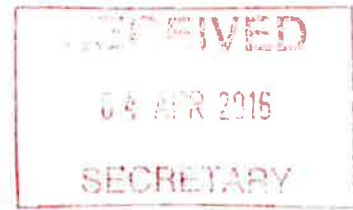




31 March 2016

The Secretary
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001



Your Ref: 16/03720
Our Ref: 2016/083274

Attn: Belinda Morrow – Sydney Region East Branch

Dear Sir/Madam

Application for a Site Compatibility Certificate – Dee Why Bowling Club – 221 to 223 Fisher Road North, Cromer – State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

I refer to your letter dated received on 2 March 2016 concerning an application for a site compatibility certificate (SCC) under *State Environmental Planning Policy (Housing for seniors or People with Disability) 2004* for the above-mentioned site.

The documentation accompanying the application has been reviewed and Council is of the opinion that the development is inconsistent with the criteria referred to under Clauses 25(5)(b)(i) and (v) of the Policy.

Additionally, the application is considered to be incomplete in that it does not satisfactorily address Clause 4(1)(b) of the Policy (or s.106 of the *Environmental Planning and Assessment Act, 1979*) by providing any evidence to support the claim that the bowling club is an existing registered club.

Please find attached Council's detailed assessment with regards to the set criteria under Clause 25(5)(b) of the SEPP.

Warringah Council appreciates the opportunity to make a submission and trusts that the issues raised will be duly considered in the assessment of the application by the Department.

Should you wish to discuss the matters raised or require any further clarification, please do not hesitate to contact Peter Robinson, Group Manager Development & Compliance Services on 9942 2414 or council@warringah.nsw.gov.au.

Yours faithfully

Rik Hart
General Manager

Attachment

WARRINGAH COUNCIL SUBMISSION

SITE COMPATIBILITY CERTIFICATE – DEE WHY BOWLING CLUB

CURRENT DEVELOPMENT AND SITE CONTEXT

In considering the proposal, the following key features of the site and its location are identified:

The site is located on the eastern side of Fisher Road North and irregular in shape.

The site has an area of 11,500m² (1.15ha) and currently accommodates the Dee Why Bowling Club house, associated bowling greens and ground level car parking. Vehicle access/egress is currently via a 5.5m wide driveway to Fisher Road North.

The site is zoned RE2 Private Recreation under the *Warringah Local Environmental Plan 2011*.

The site abuts the R2 Low Density Residential zone to the west and the Dee Why Creek and Dumic Reserve to the north, east and south-east. The Cromer Industrial Estate is located approximately 28m to the east.

The R2 Low Density Residential zone is characterised by detached style housing of varying age, style and scale although the area represents a homogenous low density and low scale residential character of single and double storey dwellings within domestic landscaped settings.

The site is generally flat, having been substantially modified to accommodate the bowling club.

The site is located approximately 650m south-east of the small shopping precinct on South Creek Road and 2,000m north-west of the Dee Why town centre.

Council's mapping indicates that the southern half of the site is subject to the 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard Flood Planning Level.

KEY FEATURES OF THE APPLICATION

Council understands the key features of the application are for indicative building envelopes and use of the site, which would then provide the framework and parameters for a future development application for this site.

The application proposes the following:

Seniors Living Component

- Construction of 24 x 2 bedroom independent living apartments (to be managed by the Dee Why Bowling Club) within 2 x part 2/part 3 storey buildings;
- Basement car parking; and
- Landscaping including external path network.

Bowling Club Component

- Construction of a new club house in the central part of the site with no setback to the northern and eastern boundary.

SITE COMPATIBILITY CRITERIA

The criteria under Clause 25(5)(b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP) have been used to provide a detailed assessment of the application.

THE NATURAL ENVIRONMENT

- (i) *The natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.*

Comment

Flooding

Currently, the site is not identified in another environmental planning instrument as being a 'floodway' or subject to 'high flooding hazard' and would not be classified as environmentally sensitive land under Schedule 1 of the SEPP.

While Council's flood study for this catchment extends sufficiently upstream to assess flooding on the subject site, Council has requested that, at a future application stage the applicant must undertake a Flood Study to determine the impact of flooding on the site and to determine existing and post-construction flooding for the 1% AEP and Probable Maximum Flood (PMF) scenarios

The applicant must demonstrate that the development will not negatively impact on flooding for neighbouring properties in any event up to and including the PMF event.

The required Flood Study may identify a floodway or high flooding hazard on the site, however it would still not be identified on another environmental planning instrument.

Because of the site being located within the flood planning level, the floor level of the proposed seniors living component must be set at or above the relevant post construction Flood Planning Level or PMF level, whichever is higher, due to the land use being categorised as vulnerable development. Additionally, the entry ramp to the basement carpark must have a crest set at or above the post construction Flood Planning Level to prevent the flooding of the basement carparking area. In this respect,

the applicant is to also demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to the PMF.

The aerial photograph below shows, in light blue, the extent of the flood planning level.



Flood planning Level
Source: Warringah Council

Waterways

The proposed development is located adjacent to Dee Why Creek, however the creek is piped through the subject site. According to the Warringah Creek Management Study (2004), Dee Why Creek is classified Group C catchment which is characterised as generally having "low to moderate ecological value with moderate to highly developed catchments - 15-50% connected impervious area".

The site is classified as Waterways and Riparian Lands for the purposes of Council's Protection of Waterway and Riparian Lands Policy and Clause E8 – Waterways and Riparian Land under the Warringah Development Control Plan 2011.

Although no change to the existing creek system is proposed, the applicant is required to address these controls. Particular attention must be given to stormwater disposal methods, both in terms of stormwater quality discharge requirements as detailed in Council's Water Management Policy whilst ensuring the discharge points do not lead to instability or erosion of the downstream creek bed or bank, such as the use of infiltration systems, level spreaders and the like.

Threatened species

The development will impact upon the existing box-culvert stormwater drainage system which currently runs through the site.

Box-culvert pipelines have been found to accommodate micro-bats and it is recommended that a project ecologist undertakes a survey of the culvert to ascertain the presence of any such species.

IMPACT ON THE LIKELY FUTURE USES OF THE LAND

- (ii) *The impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land.*

Comment

The site is located within the RE2 Private Recreation zone which permits the following uses:

- Building identification signs;
- Business identification signs;
- Community facilities;
- Emergency services facilities;
- Environmental facilities;
- Environmental protection works;
- Kiosks;
- Recreation areas;
- Recreation facilities (indoor);
- Recreation facilities (outdoor); and
- Roads.

The development proposes the demolition and relocation of an existing club house (Dee Why Bowling Club) and the construction of Serviced Self Care Housing (pursuant to the SEPP).

Given the combination of uses on the site (which includes the retention of an established recreation facility (outdoor)), it is considered that the development is not likely to have any detrimental impact upon the future uses of the land.

THE AVAILABILITY OF SERVICES AND INFRASTRUCTURE

- (iii) *The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.*

Comment

The site is located approximately 650m south-east of the small shopping precinct on South Creek Road and 2,000m north-west of the Dee Why town centre.

Notwithstanding, the site is located within close proximity to bus stops on Fisher Road which could provide regular transport to and from the Dee Why Town Centre in accordance with Clause 26(2)(b) of the SEPP.

The Centre includes the facilities and services prescribed under Clause 26(1) of the SEPP.

IMPACT ON LAND ZONED FOR OPEN SPACE OR SPECIAL USES

- (iv) *In the case of applications in relation to land that is zoned open space or special uses-the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development.*

Comment

The site is not zoned for open space or special uses. However, the adjoining land to the east and south-east is zoned RE1 Public Recreation. The proposed re-development of the site will have no impact on the adjoining RE1 Public Recreation.

IMPACT OF THE BULK, SCALE, BUILT FORM AND CHARACTER

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*

Comment

The plans provided with the application indicate a three storey built form which is considered to be highly inconsistent with the bulk, scale, built form and character of existing, approved and future uses of land in the vicinity of the development.

The site is immediately adjacent to the R2 Low Density Residential zone (to the west) which comprises detached style housing of moderate scale and density (generally at a ratio of 0.5:1) and at a height of no greater than 8.5m (two storeys).

Although no sections are provided, it is anticipated that the proposed development would exceed the prevailing building height by approximately 3.0m (being the additional storey) which represents a variation of around 35%.

Additionally, the development would not comply with the maximum building height development standard under the SEPP. The building height standard is designed to ensure that the scale of such developments do not depart too significantly from the prevailing scale, built form and character of the local area.

Rather, the development stands tall above its surrounds and represents a resort style residential flat development and makes little effort to relate to the bulk, scale, built form and character of existing, approved and future uses of land in the vicinity of the development.

In addition to the matter of building height, the proposed setbacks to the residential component and the bowling club component are required to be increased to mitigate the impact of bulk and scale at the boundary. The recommended setbacks indicated at the pre-lodgement meeting are:

- 6.5m from the western boundary (abutting the R2 Low Density Residential zone); and
- 6.0m from the northern and eastern boundary abutting the public reserve.

The scale and intensity of proposed development provided on this site (being in the most prominent location both in terms of scenic and visually) will be a key factor in shaping the current and future identity or character of the local area. It is therefore considered that the development should be reduced in height to comply with the requirements of the SEPP and the development setback to provide for appropriate building separation and to minimise the impact of bulk and scale.

In this respect the proposal is not found to be compatible with surrounding development and that these matters should be addressed in the Department's determination of the SCC application.

IMPACT UPON NATIVE VEGETATION

- (vi) *If the development may involve the clearing of native vegetation that is subject to the requirements of Section 12 of the Native Vegetation Act 2003 - the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

Comment

The proposed re-development of the site is not expected to require the clearing of any native vegetation as the site has already been extensively developed.

It is noted that the *Native Vegetation Act 2003* does not apply in the Warringah LGA.

CONCLUSION

Having considered the application in accordance with the criteria of 25(5) of the SEPP, the following issues have been identified, particularly:

Clause 25(5)(b)(i)

The Flood Impact Assessment and subsequent works proposed to address overland flow indicate that, given the limitations of the information available, substantial mitigation works may be required which indicate, by implication, that the site could potentially be classified as environmentally sensitive land.

This may have implications as to the permissibility of the development on the subject land pursuant to Clause 4(6)(a) and Schedule 1 of the SEPP.

Clause 25(5)(b)(v)

The scale of the development represents a departure from the development standards stipulated under Clause 40 of the SEPP, in particular with respect to building height.

The resulting built form is considered to be inconsistent with the low density scale of residential development in the local area which predominantly consists of detached style dwellings of up to 8.5m (two storeys) in height within landscaped settings.

Insufficient information

The application does not satisfactorily address Clause 4(1)(b) of the SEPP in that evidence has not been provided to support the claim made by the applicant that the bowling club is an existing registered club to qualify for the proposed development as required under Clause 4(1)(b) of the SEPP.

A registered club is a prohibited use under WLEP 2011 and evidence has also not been provided by way of a development consent to confirm that the club enjoys existing use rights pursuant to s.106 of the *Environmental Planning and Assessment Act, 1979*.

For the above reasons, the proposal is not found to be compatible with two of the five criteria under Clause 25(5)(b) of the SEPP and does not provide sufficient evidence to support the use of the bowling club as an existing registered club.

It is requested that these matters be addressed in the Department's determination of the SCC application. If the Department considers that site is suitable for the proposed development and approves the Site Compatibility Certificate, Council requests that the issues raised herein be included as conditions of any approval.