

3.2 932 Pittwater Road, Dee Why – Dee Why RSL Club – Alterations and Additions to an Existing Club

DEVELOPMENT APPLICATION ASSESSMENT REPORT

| | |
|--|--|
| Assessment Officer: | Alex Keller |
| Address / Property Description: | Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why (Dee Why RSL Club) |
| Proposal: | Alterations and additions to an existing club, including partial enclosure of an outdoor area and refurbishment of an existing cafe. |
| Development Application No: | DA2008/0997 |
| Plans Reference: | DA01 to DA06 by <i>Altis Architecture</i> dated Aug 08 OSD plans by <i>Robert Bird Group</i> dated Dec 08 |
| Applicant: | Dee Why RSL Club Ltd |
| Owner: | Andrew Bremner Alexander Holburn, Edward Walter Jackson, Noel Hall |
| Application Lodged: | 11/07/2008 |
| Amended Plans: | Yes – DA05 Northern elevation & stormwater drainage plans |

| | |
|---|--|
| Locality: | E16 Pittwater Road North |
| Category: | Category 2- 'Registered Clubs' (existing club) |
| Clause 20 Variations: | NO |
| Land and Environment Court Action: | NO |
| Referred to WDAP: | YES (Master Plan amendment + 1 petition with 6 signatures) |
| Referred to ADP: | NO |

SUMMARY

| | |
|---------------------------|--|
| Submissions: | 1 petition with 6 signatures |
| Submission Issues: | Noise impact |
| Assessment Issues: | Noise impact, carparking, building bulk, streetscape, landscaping, new stage 2.5 in addition to existing RSL Masterplan. |
| Recommendation: | Approval- subject to conditions |

LOCALITY PLAN (not to scale)



Subject Site: Lot 1, DP 706230.
932 Pittwater Road, Dee Why (Dee Why RSL Club)

Notified Residences: Under the provisions of the *Warringah Development Control Plan* this application was advertised on the *Manly Daily* on 9 August 2008 and notified by letter dated 8 August 2008 to 234 adjoining property owners and occupiers.

SITE DESCRIPTION

The site is legally described as Lot 1, DP 706230, and is commonly known as No. 932 Pittwater Road, Dee Why. The site is irregular in shape with three street frontages:

- Northern Boundary (Hawkesbury Avenue frontage): 100.0 metres
- Eastern Boundary (Clarence Street frontage): 178 metres
- Western Boundary (Pittwater Road frontage): 110.0 metres
- Site Area: 14,830 square metres.

The site is currently occupied by the Dee Why RSL Club, (including AMF bowling centre) and multi-level club carpark. Surrounding development is generally characterised by residential flat buildings, and to the north, east and west interspersed with a few retail/commercial uses including a bike shop, real estate agent and service station.

RELEVANT BACKGROUND

DA 2001/0394 – was approved by Council on 17 July 2001 for a Master Plan for the site and Stage 1 works. The Master Plan provides a five (5) stage upgrade of the Club that broadly involves the following:

- refurbishment and additions to the club building
- a 130 room tourist accommodation facility associated with carparking
- a ten pin bowling alley at the lower level of the club
- a multi- level carpark consisting 539 spaces
- enhanced landscaping

DA 2005/0292 – was approved by Council on 13 September 2005 for a revision to the Master Plan for the site and Stage 2 works. More specifically, the amendment was to facilitate compliance with new anti-smoking legislation.

The Stage 1 and 2 works have subsequently been completed.

PROPOSAL IN DETAIL

This application seeks consent for the following:

1. A new partially enclosed open air lounge area to replace and upgrade the terrace courtyard at the north-western corner of level 2 of the Club in order to provide the following additional floor areas:

| Proposed Floor Areas | Additional areas (square metres) |
|------------------------------|----------------------------------|
| Upper terrace | 109 |
| Mid terrace | 67 |
| Lower terrace | 350 |
| New terrace toilets | 43 |
| Total additional floor space | 569 |

2. Replace the existing cafe (241 m2) with a new outdoor gaming area (241 m2).
Note: The proposal does not seek to increase the number of poker machines.

AMENDMENTS TO THE PLAN

Amended plans were submitted for the stormwater design (dated 12/12/08), elevation and external finishes (dated 3/10/08). The changes proposed to the northern elevation and finishes are not been supported and a condition of consent requires only minor amendment to the original design plans dated 7/7/08.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) Local Government Act 1993
- d) Disability Discrimination Act 1992
- e) State Environmental Planning Policy No.55 - Remediation of Land
- f) Warringah Local Environment Plan 2000
- g) Warringah Development Control Plan
- h) Section 94A Plan

REFERRALS

| Council Section | Referral Comment | Planning Comment |
|-------------------------|---|---|
| Traffic Engineering | <i>I advise that there are no objections to the proposal on traffic grounds.</i> | No conditions were required by Traffic Engineering for development. |
| Development Engineering | On review of the OSD plans was required by Councils Development Engineers and final comments concluded: <i>No objections subject to recommended conditions.</i> | Conditions provided by Development Engineering have been reviewed and are included with the recommended conditions. |

| Council Section | Referral Comment | Planning Comment |
|-----------------------------|---|--|
| Landscape Assessment | <i>No objections in general terms, however it is recommended that additional planting be included along the Hawkesbury road frontage to match planting as existing in front of the carpark further to the east.</i> | Conditions provided by Landscape Assessment have been reviewed and are included with the recommended conditions. |

NOTIFICATION & SUBMISSIONS RECEIVED

The application was notified by letter dated 8 August 2008 to 234 properties and advertised in the *Manly Daily* on 9 August 2008. One (1) petition with six (6) signatures was received in response to the notification from the following:

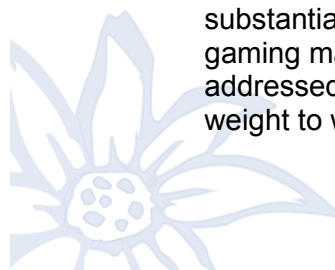
| Submission Received | Address |
|---------------------|---------------------------------|
| J Delaney | 6/18 Hawkesbury Avenue, Dee Why |
| T & L Yardley | 3/16 Hawkesbury Avenue, Dee Why |
| R McHardy | 2/24 Hawkesbury Avenue, Dee Why |
| N Farah | 5/18 Hawkesbury Avenue, Dee Why |
| K Teuffel | 3/18 Hawkesbury Avenue, Dee Why |
| J Richie | 4/20 Hawkesbury Avenue, Dee Why |

The petition raised the following concern:

1. *The potential noise impact as a result of the proposal.*
 - (i) *The unit bedrooms front Hawkesbury Avenue and are currently disturbed by patrons leaving the club.*
 - (ii) *The existing midnight closing time in the open areas should remain and the doors from the sound proof building should be closed at all times.*
 - (iii) *No entertainment, poker machines or TV screens be allowed in the newly proposed area.*

Comment

- (i) Disturbances by patrons leaving the Club is an existing situation that requires ongoing control and could be potentially exacerbated by the proposal. The Club has management policies in place to continually make efforts to reduce such disturbances from occurring. This includes controlling access / exit points late at night, security patrols, encouraging use of Taxi's or public transport, responsible service of alcohol, signage to advise patrons to minimise noise when leaving, and the like. It is considered that the north western access stairs next to the RSL War memorial will increase in usage with the new use of the garden terrace as an outdoor lounge area. In this regard these glass doors (facing Pittwater Road) will need to be secured from exit or entry (including signage stating the most appropriate nearest entry / exit) after 10pm. It is also considered that the club should increase security patrols to undertake a regular "perimeter sweep" at closing times to encourage persons not to loiter and be considerate with making minimal noise while leaving the Club. These matters can be suitably addressed by conditions and it is considered the issue does not carry sufficient determining weight to warrant refusal.
- (ii) It is concurred that an earlier closing time for outdoor areas must remain. At present the outdoor areas are a minor component of the club facilities however the new terrace lounge will maximise usage and become capable of accommodating significant numbers. The acoustic study is only a modelled scenario of expected noise and is based on assumptions, therefore without specific controls over the usage of the outdoor area it will be difficult to place any retrospective measures should noise generation in the evenings become a problem for adjacent residents in Hawkesbury Avenue. In this regard it is considered that the outdoor lounge and bar area should be closed after 11pm. The outdoor gaming area is also substantially enclosed but should include some restrictions on noise levels for the electronic gaming machines to reduce potential noise impacts. These matters can be suitably addressed by conditions and it is considered the issue does not carry sufficient determining weight to warrant refusal.



- (iii) The purpose of the application is to relocate the poker machines into the new outdoor area to replace the existing cafe area. The existing cafe seating will be relocated to the outdoor terrace with a new alfresco lounge bar. The lounge bar will include a number of medium size flat screen TV units. The intent however is to place the TV units behind wooden shutters so they can be concealed and closed off from time to time. In addition to this, all speakers, poker machines and TV's in the lounge bar are to have sound limiting devices fitted or centrally controlled to prevent noise disturbance to neighbours. The Club does not propose any outdoor entertainment for the terrace at this stage. It is considered that there is potential to utilize the outdoor area for live entertainment, especially if this area was desirable to be booked for private functions. In this regard a restriction should be included that any live entertainment can only be acoustic with any sound equipment being limited to a maximum volume to prevent disturbance to neighbours (i.e. maximum of 5dBa at the receiving residential property boundary). These matters can be suitably addressed by conditions and it is considered the issue does not carry sufficient determining weight to warrant refusal.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

| Section 79C 'Matters for Consideration' | Comments |
|--|---|
| Section 79C (1) (a)(i) – Provisions of any environmental planning instrument | This application is consistent with the relevant environmental planning instrument. See "SEPP" and "WLEP 2000" 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 | This application was notified in accordance with the <i>Warringah Development Control Plan</i> . |
| Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement | None applicable. |
| Section 79C (1) (a)(iv) - Provisions of the regulations | Clause 93 and 94 of the EPA Regulations 2000 requires the consent authority to consider fire safety and structural issues. Conditions could adequately address the provisions. |
| 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>The environmental impacts on the natural and built environment are under the headings 'Built Form Controls' and 'General Principles of Development Control' in this report. In summary the proposal is considered satisfactory in relation to environmental impacts with regard to it location and context within the urban environment, subject to conditions.</p> <p>The social and economic impacts, as the proposed uses are consistent and compatible with the existing club. The proposal is not considered to provide unreasonable social impacts and the intent of the Club is to provide better crowd control of existing patron numbers by dispersal and alfresco lounge seating in a relaxed environment. Any additional economic impacts of the proposal are considered to be negligible as the use of the Club premises is maintained without an increase in gaming machines or patron numbers.</p> |
| Section 79C (1) (c) – The suitability of the site for the development | The proposal is considered suitable for the site being a Category 2 use in the locality and the Dee Why RSL having its own Masterplan to assist in development of the site in an orderly and responsive manner. The proposal will convert the existing underutilized northern terrace to a functional space and is consistent with the Desired Future Character of the locality. Therefore the outdoor lounge bar area is considered suitable for the site and specific location selected. |

| Section 79C 'Matters for Consideration' | Comments |
|--|--|
| Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs | One petition with six (6) signatures was received in response to the notification of this application that is addressed in "Notification & Submissions" in this report. |
| Section 79C (1) (e) – The public interest | The wider public interest is served by the continued responsible development of the site to adhere to new smoking regulations, and by ensuring that the proposal is consistent with the relevant planning controls. The proposal will substantially improve the existing gaming facilities without increasing the number of gaming machines or patron capacity. Therefore, the proposal is in the public interest to provide a high quality club environment that is responsibly managed as a social venue within the local community. |

Local Government Act 1993

Council is empowered under the *Local Government Act 1993* to be the approval authority for this proposal and grant any works or permits required in accordance with Section 68 of that Act as part of the development assessment process. Suitable conditions are included to address any stormwater works and permits required.

Disability Discrimination Act 1992

Under section 23 of the *Disability and Discrimination Act 1992* (DDA) provision must be made to ensure equitable and convenient access to the public and semi public space within the development. Accessibility design standards are defined with AS 1428 for construction work. In this case the new outdoor lounge bar and gaming area must permit adequate ease of access including AS 1428 compliant pathways, toilet facilities, lighting and general accessibility.

State Environmental Planning Policies

State Environmental Planning Policy- Infrastructure 2007

This application does not require referral to the electricity supply authority, as the proposal does not comprise the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground.

State Environmental Planning Policy No.55- Remediation of Land

The site has been occupied by the existing club building for a period of time with a Master Plan for the site approved in 2001 that would have adequately addressed the provisions of this SEPP. In addition, this application for alterations and additions to the building and does not disturb the ground level. Therefore, no further consideration of this SEPP is required.



Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the E16 Pittwater Road North Locality under Warringah Local Environmental Plan 2000. The Desired Future Character (DFC) Statement for this locality is as follows:

The Pittwater Road North locality will incorporate a mix of business, retail and community uses including housing, shops and offices. Housing will predominantly take the form of apartment buildings with some shop-top housing where business and retail uses occur.

Future apartment buildings will be of a high standard of design that addresses public streets and spaces, creates visual interest and enables the establishment of substantial landscaping in the spaces between buildings.

Development that adjoins residential land is not to reduce the amenity enjoyed by adjoining occupants. In this regard the built form of commercial development in the locality is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above the ground floor level.

The Dee Why RSL Club will continue to cater for the recreational and leisure needs of the community. Development involved in the further expansion of the existing approved building and carparking areas is to be assessed with regard to a masterplan for the site. This masterplan will address issues such as views, visual impact, management of traffic and impact upon the amenity of the locality.

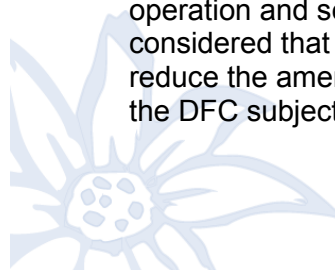
The proposed development is identified as Category 2 development in this locality, being an existing registered club. It is consistent with the DFC Statement in the following manner:

“Pittwater Road North locality will incorporate a mix of business, retail and community uses including housing, shops and offices”

The Dee Why RSL Club is a long established use of the site and has been gradually expanding and upgrading its facilities over many years in response to public demand, changes in legislation affecting clubs and as part of its long term business plan. The Dee Why RSL has a long standing commitment to numerous local sporting and social clubs in addition to its namesake role as a venue for returned Servicemen, members and their guests. The Club is the dominant land use within the land bordered by Westminster Parade, Pittwater Road, Clarence Avenue and Dee Why Parade. Therefore the proposed extensions are considered to be suitably located to meet this element of the DFC.

“Development that adjoins residential land is not to reduce the amenity enjoyed by adjoining occupants”.

The existing terrace area is substantially setback from the northern boundary with landscape planting along the footpath area to help provide better visual transition toward the Club building. The proposal seeks to enhance with landscaping and provide a lightweight cantilevered structure to enclose the northern elevation and create a Balinese style open air lounge bar around the edge of the terrace ponds. The primary concern for the proposal is noise impacts for the amenity of adjoining residents near the Club. The Club has completed an acoustic study to identify existing background noise and provide noise abatement measures to contain noise impacts and thereby protect the existing amenity of adjoining occupants. This includes the use of acoustically suitable construction materials, volume control of sound or TV equipment, crowd control by hours of operation and security management including responsible service of alcohol. In this regard it is considered that with specific relevant conditions applied the development will not unreasonably reduce the amenity of adjoining residents for nearby housing and the proposal is acceptable under the DFC subject to appropriate management conditions relating to amenity issues.



“The Dee Why RSL Club will continue to cater for the recreational and leisure needs of the community. Development involved in the further expansion of the existing approved building and carparking areas is to be assessed with regard to a masterplan for the site”

The proposed development complies with the Master Plan for ongoing development of the Dee Why RSL Club, which is being reported concurrently to insert the subject alterations to the garden terrace as “Stage 2.5”. Should the Master Plan amendments be adopted, the proposed development would therefore be consistent with the Master Plan. The Club currently has a balance of car parking sufficient to accommodate normal visitor patronage. In this regard the new outdoor terrace is intended to provide better crowd control and dispersal within relaxed and spacious club environment without increasing numbers. The club maintains that total capacity will actually be marginally reduced because there will be less seating in the new outdoor lounge bar than the existing cafe (that is to be used as a refurbished gaming area). Additional to this, no increase in gaming machine numbers is proposed and the new outdoor poker machine area is required to better accommodate recent changes to smoking laws. It should be noted that the Club also has good access to public transport (bus) and private taxi services to reduce the need for patrons to drive to the Club. For these reasons it is considered that the Club is responding to market demand to provide better leisure facilities for the enjoyment of the community in accordance with the DFC without adversely compromising the building capacity or carparking requirements.

Built Form Controls for Locality E16 Pittwater Road North

The following table outlines compliance with the Built Form Controls of the above locality statement:

| Built Form Standard | Required | Proposed | Compliance |
|----------------------------|---|--|-----------------------------|
| Building Height | 3 storeys or 12 metres max | 12.1 metres on level 2 max | NO. See Clause 20 variation |
| Front Setback | Primary setback: 6.5 metre min Secondary setback: 3.5 metres min | <ul style="list-style-type: none"> Primary setback to Pittwater Road: 8.9 metres Secondary setback to Hawkesbury Avenue: 6.8 metres Secondary setback to Clarence Avenue: 40 metres | YES |
| Landscaping | 40% of the site area (5932 m ²) | Existing maintained -11% or 2030 m ² . No change. | N/A |
| Side Boundary Envelope | N/A for the proposal is not an apartment building | - | N/A. See below. |
| Side Setbacks | N/A for the proposal is not an apartment building | - | N/A. See below. |
| Rear Setbacks | N/A to a corner lot | - | N/A |

Landscaping

With regard to Landscaped Area the locality statement states; *“minimum area of landscaped open space is 40% of the site area except where the ground floor comprises business premises, shops or restaurants”*. The Club building could be included in this classification however it is separately defined as a ‘registered club’ and therefore technically must provide 40% landscaped area. The only significant landscaping areas within the site are around the perimeter of the Club building and carpark adjacent the public road frontages. The garden terrace has only shallow soil grass cover and the alterations and additions do not reduce any to the natural ground level landscaping on the site.

It is argued that the 40% Landscaping provisions should be applied only to residential ‘apartment style buildings’ and not strictly applied to the Club since it is in effect a commercial land use. Further to this the Club if it were not separately defined would generally fall into the definition of a ‘business premises’ and therefore gain an exemption from the Landscaped Open Space requirements.



This approach and reasoning has been consistently applied to previous DA applications for the Dee Why RSL Club under the Warringah LEP 2000.

Side Boundary Envelope

As with the side setback provisions, the side boundary envelope is to be applied only to 'apartment style buildings'. It is therefore assumed that the side boundary envelope is not applicable for the proposed development. In addition, the proposal at the north-western part of the building will maintain the existing southern side boundary envelope.

Side Setback

The side boundary set back provisions of Warringah Local Environmental Plan 2000 apply in this instance to 'apartment style buildings'. It is considered that the Club building is not an 'apartment style building' and therefore the set back provisions do not apply. Warringah Local Environmental Plan 2000 does not provide for any other setback standards in this locality and therefore these have been assumed to be zero. In addition, the proposal at the north-western part of the building will maintain the existing southern side setback.

Clause 20 Variation

"Consent may be granted to proposed development even if the development does not comply with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy."

In assessing these non-complying elements of the proposal, consideration must be given to its consistency with the general principles of development control, the DFC and any relevant State Environmental Planning Policies.

Accordingly, the proposal qualifies to be considered for a variation to the development standard under the provisions of Clause 20.

Building Height Control

| Built Form Standard | Required | Proposed | Compliance |
|---------------------|----------------------------|--|------------|
| Building Height | 3 storeys or 12 metres max | Decorative posts: 12.1 metres on level 2 | NO |

The *Warringah Design Guidelines* indicate the objectives of the building height controls are to:

- *Ensure that development does not become visually dominant by virtue of its height and bulk*
- *Preserve the amenity of surrounding land*
- *Ensure that development responds to site topography and minimises excavation of the natural landform*
- *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

Within the Dee Why RSL Masterplan the design principles "Building Profile and Streetscape" states that:

"To utilise the existing topography to provide a Club building of 3 storeys in height when viewed from Pittwater Road and to step down in height to provide a transition to the scale of residential development to the north and east. Built elements to the northern frontage should be set back to provide a wide landscaped strip to match residential development to the north. Built structures on the western and southern frontages should adopt the residential nature of surrounding development."



The non compliance is consistent with the merit considerations of the control and the Master Plan design principles for the following reasons:

- The non compliance refers to some metal columns which are minor elements and match the overall style to appear as an open air cantilevered structure that is lightweight additions above the single storey terrace. The main structure and roof form does not exceed the existing overall building height and is lower than the main building elements of the club as viewed from Pittwater Road. The northern terrace roof elements will not have a substantial impact on the main building profile by virtue of its height and bulk. Therefore, the proposal will not be visually dominant, and will continue to provide a transition to the surrounding residential development.
- The proposal will not have an adverse impact on the amenity of surrounding land, in terms of views, privacy and sunlight access. This is because the outdoor lounge bar area is substantially lower than the adjacent club car park to the east and the main club building to the south. Noise amenity will be maintained (and is continually monitored by club management) by the physical design of the building to contain and deflect noise within the terrace area, as well as by control devices for noise equipment. In addition the club undertakes responsible service of alcohol, crowd management and security staff to reduce noise and amenity disturbances.
- No significant excavation is required for the proposed alterations and additions to the existing terrace since it is generally 1 storey above ground level (being situated over the *AMF Bowling* centre within the club).
- The new outdoor lounge bar area contains a pitched roof form and uses a variety of material to provide visual interest to the street. Materials and finishes include sandstone facing, rendered walls, glass wall planes and insulated metal roofing. The northern wall is 3.5 metres higher than floor level and thus it is not possible to overlook neighbouring residential properties.

Variation Supported

Having regard to the above, it is considered that the proposal, notwithstanding the numerical variations, is consistent with the desired future character of the locality and the general principles for development control. Also, its potential impacts on the streetscape and the amenity of the adjoining neighbours are considered acceptable. Accordingly, the variation to the building control is supported.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

| General Principles | Applies | Comments | Complies |
|--|---------|--|--------------------------|
| CL38 Glare & reflections | YES | This Clause provides that development is not to result in overspill or glare from artificial illumination, or sun reflection, and is not to unreasonably diminish the amenity of the locality. Conditions relating to roof, signage and lighting of the outdoor area will adequately address the provisions of this clause. | YES subject to condition |
| CL39 Local retail centres | NO | No Comment | N/A |
| CL40 Housing for Older People and People with Disabilities | NO | No Comment | N/A |
| CL41 Brothels | NO | No Comment | N/A |
| CL42 Construction Sites | YES | This Clause provides that a construction site is not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment. This clause can be suitably addressed by conditions including restrictions on hours of construction, submission of a construction management plan, special permit requirements and compliance with relevant noise restrictions. | YES subject to condition |

| General Principles | Applies | Comments | Complies |
|---------------------------------------|---------|--|--------------------------|
| | | Accordingly, the proposal is deemed to satisfy the requirements of this Clause. | |
| CL43 Noise | YES | <p>The proposal is for a partially enclosed area with large internal courtyard and new outdoor gaming area that would potentially increase noise levels.</p> <p>This application includes a <i>Noise Assessment Report</i> No.08075 prepared by <i>Wilkinson Murray</i> dated July 2008 addressing the garden bar and outdoor gaming area. The report finds operations will comply with standard council criteria, but marginally exceed Liquor Administrative Board noise criteria associated with maximum capacity of the Garden Bar and outdoor gaming area at the upper level residences immediately opposite on Pittwater Road. It is noted that the LAB criteria were established to address entertainment noise, and that there is no entertainment or amplified noise proposed with these outdoor areas. However, given that the premises are subject to LAB licensing, a condition is included so that architectural design elements, and a management plan, are in place to achieve compliance with the LAB criteria. The report also recommends measures to be incorporated into an Operational Plan of Management, plus physical controls including wall absorptive treatments and PA Systems limitations, TV screen cabinets and the like to protect the acoustic amenity of nearby adjacent residences that are included in a consent as relevant.</p> <p>In addition, <i>Environment Protection Authority</i> guidelines for noise emissions from construction works and these works must also comply with the provisions of the <i>Protection of the Environment Operations Act 1997</i>. Conditions are recommended to address these provisions.</p> <p>In summary, subject to condition, the proposal will not result in unreasonable noise emissions or noise intrusions to the surrounding amenity, and is satisfactory in addressing this Clause.</p> | YES subject to condition |
| CL44 Pollutants | NO | No Comment | N/A |
| CL45 Hazardous Uses | NO | No Comment | N/A |
| CL46 Radiation Emission Levels | NO | No Comment | N/A |
| CL47 Flood Affected Land | NO | No Comment | N/A |
| CL48 Potentially Contaminated Land | YES | The site has been occupied by the existing club building for many years with a Master Plan for the site approved in 2001. The site is not known to be contaminated and no significant construction works are required at natural ground level because the new lounge bar is partly at first floor level (over the AMF bowling room). In addition, this application involves no significant earthworks for landscaping or ancillary structures (eg pathways etc). Therefore, no further consideration of this Clause is required. | YES |
| CL49 Remediation of Contaminated Land | NO | No Comment | N/A |
| CL49a Acid Sulphate Soils | YES | The site is identified with Class 5 Acid Sulphate Soil. However, this application for alterations and additions to the building involves no significant ground level earthwork. Therefore, no further consideration of this Clause is required. | YES |
| CL50 Safety & Security | YES | The proposed new fence and gate at the Pittwater Road entrance to the memorial garden will upgrade the existing entry but maintain the existing outlook and casual surveillance to Pittwater Road. These doors are able to be secured for crowd control and security purposes. | YES subject to condition |

| General Principles | Applies | Comments | Complies | | | | | | |
|---|--|---|----------|---|-----------------|----------------------------|--|---|--------------------------|
| | | <p>The proposed wall above the existing northern perimeter wall of the building will prevent overlooking toward Hawkesbury Avenue and serves additional purposes of:</p> <ul style="list-style-type: none">• Contain and mitigate the potential noise impact on the surrounding residents.• Provide weather protection to the lounge bar and contain light spill from internal lighting.• Assisting in better crowd control by providing a relaxed, attractive and comfortable area where patrons are dispersed rather than concentrated around existing bar and lounge areas. <p>A condition is included to ensure adequate lighting at the outdoor area.</p> <p>The Dee Why RSL maintains security staff for internal management of the building. This includes the ability to respond to security issues around the perimeter of the site that affect the club. The Dee Why RSL also relies on assistance from the local Police and ambulance service as appropriate to respond to any serious safety and security issues.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p> | | | | | | | |
| CL51 Front Fences and Walls | NO | No Comment (no boundary fencing) | N/A | | | | | | |
| CL52 Development Near Parks, Bushland Reserves & other public Open Spaces | NO | No Comment | N/A | | | | | | |
| CL53 Signs | YES | <p>The proposal includes a sign on the northern elevation of the building. Considerations of this Clause are given to the following:</p> <ul style="list-style-type: none">• The signage, being the only one on the northern building facade addressing the corner site at the visually prominent location at the northern end of the Dee Why central business district and, is a reasonable identification of the club building at the site.• The sign represents a minor part of the northern building facade. It is not unreasonable in size for its purpose and is not excessive in scale in relation to the building and site.• The signage, being the only one on the northern building facade, will not dominate or obscure other signs or result in visual clutter.• The sign is affixed to the building facade will not endanger the public or diminish the amenity of nearby properties. <p>Signs above awning (on level 2):</p> <table><tr><td></td><td>Maximum area (more than 1 street frontage)</td><td>Proposed</td></tr><tr><td>Other business uses</td><td>1 m2 for every 8 m frontage of a building up to a maximum of 4m2</td><td>1.5 m2 approx. for the 75 metres long northern elevation (complies)</td></tr></table> <p>A condition is included to ensure that the sign will not emit excessive glare or cause excessive reflection.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p> | | Maximum area (more than 1 street frontage) | Proposed | Other business uses | 1 m2 for every 8 m frontage of a building up to a maximum of 4m2 | 1.5 m2 approx. for the 75 metres long northern elevation (complies) | YES subject to condition |
| | Maximum area (more than 1 street frontage) | Proposed | | | | | | | |
| Other business uses | 1 m2 for every 8 m frontage of a building up to a maximum of 4m2 | 1.5 m2 approx. for the 75 metres long northern elevation (complies) | | | | | | | |

| General Principles | Applies | Comments | Complies |
|--|---------|--|--------------------------|
| CL54 Provision and Location of Utility Services | YES | The site is currently satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the management of sewage and drainage. This application does not seek to increase the patronage capacity of the building and will maintain the existing utility services. Accordingly, the proposal is deemed to satisfy the requirements of this Clause. | YES |
| CL55 Site Consolidation in 'Medium Density Areas' | NO | No Comment | N/A |
| CL56 Retaining Unique Environmental Features on Site | NO | No Comment | N/A |
| CL57 Development on Sloping Land | NO | No Comment | N/A |
| CL58 Protection of Existing Flora | NO | No Comment | N/A |
| CL59 Koala Habitat Protection | NO | No Comment | N/A |
| CL60 Watercourses & Aquatic Habitats | NO | No Comment | N/A |
| CL61 Views | YES | There are no significant coastal or district views obtained from the surrounding area due to the dense urban nature of the local precinct. Also, the proposal is for alterations and additions above level 1 of the building generally within the existing building lines, with the exception of some feature support struts which are minor elements and do not exceed the existing building height. Therefore, the proposal will substantially maintain the existing views and is satisfactory in addressing this Clause. | YES |
| CL62 Access to sunlight | YES | There are no residential developments immediately adjacent to the site. The proposal is for alterations and additions above level 1 of the building and is generally within the existing building lines. Any shadowing cast by the new work will fall on Club land between 9am and 3pm. Therefore, the proposal will not affect sunlight access from the surrounding properties and is satisfactory in addressing this Clause. | YES |
| CL63 Landscaped Open Space | YES | The proposal includes the part demolition and provision of new planter boxes within the northern terrace area, including perimeter walls. <ul style="list-style-type: none"> The proposal will substantially maintain the existing overall landscaped open space at the site which is principally at ground level along the road frontages of the site. The landscaped war memorial garden will be retained in situ. <p>In summary, subject to conditions for some more substantial planting along Hawkesbury Avenue, the proposed landscaped open space is of satisfactory dimensions and characteristics addressing this Clause.</p> | YES subject to condition |
| CL63A Rear Building Setback | NO | No Comment | N/A |
| CL64 Private open space | NO | No Comment | N/A |
| CL65 Privacy | YES | The closest residential properties to the proposed outdoor lounge area are opposite the site 30 metres away in Hawkesbury Avenue (north) and 50 metres away in Pittwater Road (west). The design of the proposal seeks to protect privacy to these properties by providing and acoustically treated wall and roofing over the northern side of the lounge bar. In addition the western elevation will be enclosed by a high glass wall and doors however this elevation has limited | YES |

| General Principles | Applies | Comments | Complies |
|---|---------|---|--------------------------|
| | | <p>privacy impacts. Overall the new lounge terrace will be substantially covered and enclosed for weather protection which also ensures privacy to neighbouring properties from overlooking, limits noise intrusion and conceals activity within the garden bar from public view.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p> | |
| CL66 Building bulk | YES | <p>Considerations of this Clause is given to the following:</p> <p>North facing facade The proposed north facing facade will increase in height by an additional storey but generally remains well below the existing main building height.</p> <p>The primary concern with the proposed design is the rendered northern wall which is a large continuous wall plane and relatively featureless. This wall is exposed to Pittwater road and therefore requires additional treatment for texture and external fabric to encourage an interesting and attractive streetscape. In this regard it is considered that the wall area above RL 13.535 should be faced with sandstone to match the main frontage of the Club along Pittwater Road. This will provide a more attractive wall surface and an element of continuity with the main facade of the Club building. A condition is included so that the upper part of the rendered wall above RL13535 is replaced with sandstone to enhance the visual presentation to the street. Together with the landscaping in front of the wall, the sandstone wall will provide a better visual amenity on Hawkesbury Avenue and Pittwater Road.</p> <p>West facing facade The proposed glazing on the east facing facade is not and architecturally intrusive structure with minimal visual bulk and will be substantially screened by landscape planting. It is considered that all new planting along the Pittwater road should be advanced plants for maximum immediate screening benefit and survivability.</p> <p>In summary, subject to the condition, the proposal will not be visually prominent or dominating the surrounding area, and is satisfactory in addressing this Clause.</p> | YES subject to condition |
| CL67 Roofs | YES | <p>The proposed skillion roof does not exceed the existing overall building height and not a visually prominent feature of the building. The roof colour should be restricted to neutral medium to dark colour to protect against glare from adjacent overlooking residents in Hawkesbury Avenue.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p> | YES |
| CL68 Conservation of Energy and Water | YES | <p>The proposal incorporates energy and water saving devices, and includes no air conditioning (eg ducted heating) at the proposed outdoor area. The proposal is satisfactory in addressing this Clause.</p> | YES |
| CL69 Accessibility – Public and Semi-Public Buildings | YES | <p>The existing ingress and egress, paths of travel, circulation areas, passenger lifts, accessible carparking and accessible sanitary facilities proposed comply with AS1428.1 in accordance with the conditions of consent under DA2001/0394 & DA2005/0292. In this regard the Club is committed to providing suitable access and facilities since a significant amount of its clientele are elderly persons, many with mobility limitations.</p> | YES |

| General Principles | Applies | Comments | Complies | | | | | | | | | | |
|---|---|--|-----------|----------|---------------------------------|--|----------------------------------|-----------|-----------------------------|----------------|-----------------------------------|---|-----|
| | | This application includes an Access Review prepared by <i>Morris- Goding Accessibility Consulting</i> dated 10 July 2008 addressing the <i>Disability Discrimination Act (DDA)</i> . The design of the new lounge bar has addressed issues of general access, common use doors, ramps, stairs, sanitary facilities, signage and lighting. The access report concluded that the new lounge bar facility and outdoor gaming area will be able to satisfy AS1428 and the DDA. Therefore, the proposal is acceptable with regards to this Clause. | | | | | | | | | | | |
| CL70 Site facilities | YES | The site is currently satisfactorily serviced with site facilities. This application does not seek to increase the capacity of the building and will maintain the existing site facilities and provide extra facilities to service the new outdoor lounge bar. Therefore, no further consideration of this Clause is required. | YES | | | | | | | | | | |
| CL71 Parking facilities (visual impact) | NO | No Comment | N/A | | | | | | | | | | |
| CL72 Traffic access & safety | YES | <p>This proposal will maintain the existing traffic access to the site with no changed to car parking or loading areas proposed.</p> <p>In addition, this application includes an <i>Assessment of Traffic and Parking Implications</i> of the proposal prepared by <i>Transport and Traffic Planning Associates</i> dated June 2008. The assessment concludes that the traffic implications of the proposal will be readily accommodated on the road system without any adverse implications. In addition, Council's Traffic Engineers have reviewed the proposal and raised no concern relating to traffic safety. Therefore, the proposal is satisfactory in addressing this Clause.</p> | YES | | | | | | | | | | |
| CL73 On-site Loading and Unloading | YES | This application does not seek to increase the capacity of patrons to the building and will maintain the on-site loading and unloading facilities as they are now. Therefore, no further consideration of this Clause is required. | YES | | | | | | | | | | |
| CL74 Provision of Carparking | YES | <p>This application includes an <i>Assessment of Traffic and Parking Implications</i> of the proposal prepared by <i>Transport and Traffic Planning Associates</i> dated June 2008.</p> <p>The Parking Report estimated the carparking demand with the rate:</p> <table><tr><th>Component</th><th>Required</th></tr><tr><td>Existing floor area 7,402 m2</td><td>1 space/ 18.3 square metres 405 car spaces</td></tr><tr><td>Extra Lounge/ bar area 569 m2</td><td>30 spaces</td></tr><tr><td>Total floor area 7971 m2</td><td>436 car spaces</td></tr><tr><td>Total parking currently available</td><td>478 car spaces (including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave)</td></tr></table> <p>The existing club has a total floor space of 7,402 m2 of net floor area and parking for 482 vehicles (as per the submitted traffic report). It was found however that there is now 478 car spaces due to new line-marking to accommodate the new RSL Daycare centre at 2 Clarence Avenue (DA2007/0705).</p> <p>It is agreed that the figures used in the preparation of the Traffic Report are acceptable (despite minor variation) to reflect the car parking demand for the club. Schedule 17 does</p> | Component | Required | Existing floor area 7,402 m2 | 1 space/ 18.3 square metres 405 car spaces | Extra Lounge/ bar area 569 m2 | 30 spaces | Total floor area 7971 m2 | 436 car spaces | Total parking currently available | 478 car spaces (including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave) | YES |
| Component | Required | | | | | | | | | | | | |
| Existing floor area 7,402 m2 | 1 space/ 18.3 square metres 405 car spaces | | | | | | | | | | | | |
| Extra Lounge/ bar area 569 m2 | 30 spaces | | | | | | | | | | | | |
| Total floor area 7971 m2 | 436 car spaces | | | | | | | | | | | | |
| Total parking currently available | 478 car spaces (including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave) | | | | | | | | | | | | |

| General Principles | Applies | Comments | Complies |
|---|---------|---|--------------------------|
| | | <p>not specify any standards for 'Registered Clubs', rather that the base parking demands be based on comparison with similar facilities. The previously approved development application (DA 2001/394 and DA2005/0292) and adopted master plan, established a rate of 1 space per 18.3sqm floorspace. This rate has been utilised in the traffic report and is supported having regard to the current application.</p> <p>The proposal includes no new spaces but relies on the existing surplus (supported by survey data) and a reduction in seating capacity to support the proposal. The mathematical calculation above is based on actual spaces provided after the completion of DA2005/0292. As is often the case minor variations in construction can 'pick-up' additional parking spaces.</p> <p>With regard to the new garden lounge / bar component of the calculations, the applicant has also supplied data on normal peak usage level (recorded peak averaging 200 vehicles in the evening) and makes notation that for the majority of time the usage levels are lower (averaging around 100 vehicles). In addition it has been noted that Clubs' patrons move from one area of the club to another during the night and there is generally no concurrent maximum occupation of multiple areas at any one time. This justification is supported having regard to the nature of Club patronage. In summary, the assessment finds that the existing carparking provision generally exceeds the regular need, and is sufficient to accommodate the normal peak demand, with the exception of one off/ infrequent events such as concerts, conferences, Anzac day, and the like.</p> <p>Council's Traffic Engineers have also reviewed the proposal and raised no particular concern relating to carparking provision or impact on the local road system and traffic safety considerations.</p> <p>The proposal is satisfactory in addressing Clause 72, 73, 74, 75 and Schedule 17 of the WLEP 2000 - Traffic access and carparking.</p> | |
| CL75 Design of Carparking Areas | NO | No Comment | N/A |
| CL76 Management of Stormwater | YES | Council's Development Engineers have reviewed the proposal and raised no concern regarding stormwater management. Accordingly, the proposal is deemed to satisfy the requirements of this Clause. | YES |
| CL77 Landfill | NO | No Comment | N/A |
| CL78 Erosion & Sedimentation | YES | <p>This Clause provides that development and related construction work carried out is to minimise the potential for soil erosion. Conditions recommended will adequately address these requirements.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p> | YES subject to condition |
| CL79 Heritage Control | NO | No Comment | N/A |
| CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service | YES | This application is for alterations and additions within the existing building footprint and does not disturb the ground level. It is unlikely to disturb Aboriginal relics. Therefore, no further consideration of this Clause is required. | YES |
| CL81 Notice to Heritage Council | NO | No Comment | N/A |

| General Principles | Applies | Comments | Complies |
|---|---------|--|----------|
| CL82 Development in the Vicinity of Heritage Items | NO | No Comment | N/A |
| CL83 Development of Known or Potential Archaeological Sites | YES | This application is for alterations and additions within the existing building footprint and does not significantly disturb the ground level. It is unlikely to disturb Aboriginal relics. Therefore, no further consideration of this Clause is required. | YES |

SCHEDULES

Schedule 8 - Site analysis

The applicant has provided a site analysis for the property including access points, adjacent buildings and uses, geography of the site and surrounds, separations distances, access, sight distances, previous building footprint and natural features of interest including landform and drainage points. Therefore, the proposal is satisfactory in addressing this Clause.

Schedule 17 – Car parking

Refer to discussion and analysis under clause 74 – ‘Car parking provision’ above.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Warringah Section 94A Development Contribution Plan 2006 is applicable on the proposal, as which the value of work is greater than \$100,000.

| Warringah Section 94A Development Contributions Plan | | | |
|--|-----------|----------------------|--------------|
| Contribution based on total development cost of | | \$ 2,050,000.00 | |
| Contribution - all parts Warringah | Levy Rate | Contribution Payable | Council Code |
| Total S94A Levy | 0.95% | \$19,475 | Rams |
| S94A Planning and Administration | 0.05% | \$1,025 | Rams |
| Total | 1.0% | \$20,500 | |

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Warringah Local Environmental Plan 2000* relevant policies of Council including applicable SEPP's and associate legislation.

The proposed alterations and additions to the building are deemed to be consistent with the Desired Future Character Statement of the locality, subject to an approval for the amended Master Plan that is addressed in a concurrent report.

The proposal suitably responds to the relevant Built Form Controls and the non-compliant building height and landscape issues have been addressed. It is considered that these elements will not have an adverse impact on the streetscape or the amenity of the surrounding properties, and a variation to the control is supported.

This application includes a *Noise Assessment Report* demonstrating that the proposal will not result in unreasonable noise emission or intrusion. The report includes recommendations and measures to incorporate an *Operational Plan of Management*, as well as physical treatments for wall absorptive materials, PA system controls and the like, to protect the acoustic amenity of nearby residences. These adaptive and responsive measures are included in suitable conditions to ensure compliance with LEP noise criteria. In this regard noise concerns raised in the submission (1 petition with 6 signatures) to Council are also addressed.

The applicants parking report includes floor space areas for the existing club and total floorspace for the additions and alterations. Site survey demonstrates that the club has adequate parking to accommodate the new alfresco bar and outdoor gaming area without creating an imbalance in parking provision on the basis of a mathematical ratio of 1 space per 18.3 square metres of Gross Floor Area. Observations from the RSL Club state that the majority of time the usage levels would be substantially lower, and even at 100% seating capacity, the total available seating will be less once the proposed additions are completed. The submitted *Traffic Report* supports this view in noting that patrons move from one element to another (eg. lounge to dining to gaming) during the evening and there is generally no concurrent maximum occupation of adjacent areas. This justification is supported having regard to the nature of Club patronage. The assessment finds that the existing carparking provision is sufficient to accommodate the normal peak demand, with the exception of one off/ infrequent events, such as where a POPE approval is required anyway. Having regard to the above the proposed development is considered to be adequately serviced with regard to carparking and is also well serviced by public transport and private taxi services.

In consideration of the external appearance of the building the proposed rendered northern wall is a large continuous wall and should be suitably treated to provide a more attractive public presentation to the streetscape. A condition is included so that the rendered wall is replaced with sandstone facing to enhance the visual presentation to the street. Together with the landscaping in front of the wall, the sandstone wall will provide a more attractive visual amenity to Hawkesbury Avenue and Pittwater Road.

The following special conditions are recommended to address assessment issues of streetscape and noise amenity:

3. External Finishes

Plans Drawing No DA09- 02 Finishes Board 1/2 dated 07.07.08 prepared by Altis Architecture is to be amended. The render and paint wall finish (notation 12.) on the north facing facade above RL13.535 is to be replaced with sandstone cladding (notation 5) to match the western elevation of the Club building. Amended plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure that the building profile and streetscape is consistent with the Design Principles contained in the Master Plan and improve presentation to Pittwater Road and Hawkesbury Avenue.

28. Acoustic Amenity

At all times, the operation of the outdoor terrace and outdoor gaming area of the Club is to be in accordance with the recommendation contained in Noise Assessment Report No.08075 prepared by *Wilkinson Murray* dated July 2008 in addition to the following measures:

- (i) Noise management procedures are to be included in the Plan of Management to manage noise emission from the site, including staff education/ training, signage, acoustic measures, function management, community consultation, security, and complaint handling.
- (ii) Outdoor PA system, poker machines and any television sets are to be controlled to minimise volume levels and intrusion to residences.
- (iii) All amplified music in the partially enclosed terrace area on Level 2 shall cease at 10:00pm Sunday to Thursday and 11 pm on Friday and Saturday. The restricted hours are to be trialled for a minimum period of twelve (12) months from the date the occupation. A Section 96 application will be required to be submitted to Council at the expiration of the 12 month period if the hours and restrictions are proposed to be changed. Noise generation data is to be provided during this operational period to demonstrate proven compliance performance should the club seek to have these hours extended. In the absence of a modification of consent these hours will remain as the normal operating hours for the northern outdoor garden bar and lounge area.



- (iv) The outdoor terrace area is to be closed after 11 pm and the gate access to Pittwater Road adjacent the Memorial Gardens closed to prevent persons entering or leaving the Club through this access point (except in an emergency).

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the *Environment Protection Authority's NSW Industrial Noise Policy*.

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the *Environment Protection Authority's Industrial Noise Policy*.

Reason: *Maintain reasonable acoustic amenity to surrounding residences at night time.*

Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION (APPROVAL)

- A. That Development Application DA2008/0997 for alterations and additions to the existing Dee Why RSL Club (Stage 2.5) at Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why (Dee Why RSL Club) be approved subject to the following conditions.
- B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing Number | Dated | Prepared By |
|---|-----------|------------------------|
| DA01 Issue 04 Site Analysis Plan | 07.07.08 | Altis Architecture |
| DA02 Issue 04 Existing/ Demolition Plan | 08.07.08 | Altis Architecture |
| DA03 Issue 07 Garden Bar Extension | 09.07.08 | Altis Architecture |
| DA04 Issue 04 Roof Plan | 08.07.08 | Altis Architecture |
| DA05 Issue 03 Elevations | 03.10.08 | Altis Architecture |
| DA06 Issue 04 Sections | 07.07.08 | Altis Architecture |
| DA07 Issue 5 Area Plan | 08.07.08 | Altis Architecture |
| DA09- 02 Finishes Board 1/2 | 03.10.08 | Altis Architecture |
| DA10- 02 Finishes Board 2/2 | 07.07.08 | Altis Architecture |
| LP-DA-01 Landscape Plan | June 2008 | 360 |
| H-01 Revision D Hydraulic Services Roof Plan | 140708 | Farrell Coyne Projects |
| H-01 Revision D Hydraulic Services Garden Bar Extension | 140708 | Farrell Coyne Projects |
| Statement of Environmental Effects | July 2009 | Urbis |

No building works (including excavation) shall be undertaken prior to the release of the Construction Certificate.



Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: *To ensure the work is carried out in accordance with the determination of Council and approved plans.*

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

3. External Finishes

Plans Drawing No DA09- 02 Finishes Board 1/2 dated 07.07.08 prepared by Altis Architecture is to be amended. The render and paint wall finish (notation 12.) on the north facing facade above RL13.535 is to be replaced with sandstone cladding (notation 5) to match the western elevation of the Club building. Amended plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: *To ensure that the building profile and streetscape is consistent with the Design Principles contained in the Master Plan and improve presentation to Pittwater Road and Hawkesbury Avenue.*

4. Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered LP DA 01 prepared by 360 dated 10/7/08

Additional planting shall be included along the Hawkesbury road frontage to match planting as existing in front of the carpark further to the east. The olive grove in the north-west corner is to remain as shown on the plans and not removed. Amended plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: *To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development to achieve a dense landscaped buffer consistent with adjacent landscaping.*

5. Development/Construction Security Bond

A bond (determined from cost of works) of \$3000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

Reason: *To ensure adequate protection to Council infrastructure.*



6. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

Reason: Prescribed - Statutory.

7. Roofing Materials - Reflectivity

The metal roof shall be medium to dark in colour in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development.

8. Section 94A Contribution

\$20,500 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

| Warringah Section 94A Development Contributions Plan | | | |
|---|-----------|----------------------|--------------|
| Contribution based on total development cost of | | | |
| | | \$ 2,050,000.00 | |
| Contribution - all parts Warringah | Levy Rate | Contribution Payable | Council Code |
| Total S94A Levy | 0.95% | \$19,475 | Rams |
| S94A Planning and Administration | 0.05% | \$1,025 | Rams |
| Total | 1.0% | \$20,500 | |

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development.

9. Structural Adequacy of Existing Building - Additional Storey

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the structural integrity of the building is maintained.



10. High Quality Lighting

External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Australian Standard at the time of determination:

- Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.

Reason: *To ensure lighting provides security and amenity.*

11. Noise

A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings provide compliance with the Liquor Administration Board (LAB) criteria and incorporate all noise mitigation measures required in the Noise Assessment Report No.08075 prepared by *Wilkinson Murray* dated July 2008.

Reason: *To comply with best practice standards for acoustic amenity.*

12. Sydney Water Approval

The approved consent plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- ☐ Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- ☐ Guidelines for Building/over Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating

Or telephone 13 20 92.

The Certifying Authority must ensure that a Quick Check agent/ Sydney Water has appropriately stamped the plans prior to the issue of any Construction Certificate.

Reason: *To ensure compliance with the statutory requirements of Sydney Water.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. Building Works

No building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions.*

14. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: *Legislative requirement for the naming of the PCA.*



15. Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time. (See below)

- **Permit for on-street mobile plant**

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- **Hoarding Permit**

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- **Kerbside restrictions, work zones**

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

***Reason:** Proper management of public land.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

***Reason:** Public Safety.*

17. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

***Reason:** To ensure public safety and amenity on public land.*



18. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community.*

19. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site.*

20. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

21. Removal of Extra Fabric

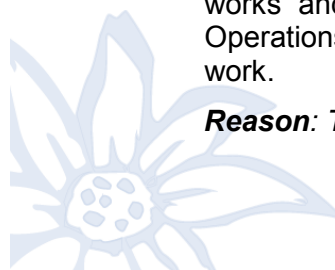
Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

Reason: *To ensure compliance with the terms of this development consent.*

22. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity*



23. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

24. Stormwater Disposal Certification

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for disposal of stormwater arising from the development.

25. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

26. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act.



27. Noise

A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of an Interim/Final Occupation Certificate indicating that the development and all sound producing plant, equipment, machinery or fittings provide compliance with the Liquor Administration Board (LAB) criteria and incorporate all noise mitigation measures required by the Noise Assessment Report No.08075 prepared by Wilkinson Murray dated July 2008.

Reason: *Acoustic amenity.*

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

28. Acoustic Amenity

At all times, the operation of the outdoor terrace and outdoor gaming area of the Club is to be in accordance with the recommendation contained in Noise Assessment Report No.08075 prepared by *Wilkinson Murray* dated July 2008, in addition to the following measures:

- (1) Noise management procedures are to be included in the Plan of Management to manage noise emission from the site, including staff education/ training, signage, acoustic measures, function management, community consultation, security, and complaint handling.
- (2) Outdoor PA system, poker machines and any television sets are to be controlled to minimise volume levels and intrusion to residences.
- (3) All amplified music in the partially enclosed terrace area on Level 2 shall cease at 10:00pm Sunday to Thursday and 11 pm on Friday and Saturday. The restricted hours are to be trialled for a minimum period of twelve (12) months from the date the occupation. A Section 96 application will be required to be submitted to Council at the expiration of the 12 month period if the hours and restrictions are proposed to be changed. Noise generation data is to be provided during this operational period to demonstrate proven compliance performance should the club seek to have these hours extended. In the absence of a modification of consent these hours will remain as the normal operating hours for the northern outdoor garden bar and lounge area.
- (4) The outdoor terrace area is to be closed after 11 pm and the gate access to Pittwater Road adjacent the Memorial Gardens closed to prevent persons entering or leaving the Club through this access point (except in an emergency).

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the *Environment Protection Authority's NSW Industrial Noise Policy*.

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the *Environment Protection Authority's Industrial Noise Policy*.

Reason: *Maintain reasonable acoustic amenity to surrounding residences at night time.*

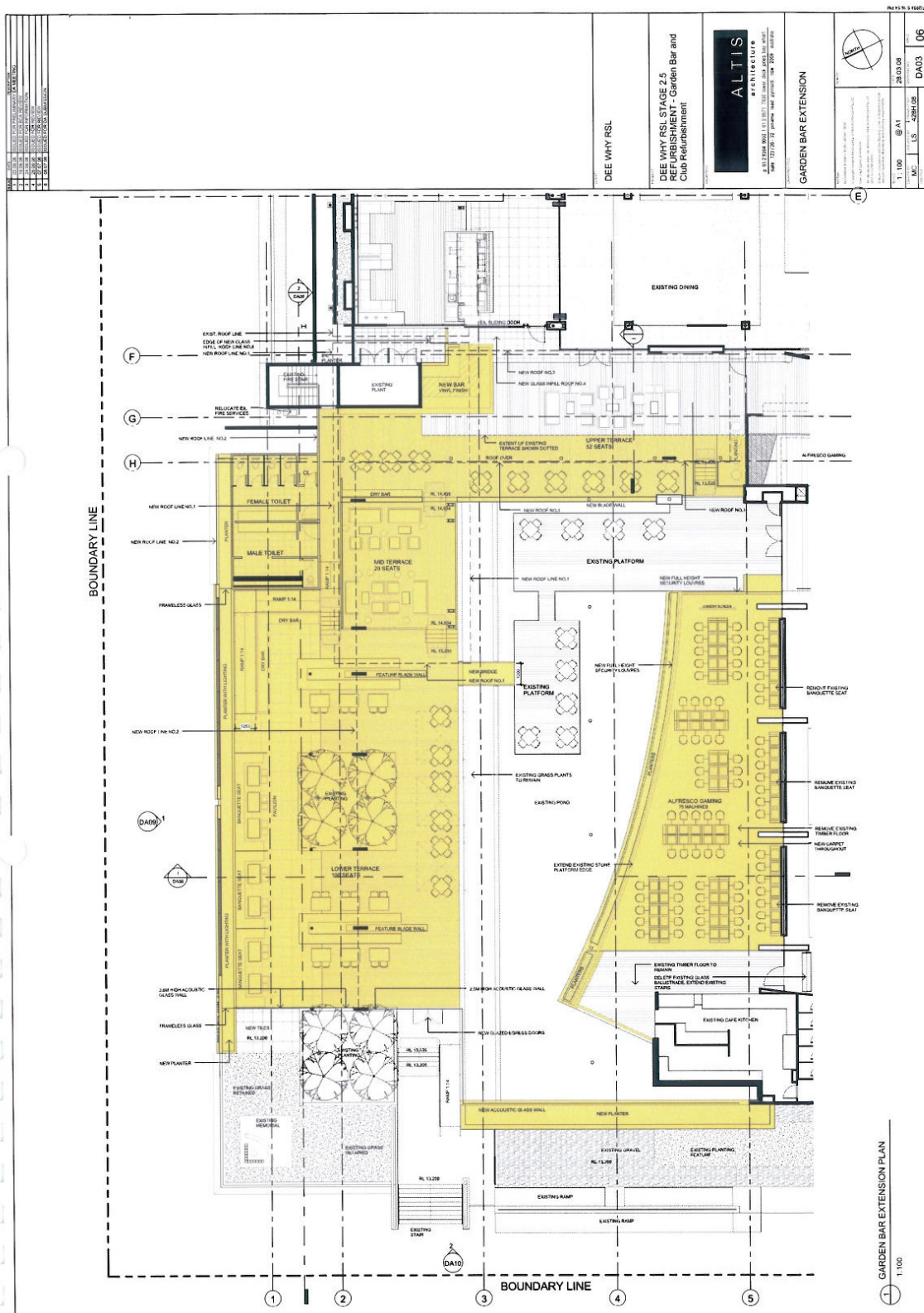
29. Impact on Amenity of Surrounding Area - Non-Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) or solar glare arising from the building materials utilised in any construction processes or fit out. In this regard baffles/shields shall be provided on any external lights associated with the additions to ensure no unreasonable impact upon surrounding residential premises.

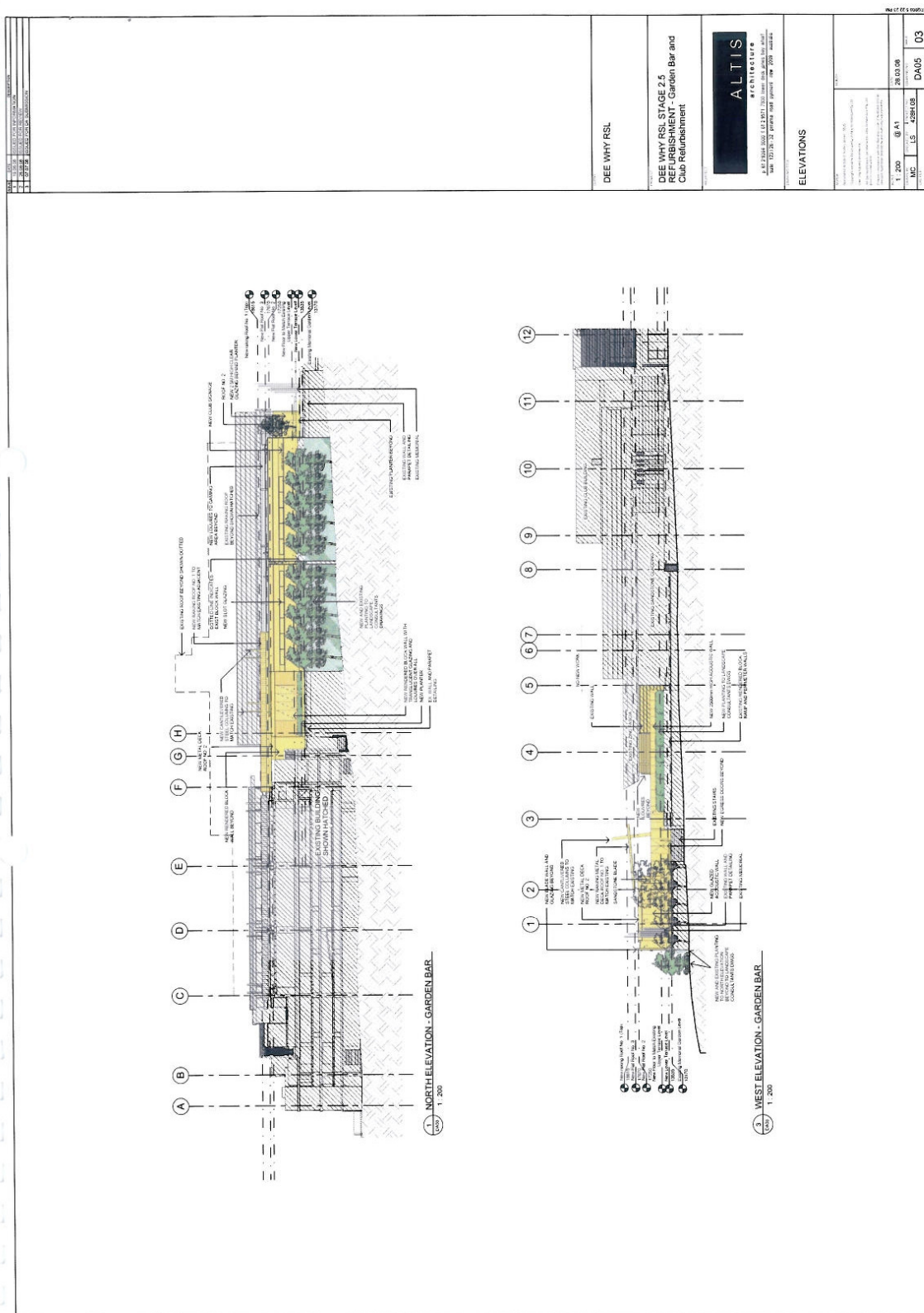
Reason: *To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity.*



Plans



Plans



The image displays two architectural sections of the Dee Why RSL Refurbishment project, specifically the Garden Bar and Club Refurbishment. The top drawing is a 'SHORT SECTION - GARDEN BAR' (1:100 scale), showing a cross-section of the building with various rooms and structural details. The bottom drawing is a 'LONG SECTION - GARDEN BAR' (1:100 scale), providing a longitudinal view of the building's layout and internal spaces. Both sections include detailed annotations for structural elements, materials, and construction notes. The drawings are presented in a professional architectural style with clear lines and shading to indicate different materials and structural components.

1 SHORT SECTION - GARDEN BAR
1:100

2 LONG SECTION - GARDEN BAR
1:100

DEE WHY RSL

**DEE WHY RSL STAGE 2.5
REFURBISHMENT - Garden Bar and
Club Refurbishment**

**ALTIS
architects**

SECTIONS

1 100 8 A1 28.03.08

DA06 04