

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/1230
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 1 DP 706230, 932 Pittwater Road DEE WHY NSW 2099
Proposed Development:	Alterations and additions to Dee Why RSL
Zoning:	LEP - Land zoned R3 Medium Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Dee Why RSL Club Ltd
Applicant:	Dee Why RSL Club Ltd

Application lodged:	11/12/2015
Application Type:	Local
State Reporting Category:	Commercial/Retail/Office
Notified:	11/01/2016 to 27/01/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 709,635.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

SITE DESCRIPTION

Property Description:	Lot 1 DP 706230 , 932 Pittwater Road DEE WHY NSW 2099
Detailed Site Description:	<p>The site has the following characteristics:</p> <ul style="list-style-type: none"> • The Dee Why Retired Services League (RSL) Club ("the club") and associated carpark is identified as Lot 1 DP706230 with a street address of No. 932 Pittwater Road, Dee Why. • The approximate land area of the club and carpark site is 14,830 square metres (sqm) • Existing development comprises of a Registered Club, Laser & AMF bowling centre and a decked carpark at the rear of the site. <p>The site is an irregular shape with 3 street frontages:</p> <ul style="list-style-type: none"> • Northern Boundary (Hawkesbury Avenue): 100 metres • Western Boundary (Pittwater Road): 110 metres • Eastern boundary (Clarence Street): 180 metres • The southern boundary adjoins a childcare centre. • A retirement village and childcare facility have been constructed on properties adjoining the southern boundary. <p>Vehicle access to carpark is via Clarence Avenue and pedestrians can enter site from Pittwater Road to the west and Clarence Avenue to the east.</p> <p>The site is affected by potential acid sulphate soils, however all works are on the 3rd storey and therefore no natural soil areas will be excavated or affected. The land is also mapped as being bushfire prone however a Expert Accredited Bushfire Consultants report has been prepared to address that the site is not subject to <i>Planning for Bushfire Protection 2006</i>. (See note below)</p> <p>Surrounding Development</p> <p>The site is located to the north of the commercial area of Dee Why centred along Pittwater Road.</p> <ul style="list-style-type: none"> • Opposite the site is a mixture of older style and newer residential building and some retail commercial properties. • To the north is a 7 Eleven service station with older style residential building beyond and newer residential buildings east along Hawkesbury Ave • East of the site along Clarence avenue is mostly medium density residential flats. • To the south is a retirement village (Oceangrove) <p>Note: Regarding Bushfire Protection (Australian Bushfire Protection Planners Pty Ltd)</p>

"The south-western corner of the Dee Why Lagoon Wildlife Reserve contains managed vegetation [mown lawn] beneath a tree canopy. This vegetation is not bushfire prone vegetation pursuant to the definitions provided by Appendix 2 of Planning for Bushfire Protection 2006.

When the extent of the 100 metre wide buffer zone to the Category 1 Bushfire Prone Vegetation is measured from the edge of the unmanaged forest vegetation in the Dee Why Lagoon Wildlife Reserve, the buffer zone does not affect the Dee Why RSL Club site.

The proposed development therefore is not required to address the provisions of Section 79BA of the Environmental Planning & Assessment Act 1979."

Map:



SITE HISTORY

Site Master Plan

The site Master Plan was approved by council in July 2001. The original Master plan made provision for 5 stages of upgrades of the club to broadly include:

- Refurbishment and additions to club building.
- A Bowling Alley at the lower level.
- A multi-Level carpark consisting of 439 spaces.
- Enhanced landscaping along road setbacks.
- Development of 130 room tourist accommodation with associated parking.

The stages have progressively been implemented and modified. The last stage completed was Stage 4 in late 2013. This included an amendment to the site Master Plan.

This development application seeks to replace the roof over the "Flame Cabana" area as well as build a new roof over the existing landscaped area entering the Flame lounge/Sports bar at the north eastern

portion of level 2 that was built as part of stage 2. There is a minor increase to internal floor area where the existing (poorly growing) landscaped area is being converted. No additional use is being sought and there will be no increase in facilities / service area to increase patron numbers.

The most recent development history relevant to the proposal is:

Development Application No.DA2015/0603 for additions and alterations to a registered Club (Dee Why RSL) approved by Council on 28 August 2015.

Development Application No.DA2011/1335: Consent granted for "demolition works and alterations and additions to a registered club (Dee Why RSL)" on 29 March 2012. This application also sought an amendment to the Masterplan which relates to the site and is incorporated into Part G of the Warringah Development Control Plan 2011.

Prior to this there are various consents applicable to the site for alterations and additions to the Club as the RSL has developed and upgraded its facilities in recent years.

PROPOSED DEVELOPMENT IN DETAIL

The proposed Works:

- Replacement of the north east roof over level 2 of the Dee Why RSL Club ("the Club") as well as an upgrade to the internal entry to this part of the club, internal refurbishment of the existing Flame cabana and minor façade alterations to suit the new roof.
- This proposed upgrade involves an increase in GFA of 37 sqm that is due to an external landscaped area being converted into internal space.
- There is no additional facilities to increase patron occupancy or increase in traffic as covered by the Traffic and Parking report.
- There is a minor increase of 11 sqm in internal area where the existing landscaped entry to the Flame Bar space is being converted into an internal lounge space.

Note: No change to existing hours of operation, carparking, waste pick up, deliveries are proposed. Existing conditions of consent that apply to the club are already applying to the subject areas.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter is not relevant to the proposal.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter is not relevant to the proposal.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest. No change to existing hours of operation, carparking, waste pick up, deliveries are warranted as the subject area of the club that are to be renovated are already subject to ongoing operational conditions for the Club under existing development consents.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objection to the subject proposal and no conditions recommended. Applicant has addressed BCA matters in the submitted report by <i>Vic Lilly & Associates</i> .
Development Engineers	The proposed development involves minor alterations and additions which are within the existing footprint and will not require on-site stormwater detention. No objection to approval, subject to conditions as recommended.
Natural Environment (Flood)	The proposed development is not expected to increase flood risk. No flood related development controls applied.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

SEPP (infrastructure) 2007 section 104 stipulates that a development site that has access to 'any road' may be referred to the RTA where it has size or capacity for 200 or more vehicles.

There are no additional car spaces proposed as;

- No increase in patron capacity is being sought.
- The work proposes to replace existing internal food and beverage service area with refurbished and new outlets in the same space.
- Traffic and parking report has been provided by *Transport and Traffic Planning Associates*, dated December 2015, detailing that the club currently has an excess of 10 car spaces.
- The increase in GFA will require an additional 2 parking spaces, so in future the club will have 8 excess spaces.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	12m	No change to existing building height of 15.7m New roof 13.2m*	Existing variation 30.8% (As approved)	No (Existing)

*RL6.45 (ground level) to RL19.68 (new roof)

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of storeys	3	No change (Existing 4 storeys)	30% (as approved)	Yes (Existing)
B3 Side Boundary Envelope (No.2 Clarence Street & No.930 Pittwater Road)	5.0m	No change	N/A	No (Existing)
B5 Side Boundary Setbacks (No.2 Clarence Street & No.930 Pittwater Road)	4.5m	0.0m to 3.0m (No change)	100% (as approved)	No (Existing)
B7 Front Boundary Setbacks (Pittwater Road)	6.5m	4.0m to 5.9m (No change)	N/A	Yes
B7 Front Boundary Setbacks (Hawkesbury Avenue)	6.5m to 3.5m	6.2 to 8.5m (No change)	N/A	Yes
B7 Front Boundary Setbacks (Clarence Avenue)	6.5m to 3.5m	3.0m (Carpark)	14% (as approved)	No (Existing)
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (5,932sqm)	10.4% 1,549 sqm (No change)	74% (as approved)	No (Existing)

Refer to Part G Special Area Controls within this report for site specific details.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Exceptions - R3	Yes	Yes
Front Boundary Exceptions - All Zones	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Rear Boundary Exceptions on Corner Allotments - R3	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
Preliminary	Yes	Yes
1. Masterplan	Yes	Yes
2. Built Form	Yes	Yes
3. Boundary envelope	Yes	Yes
4. Boundary setbacks	Yes	Yes
5. Safety and security	Yes	Yes
6. Views	Yes	Yes
7. Landscaping and civic improvements	Yes	Yes
8. Economic and social sustainability	Yes	Yes
9. Traffic generation, car parking and vehicular access	Yes	Yes
Appendix 1 Car Parking Requirements	Yes	Yes

Detailed Assessment

2. Built Form

1. To create an architectural image that enhances the landscape form of the surrounds.

The proposed new roof form will not unreasonably affect the landscape elements around the surrounds of the northern podium area. The existing landscaping at the northern end of the site has become well established since the "Flame Bar" area was created and enclosure of this area with new roof areas will not detract from the existing landscaped setting. No additional landscape to the exterior is warranted for the internal changes where small internal landscaping was not thriving due to the enclosed environment. No additional planted is warranted as the overall height and bulk of the building is consistent with the DCP requirements and no change to the DCP is required.

2. To create an architectural form that enhances the entertainment image of the complex.

The new roof elements and changes to the selected areas of the "flame bar" podium and ancillary areas will improve the functionality of these spaces and new wall elements will assist to maintain amenity against noise disturbance to nearby residential development. The height of the alterations compliment are integrated into the existing bulk and scale of the building complex and are satisfactory against the aims and objectives of the DCP.

3. To provide high quality indoor / outdoor facilities adjacent to water and landscaping areas.

The alterations and additions will enhance the quality of service areas of the club for food and beverage in the northern end of the club without unreasonably affecting the amenity provided by surrounding landscape areas of the club. The refurbished areas will maintain a high quality appearance to the streetscape and club facilities and are consistent with the design objectives of the DCP.

Appendix 1 Car Parking Requirements

Traffic and parking report has been provided by *Transport and Traffic Planning Associates*, dated December 2015, detailing that the club currently has an excess of 10 car spaces. The increase in GFA will require an additional 2 parking spaces, so in future the club will have 8 excess spaces.

Analysis Summary from *Transport and Traffic Planning Associates*:

"Consent for the Stage 4 development was based on the assessment provided in associated Traffic and Parking Report which noted that at that time there was "an excess of 22 spaces to the relevant consents and criteria and the proposed 212 sqm additional floorspace (in Stage 4) represented a provision of 12 parking spaces (i.e. at 17.6 sqm each) and that this would result in a remaining excess of 10 spaces (i.e. after Stage 4)".

"The now proposed additional converted floor area [to the Flame Bar area] equates to 2.1 spaces (say 2) indicating that with completion of the proposed works there will still be an excess of 8 spaces. Because there will only be a very minor increase in floor space with no increase to patronage, no new use or car parking, there will not be any increased traffic generation."

Planning Comment:

The above analysis is concurred with and no additional carparking is recommended.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 709,635		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 6,742
Section 94A Planning and Administration	0.05%	\$ 355
Total	1%	\$ 7,096

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2015/1230 for Alterations and additions to Dee Why RSL on land at Lot 1 DP 706230, 932 Pittwater Road, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan DA101 Issue F	11.12.2015	Altis
Level 2 and Roof Plan - Existing and Demolition Plan DA102 Issue F	11.12.2015	Altis
Level 2 and Roof Plan - Proposed Plan DA103 Issue F	11.12.2015	Altis
Elevations DA201 Issue F	11.12.2015	Altis
Sections DA202 Issue B	11.12.2015	Altis
Finishes Board	11.12.2015	Altis

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Capability and Fire Safety Report J110221	5.10.2011	Vic Lilly & Partners
Bushfire Assessment B121734	23.2.2012	Australian Bushfire Protection Planners Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

d) The development is to be undertaken generally in accordance with the following:

Construction / Waste Management Plan		
Drawing No.	Dated	Prepared By
Construction and Waste Management Plan - 932 Pittwater Road, Dee Why	9.10.2015	Dee Why RSL Club

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) Where applicable, BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Where applicable, Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 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).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. 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.

(f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

(h) Demolition materials and builders' wastes are to be removed to approved waste/recycling

centres.

(i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan			
Contribution based on a total development cost of \$ 709,635.00			
Contributions	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Levy</td><td style="width: 50%; text-align: center;">Payable</td></tr> </table>	Levy	Payable
Levy	Payable		

	Rate	
Total Section 94A Levy	0.95%	\$ 6,741.53
Section 94A Planning and Administration	0.05%	\$ 354.82
Total	1%	\$ 7,096.35

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.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

5. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Councils Fees and Charges paid as security 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.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure.

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

6. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

7. **Sewer / Water Quickcheck**

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

Please refer to the website 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.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **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. (DACENE09)

9. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

10. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

11. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.


Signed

Alex Keller, Senior Development Planner


The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager





















ATTACHMENT A

Notification Plan	Title	Date
 2015/375109	Plans Notification	16/12/2015

ATTACHMENT B

Notification Document	Title	Date
 2016/006242	Notification Map	08/01/2016

ATTACHMENT C

Reference Number	Document	Date
 2015/375123	Report Building Code of Australia (BCA) & Fire Safety	05/10/2011
 2015/375131	Report Bushfire	23/02/2012
 2015/375142	Report Construction & Waste Management Plan	09/10/2015
 2015/375115	Report Statement of Environmental Effects	11/12/2015
 2015/375135	Report Traffic and Parking Implications Assessment	11/12/2015
 2015/375149	Plan Shadow diagram	11/12/2015
 DA2015/1230	932 Pittwater Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	11/12/2015
 2015/368911	DA Acknowledgement Letter - Dee Why RSL Club Ltd	11/12/2015
 2015/375109	Plans Notification	16/12/2015
 2015/375157	Plans Master Set	16/12/2015
 2015/374410	Development Application	16/12/2015
 2015/374420	Applicant Details	16/12/2015
 2015/381686	File Cover	22/12/2015
 2015/381707	Referral to AUSGRID - SEPP - Infrastructure 2007	22/12/2015
 2015/389333	Natural Environment Referral Response - Flood	30/12/2015
 2016/002058	Building Assessment Referral Response	05/01/2016
 2016/003348	Development Engineering Referral Response	06/01/2016
 2016/006241	Notification Letter - 324 Sent	08/01/2016
 2016/006242	Notification Map	08/01/2016
 2016/114181	Multi Tenancy Form to be used for DAs - Dee Why RSL Club Ltd	12/04/2016