impact during the morning peak hours.

### **Other Relevant Provisions of WDCP 2011**

#### **Clause D3 Noise**

An Acoustic Assessment Report which was submitted with the application, which considers both internal and external noise sources from the ongoing operation of the club and including acoustic impact from the construction of the development. The acoustic assessment found that noise generated by the development will comply with all relevant standards.

The assessment recommends that certain measures be implemented to ensure internal noise levels during the operation and construction of the development can comply with relevant Australian Standards. These have been included as conditions on the draft consent.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

#### **Clause D6 Access to Sunlight**

A Shadow Impact Study has been conducted by Altis Architecture as a part of the DA submission. The analysis indicates that the majority of the shadow cast from the proposed development would not affect the existing residences (Oceangrove Seniors Housing Development) on the south western side of the proposed development. The shadow diagrams confirm that there will be no additional impact as result of the proposed development between 9am and 12pm, however, at 3pm the front gardens of these dwellings would be shadowed as result of the proposed development. Despite the additional shadow impact, the dwellings of the Oceangrove development will continue to receive solar access in accordance with the WDCP and SEPP 65 requirements.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

#### **Clause D9 Building Bulk**

Clause D9 seeks to minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

The proposed additions to the club will be integrated into the existing building to ensure a cohesive and compatible development is achieved along the Clarence Avenue frontage. The

new additions will positively constitute to the streetscape as the built form is designed to respect the setback and height along that facade.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

### **Clause D18 Accessibility**

An Accessibility Report has been submitted with the application and has been reviewed by Council's Building and Certification team who have raised no objection to the proposed development. Whilst the report relies on significant detail being provided at the Construction Certificate stages, it concludes that the development has the ability to meet the requirements of the DDA, BCA 2015 including the Australian Standards for people with disability including AS/NZ 2890.6-2009, AS1428.1 Amendment 1, AS/NZ1428.4.1 2009.

Accordingly, it is considered that the proposal is acceptable in terms of accessibility subject to the imposition of standard conditions of consent.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not result in any impact on threatened species, populations or ecological communities or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

A CPTED assessment has been undertaken for the proposed development. The assessment concludes that the overall development will improve surveillance of surrounding public areas by introducing new sources of natural and passive surveillance.

### **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 \$ 51,482,500		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 489,084
Section 94A Planning and Administration	0.05%	\$ 25,741
Total	1%	\$ 514,825

### **CONCLUSION**

This report provides a comprehensive assessment of the DA for the partial redevelopment of the Dee Why RSL site.

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 2011 ;
- Warringah Development Control Plan 2011; and
- Codes and Policies of Council.

### ***Community Consultation***

During the public exhibition of the DA, Council received a total of sixteen (16) submissions of which seven (7) were opposed and nine (9) supported the proposal.

Those objecting to the proposal raised concerns primarily on the basis of additional traffic and parking impacts and the construction impact on the surrounding land uses. These submissions have been assessed and it is concluded that these objections should not carry determining weight for the reasons discussed in the report. However, where appropriate the residents' concerns have been addressed by appropriate conditions of consent, particularly in relation to impacts on the immediately adjoining properties including the Dee Why Kindergarten during the construction phase.

Those supporting the development raised the benefits of the additional parking spaces for the club, which is highlighted to be an important gathering place for the community in the form of new and improved club facilities.

### ***Assessment of the Development Application***

The proposal is permissible with consent pursuant to Schedule 1 of WLEP 2011 and is found to satisfy the relevant requirements of this instrument, with the exception of building height. The proposed variation to the development standard for the height of buildings under the WLEP 2011 is limited to the skylights and the additional plant room will be visually imperceptible. The requested variation under Clause 4.6 is considered reasonable, well founded and is supported.

The proposed development is assessed as being generally consistent with the applicable planning controls that apply to the site under WDCP 2011. The assessment of the application has demonstrated that the proposed development is found to be acceptable with regards to the traffic impacts, the number of car parking spaces, streetscape and its impact on the adjoining and nearby development.

The applicant has demonstrated through the accompanying Traffic and Parking Report that the club requires the additional parking spaces proposed (net increase of 204 spaces, including a surplus of 101 spaces) for the ongoing operation of the Club.

In summary, the proposal is considered to be:

- Consistent with the Objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979
- Consistent with the objectives of the relevant EPIs
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the WLEP 2011
- Consistent with the objectives of the WDCP 2011

As a direct result of the application and the consideration of the matters detailed within this report, it is recommended that approval be granted to the DA subject to the conditions detailed within the Attachment 1.

### **RECOMMENDATION (APPROVAL)**

That the SNPP as the determining authority pursuant to Clause 80(1) (a) of the EP&A Act 1979 (as amended) grant Development Consent to DA2017/0244 for demolition works and the redevelopment of part of an existing Registered Club (Dee Why RSL Club) on land at 932 Pittwater Road, Dee Why subject to conditions as contained in Attachment 1.