| DATE OF DETERMINATION | Monday 31 July 2017 |
|---|---|
| PANEL MEMBERS | Deborah Dearing (Chair), John Roseth, Sue Francis, Paul Stein, Steve Kennedy |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Northern Beaches Council, Manly Chambers, 1 Belgrave Street Manly, on 31 July 2017, opened at 12:35 pm and closed at 2:30 pm.

**MATTER DETERMINED**
2017SNH026 – Northern Beaches – DA2017/0244 at 932 Pittwater Road Dee Why (AS DESCRIBED IN SCHEDULE 1)

**PANEL CONSIDERATION AND DECISION**
The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned twice during the meeting; once to allow the applicant to review some revised conditions, and a second time for the panel to deliberate on the matter and formulate a resolution.

The decision was unanimous.

**REASONS FOR THE DECISION**
The reasons for the decision of the Panel were:

The development provides additional community facilities and activates the Dee Why town centre.

The proposal is permissible under Warringah LEP 2011 and complies with the relevant planning controls with the exception of building height. The Panel accepts the variation under clause 4.6 is well founded as the exceedance in height is limited to sky lights and additional plant room which will not have any negative impacts.

The concerns that were raised by the adjoining childcare centre and the community related primarily to construction impacts and traffic generation. The Panel is of the view that these have been adequately addressed through conditions of consent.

**CONDITIONS**
The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1(b) to be amended to read as follows:
  *No construction works (including demolition and excavation) shall be undertaken prior to the release of the relevant Construction Certificate.*
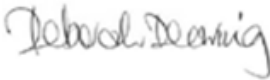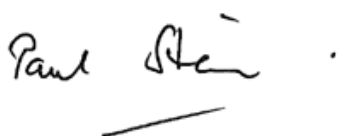
- Condition 11. Construction Management and Construction Traffic Management Plan to be amended to read as follows:
  *A Construction Management and Construction Traffic Management Plan (CMCTMP) must be submitted to Council prior to issue of the relevant construction certificate detailing the construction phase of the development. The CMCTMP shall include, but not be limited to the following:*
  - *The CMCTMP shall require all construction activities to comply with the following noise management levels:*

| ITEM | LAEQ (15 minute) |
|------|------------------|
| *Outdoor Play Area* | *65dBA* |
| *External Verandahs* | *60dBA* |
| *In Classrooms* | *45dBA* |
| *Sleeping Rooms* | *40dBA* |

- Include a new dot point in condition 11 to read as follows:
  - *Procedures for dealing with complaints from the general public about noise and vibration levels, which must include as a minimum:*
    - *The name and contact details of the person responsible for the management of site works*
    - *Arrangements for the recording of any complaints received about non-compliance with condition in this consent, specifying the time and date of the alleged breach and action taken in response.*
- Last paragraph of condition 11 to be amended to read as follows:
  *Details demonstrating compliance are to be submitted to the Principal Certifying Authority at quarterly intervals during demolition and construction, or at the request of Council.*

| PANEL MEMBERS | |
|---|---|
| Deborah Dearing (Chair) | John Roseth |
| Sue Francis | Steve Kennedy |
| Paul Stein | |

| | SCHEDULE 1 | |
|---|---|---|
| 1 | **PANEL REF – LGA – DA NO.** | 2017SNH026 – Northern Beaches – DA2017/0244 |
| 2 | **PROPOSED DEVELOPMENT** | Demolition works and redevelopment of part of an existing Registered Club (Dee Why RSL Club) |
| 3 | **STREET ADDRESS** | Lot 1 DP706230, 932 Pittwater Water Road Dee Why |
| 4 | **APPLICANT/OWNER** | Dee Why RSL Club Ltd |
| 5 | **TYPE OF REGIONAL DEVELOPMENT** | General development over $20 million |
| 6 | **RELEVANT MANDATORY CONSIDERATIONS** | • Environmental planning instruments:<br>    ○ State Environmental Planning Policy (State and Regional Development) 2011<br>    ○ State Environmental Planning Policy No.55 – Remediation of Land<br>    ○ State Environmental Planning Policy – Infrasture 2007<br>    ○ Warringah Local Environmental Plan 2011<br>• Draft environmental planning instruments: Nil<br>• Development control plans:<br>    ○ Warringah Development Control Plan 2011<br>• Planning agreements: Nil<br>• Provisions of the *Environmental Planning and Assessment Regulation 2000*: Nil<br>• Coastal zone management plan: Nil<br>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality<br>• The suitability of the site for the development<br>• Any submissions made in accordance with the *Environmental Planning and Assessment Act 1979* or regulations<br>• The public interest, including the principles of ecologically sustainable development |
| 7 | **MATERIAL CONSIDERED BY THE PANEL** | • Council assessment report: 31 July 2017<br>• Written submissions during public exhibition: 16<br>• Verbal submissions at the public meeting:<br>    ○ In objection: Michael Mantei on behalf of Dee Why Kindergarten<br>    ○ On behalf of the applicant: Grant Easterby |
| 8 | **MEETINGS AND SITE INSPECTIONS BY THE PANEL** | • Briefing meeting: 10 May 2017<br>• Final briefing meeting to discuss council's recommendation, 31 July 2017 at 11.30 am. Attendees:<br>    ○ <u>Panel members</u>: John Roseth (Acting Chair), Sue Francis, Steve Kennedy, Paul Stein<br>    ○ <u>Council assessment staff</u>: Lashta Haidari, Anna Williams, Peter Robertson |
| 9 | **COUNCIL RECOMMENDATION** | Approval |
| 10 | **DRAFT CONDITIONS** | Attached to the council assessment report |