



Warringah Council

## 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)

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**Proposal:** Alterations and additions to an existing club for a new outdoor gaming terrace including reconfiguration of an existing kitchen, toilets and changes to the club entry area.

**Development Application No:** DA2009/0822

**Plans Reference:** DA001, DA100, DA110, DA115, DA120, DA125, DA200, DA300 by *Bergstrom Architecture* dated 30.6.09

**Applicant:** Dee Why RSL Club Ltd

**Owner:** Andrew Bremner Alexander Holburn,  
Edward Walter Jackson, Noel Hall

**Application Lodged:** 30/06/2009

**Amended Plans:** No

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**Locality:** E16 Pittwater Road North

**Category:** Category 2- 'Registered Club' (existing club)

**Clause 20 Variations:** NO

**Land and Environment Court** NO

**Action:**

**Referred to WDAP:** NO

**Referred to ADP:** NO

### SUMMARY

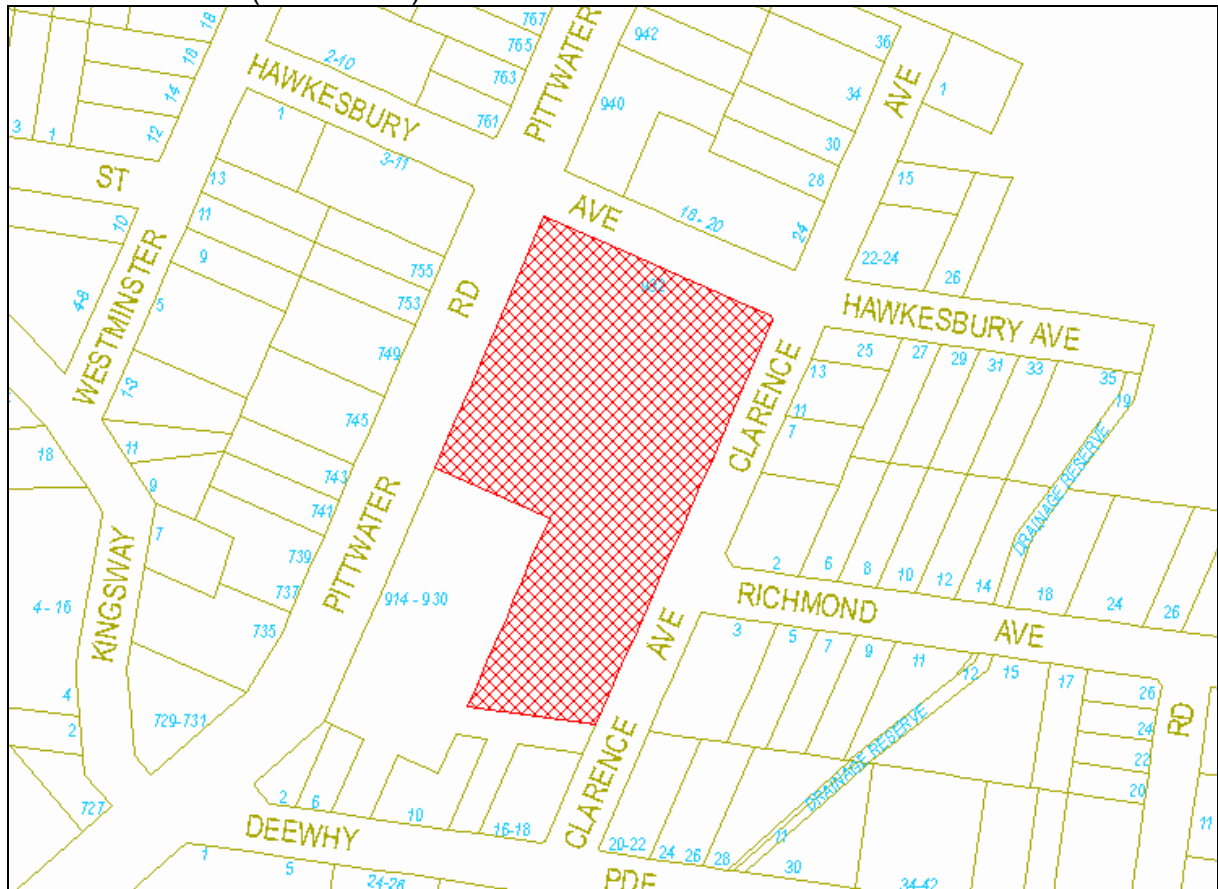
**Submissions:** 1

**Submission Issues:** Noise, acoustic wall, smoking.

**Assessment Issues:** Noise impact, BCA (Smoking legislation)

**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 in the *Manly Daily* and notified by letter on 9 July 2009 to 384 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 (“the Club”), (including an “AMF bowling centre”) and a multi-level club carpark. Surrounding development is generally characterised by residential flat buildings, 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; and
- 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.

**DA 2008/0997** – was approved by Council on 3 June 2009 for alterations and additions to the existing Dee Why RSL Club for an outdoor garden terrace and alfresco gaming area including amendment of the Dee Why RSL Masterplan for Stage 2.5. The club is not proceeding with these changes in the short term, hence the interim development application DA2009/0822 to immediately improve smoking areas for gaming and make other minor improvements for accessibility and toilet facilities.

## PROPOSAL IN DETAIL

This application seeks consent for the following:

1. A new partially enclosed smokers gaming terrace in the north-western corner of level 2 of the Club with minor changes to feature landscaping and wall openings;
2. Relocation of the male and female toilets adjacent the gaming area to a more central point within level 2;
3. Reconfigure the existing alfresco cafe kitchen with a new kitchen adjacent the alfresco gaming terrace; and



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4. New air lock entry for Clarence Street porte-cochre and minor improvements to the front access and taxi drop-off point.

## 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) Smoke Free Environment Act 2000
- f) State Environmental Planning Policy No.55 - Remediation of Land
- g) State Environmental Planning Policy 2007 (Infrastructure)
- h) Warringah Local Environment Plan 2000
- i) Warringah Development Control Plan
- j) Section 94A Plan

## REFERRALS

| Internal Referral                            | Referral Comment  | Planning Comment  |
|--|---|---|
| <b>Environmental Health &amp; Protection</b> | <i>'NSW Health' is the governing body for the enforcement of the 'Smoke Free Environment Act'. As such advice should be sought in regard to council approving the use of an area of the club for smoking.</i><br><br><i>Please find attached recommended development conditions."</i>   | The application was provided with advice to demonstrate compliance with the <i>Smoke Free Environment Act 2000</i> and a suitable special condition is included to ensure compliance prior to occupation<br>All conditions are included as recommended. |
| <b>Building Assessment &amp; compliance</b>  | <i>"No objections subject to [the following] conditions being applied to any consent issued"</i>  | All conditions are included as recommended.   |
| <b>Council Fire Safety Officer</b>           | <i>"No objections subject to compliance with BCA and standard fire safety conditions"</i>   | All conditions are included as recommended.   |
| External Referral                            | Referral Comment  | Planning Comment  |
| <b>Energy Australia</b>                      | The proposal was referred to Energy Australia in accordance with <i>SEPP 2007 (Infrastructure)</i> . The following concluding comments were provided within response letter dated 8 July 2009:<br><i>"Based on information provided in your correspondence the proposal will comply with the statutory clearances from Energy Australia electrical mains and accordingly there is no objection to this development"</i> | No conditions are recommended from the form list of conditions available as the proposal meets all statutory clearances and does not require any substation changes.  |

## NOTIFICATION & SUBMISSIONS RECEIVED

The application was advertised in the *Manly Daily* and notified by letter on 9 July 2009 to 384 adjoining property owners and occupiers. One (1) submission was received in response to the notification from the following:

| Submission Received | Address                       |
|---------------------|-------------------------------|
| M.R. Parker         | 20 Hawkesbury Avenue, Dee Why |

The submission raised the following concerns:



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- (i) *The club will use roller shutters in the outdoor gaming area that will be noisy when closing at 4a;*
- (ii) *The glass wall facing Pittwater Road will be low and not provide adequate acoustic protection;*
- (iii) *Smoking creates pollution.*

### Comment

- (i) The outdoor gaming area is also substantially enclosed but should include some restrictions on noise levels for the electronic gaming machines and public address (PA) system to reduce potential noise impacts. The poker machine units are behind roller shutters so they are mostly in and open air environment but can be closed off for security after closing time and protected from adverse weather conditions if necessary. In addition to this, all speakers and audio devices are to have sound limiting devices fitted to prevent noise disturbance to neighbours. These matters can be suitably addressed by conditions and it is considered the issue does not carry sufficient determining weight to warrant refusal.
- (ii) The 3.0 m high glass & masonry wall facing Pittwater Road gives partial acoustic protection and provides a privacy/security screen to the public street level. Noise from traffic on Pittwater Road will significantly exceed noise generated from within the gaming terrace. Other mechanisms are used to limit noise from the gaming area including, airlocks to the interior of the club, noise limiting of devices, crowd control and the like. It is considered the issue does not carry sufficient determining weight to warrant refusal.
- (iii) Smoking areas must be provided by the club for the health of non-smokers. The club is responding to public demand & legislation for internal smoke free areas and the gaming area is designed manage cigarette smoke and pollution, such as cigarette butts so it does not affect public amenity. Smoking habits of individuals at the Club is not considered to 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's" 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                                     | Suitable conditions are recommended to address compliance with the <i>Building Code of Australia</i> (BCA)<br><br>Clause 93 and 94 of the <i>EPA Regulations 2000</i> requires the consent authority to consider fire safety and structural issues. Conditions recommended adequately address the provisions. |
| Section 79C (1) (b) – The likely impacts of the   | The environmental impacts on the natural and built  |

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| Section 79C 'Matters for Consideration'   | Comments  |
|---|---|
| development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>environment are addressed 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 its location and context within the urban environment, subject to conditions.</p> <p>The social and economic impacts, of the proposed use is 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 internal services for patrons by improving internal amenity and improving the club 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   | <p>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 upgrade toilets and entry areas and convert existing internal space for an open air gaming area 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.</p>   |
| Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs   | <p>One submission was received in response to the notification of this application that is addressed in "Notification &amp; Submissions" in this report.</p>  |
| Section 79C (1) (e) – The public interest   | <p>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.</p>   |

### 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.

### 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 gaming area must permit adequate ease of access including AS 1428 compliant pathways, toilet facilities, lighting and general accessibility.

### Smoke Free Environment Act 2000



The Smoke Free Environment Act is to promote public health by reducing exposure to tobacco and other smoke in enclosed public places. Council has a duty have regard to the Act as the consent authority in the development approval of the club facilities. The applicant has provided suitable documentation demonstrating compliance will be achieved with the Act and requirements of *NSW Health*. Suitable conditions are recommended to ensure ongoing compliance.

## **State Environmental Planning Policies**

### **State Environmental Planning Policy- Infrastructure 2007**

This application does not require any special conditions to satisfy the electricity supply authority, as the proposal does not comprise the following:

- the penetration of ground in close proximity to an underground electricity power line an electricity tower, development adjacent to an easement for electricity, installation of a swimming pool or 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 over 20 years with a Master Plan for the site approved in 2001 that adequately addresses 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 changes 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 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, installation of air-lock doorways, volume control of sound equipment, crowd control 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. The Club currently has a balance of car parking sufficient to accommodate normal visitor patronage. In this regard the smokers area is intended to provide better facilities within a relaxed and spacious club environment without increasing numbers. The club maintains that total capacity will remain unchanged because there will be no additional seating or gaming machines. 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:

| <b>Built Form Standard</b> | <b>Required</b>   | <b>Proposed</b>   | <b>Compliance</b> |
|----------------------------|---|---|-------------------|
| Building Height            | 3 storeys or 12 metres max  | No change   | YES               |
| Front Setback              | Primary setback: 6.5 metre min<br>Secondary setback: 3.5 metres min | <ul style="list-style-type: none"> <li>Primary setback to Pittwater Road: 7.7 metres (main wall)</li> <li>Secondary setback to</li> </ul> | YES               |



| Built Form Standard    | Required  | Proposed  | Compliance |
|------------------------|---|---|------------|
|                        |   | Hawkesbury Avenue: 25.2 metres (main wall)<br>• Secondary setback to Clarence Avenue. No change |            |
| Landscaping            | 40% of the site area (5,932 m <sup>2</sup> )      | Existing maintained -11% or 2030 m <sup>2</sup> . No change.                                    | N/A        |
| Side Boundary Envelope | N/A for the proposal is not an apartment building | -   | N/A.       |
| Side Setbacks          | N/A for the proposal is not an apartment building | -   | N/A.       |
| Rear Setbacks          | N/A to a corner lot                               | -   | N/A        |

## 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 glass walls and lighting of the outdoor area will adequately address the provisions of this clause.   | YES<br>subject to<br>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, special permit requirements and compliance with relevant noise restrictions.<br><br>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.   | YES<br>subject to<br>condition |
| CL43 Noise   | YES     | The proposal is for a partially enclosed outdoor gaming area that would potentially increase noise levels.<br><br>This application includes a <i>Noise Assessment Report</i> No.08075/A prepared by <i>Wilkinson Murray</i> addressing the outdoor gaming area. The report finds operations will comply with standard council criteria, and the <i>Liquor Administrative Board</i> noise criteria associated with maximum capacity of the outdoor gaming area at the residences immediately opposite on Pittwater Road and Hawkesbury Avenue.<br><br>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. | YES<br>subject to<br>condition |



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| General Principles                    | Applies | Comments   | Complies                    |
|---------------------------------------|---------|--|-----------------------------|
|                                       |         | 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.  |                             |
| CL44 Pollutants                       | NO      | No Comment (The submission regarding smoking does not relate to LEP pollution assessment criteria)   | 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 (NGL) because the new outdoor gaming area is partly at first floor level (over the AMF bowling room) and under the existing roof span. In addition, this application involves no NGL 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 ground level earthwork. Therefore, no further consideration of this Clause is required.  | YES                         |
| CL50 Safety & Security                | YES     | <p>The proposed adjustment to the western perimeter wall of the building will prevent overlooking toward Pittwater Road and serves additional purposes of:</p> <ul style="list-style-type: none"> <li>To screen and mitigate the potential noise impact on the surrounding residents.</li> <li>To provide part weather protection to the gaming area and contain light spill from internal lighting.</li> <li>To assist in better crowd control by providing a secure, relaxed, attractive and comfortable area where patrons are dispersed rather than concentrated around existing gaming areas.</li> </ul> <p>A condition is included to ensure adequate lighting within the outdoor gaming 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> | YES<br>subject to condition |
| CL51 Front Fences and Walls           | NO      | No Comment (no boundary fencing)   | N/A                         |
| CL52 Development Near Parks, Bushland | NO      | No Comment   | N/A                         |

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| General Principles                                   | Applies | Comments  | Complies                     |
|--|---------|---|------------------------------|
| Reserves & other public Open Spaces                  |         |   |                              |
| CL53 Signs   | YES     | The proposal includes lettering "Dee Why RSL Club" affixed to the sandstone wall facing Pittwater Road in metallic embossed letters, approximately 300mm high. The lettering does not include any advertising logo's and is therefore regarded as street identification signage only. It is considered that the sign lettering is acceptable for the identification of the club and satisfies the requirements of this clause.  | YES<br>Subject to condition. |
| 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.<br><br>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   | NO      | No Comment  | N/A                          |
| CL62 Access to sunlight                              | YES     | No Comment  | N/A                          |
| CL63 Landscaped Open Space                           | YES     | The proposal includes the part demolition and provision of new low maintenance feature landscaping within the western elevation including perimeter walls.<br><br><ul style="list-style-type: none"> <li>The proposal will maintain the existing overall soft 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. New landscaping comprises gravel beds with feature pot plants.</li> </ul><br>Landscaping is generally maintain as existing with no significant change. The existing landscaped open space is of satisfactory dimensions and characteristics addressing this Clause. | YES<br>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 50 metres away in Hawkesbury Avenue (north) and 30 metres away in Pittwater Road (west). The design of the proposal seeks  | YES                          |



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| General Principles                                    | Applies | Comments   | Complies |
|---|---------|--|----------|
|   |         | <p>to protect privacy to these properties by providing a semi enclosed space for the gaming area that is not visually prominent. The gaming area is covered by the existing roof and is capable of being enclosed for weather protection. The separation created by Pittwater Road and Hawkesbury Avenue properties limits opportunity for overlooking, limits noise intrusion and conceals activity within the landscaped setback from public view.</p> <p>Accordingly, the proposal is deemed to satisfy the requirements of this Clause.</p>  |          |
| CL66 Building bulk                                    | YES     | <p>The proposed glazing on the west facing facade is not an architecturally intrusive structure with minimal visual bulk and will be substantially screened by existing wall structures and landscaping. Changes to the Clarence street entry do not add any significant bulk to the building.</p> <p>In summary, subject to the condition, the proposed changes will not be visually prominent or dominating the surrounding area, and is satisfactory in addressing this Clause.</p>   | YES      |
| CL67 Roofs  | NO      | No Comment (No change to roofing)  | N/A      |
| CL68 Conservation of Energy and Water                 | YES     | The proposal incorporates energy and water saving devices, and includes no new air conditioning (eg ducted heating) at the proposed outdoor gaming area. The new airlock entry doors are a significant energy conservation improvement for the building. The proposal is satisfactory in addressing this Clause.   | 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 &amp; 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> <p>This application includes an Access Review prepared by <i>Morris- Goding Accessibility Consulting</i> dated 24 June 2009 addressing the <i>Disability Discrimination Act (DDA)</i>. The design of the Clarence Street entry and gaming area 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.</p> | YES      |
| 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 &                                 | YES     | This proposal will maintain the existing traffic access to   | YES      |

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| General Principles                 | Applies   | Comments  | Complies  |          |                                 |  |                             |                |                                   |   |     |
|------------------------------------|---|---|-----------|----------|---------------------------------|--|-----------------------------|----------------|-----------------------------------|---|-----|
| safety                             |   | the site with no changes to car parking or loading areas proposed.  |           |          |                                 |  |                             |                |                                   |   |     |
| 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 relies on a recent assessment of traffic and parking for the Club 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<br/>7,402 m2</td><td><b>1 space/ 18.3 square metres</b><br/>405 car spaces</td></tr><tr><td>Total floor area<br/>7971 m2</td><td>436 car spaces</td></tr><tr><td>Total parking currently available</td><td>482 car spaces<br/>(including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave)</td></tr></table> <p>Schedule 17 does 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 floor space. 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 of 22 spaces to support the proposal. The mathematical calculation above is based on actual spaces provided after the completion of DA2005/0292.</p> <p>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>The proposal is satisfactory in addressing Clause 72, 73, 74, 75 and Schedule 17 of the WLEP 2000 - Traffic access and carparking.</p> | Component | Required | Existing floor area<br>7,402 m2 | <b>1 space/ 18.3 square metres</b><br>405 car spaces | Total floor area<br>7971 m2 | 436 car spaces | Total parking currently available | 482 car spaces<br>(including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave) | YES |
| Component                          | Required  |   |           |          |                                 |  |                             |                |                                   |   |     |
| Existing floor area<br>7,402 m2    | <b>1 space/ 18.3 square metres</b><br>405 car spaces  |   |           |          |                                 |  |                             |                |                                   |   |     |
| Total floor area<br>7971 m2        | 436 car spaces  |   |           |          |                                 |  |                             |                |                                   |   |     |
| Total parking currently available  | 482 car spaces<br>(including taxi rank, disabled, staff, loading and shared spaces with RSL Daycare centre at 2 Clarence Ave) |   |           |          |                                 |  |                             |                |                                   |   |     |
| CL75 Design of Carparking Areas    | NO  | No Comment  | N/A       |          |                                 |  |                             |                |                                   |   |     |
| CL76 Management of Stormwater      | NO  | No Comment  | N/A       |          |                                 |  |                             |                |                                   |   |     |
| CL77 Landfill                      | NO  | No Comment  | N/A       |          |                                 |  |                             |                |                                   |   |     |
| CL78 Erosion & Sedimentation       | NO  | No Comment  | N/A       |          |                                 |  |                             |                |                                   |   |     |
| CL79 Heritage Control              | NO  | No Comment  | N/A       |          |                                 |  |                             |                |                                   |   |     |

| General Principles  | Applies  | Comments   | Complies |
|---|----------|------------|----------|
| CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service | NO       | No Comment | N/A      |
| CL81 Notice to Heritage Council   | REPEALED |            |          |
| CL82 Development in the Vicinity of Heritage Items  | NO       | No Comment | N/A      |
| CL83 Development of Known or Potential Archaeological Sites                                     | NO       | No Comment | N/A      |

## 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, building footprint and 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 to the proposal, whereby the value of work is greater than \$100,000.

| Warringah Section 94A Development Contributions Plan |           |                      |              |
|--|-----------|----------------------|--------------|
| Contribution based on total development cost of      |           | \$ 2,758,027.00      |              |
| Contribution - all parts Warringah                   | Levy Rate | Contribution Payable | Council Code |
| Total S94A Levy                                      | 0.95%     | \$26,201             | 6923         |
| S94A Planning and Administration                     | 0.05%     | \$1,379              | 6924         |
| Total  | 1.0%      | \$27,580             |              |

## 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 associated legislation.

The proposed alterations and additions to the building are deemed to be consistent with the Desired Future Character Statement of the locality for a category 2 use. The proposal has no impact on the Built Form Controls with all works being contained within the outer footprint of the building and under the existing roof line. It is considered that the



minor changes the exterior will not have an adverse impact on the streetscape or the amenity of the surrounding properties.

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 adaptive and responsive measures to mitigate noise. These are included in suitable conditions to ensure compliance with LEP noise criteria. In this regard noise concerns raised in the submission (1) to Council are also addressed.

The applicants parking report includes floor space areas for the existing club and appropriate evaluation of car parking. Site survey demonstrates that the club has adequate parking to accommodate the new 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. The submitted *Traffic Report* supports that patrons move from one club area to another (eg. lounge to dining to gaming) during any given period 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 conclusion it is recommended that the proposed alterations and additions will have minimal adverse social, environmental impacts and the development application is recommended for approval.

#### **RECOMMENDATION (APPROVAL)**

A. That Development Application DA2009/0822 for alterations and additions to an existing club for a new outdoor gaming terrace including reconfiguration of an existing kitchen, toilets and changes to the club entry area at Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why (Dee Why RSL Club) be approved subject to the attached 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.

Signed

Date

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**Alex Keller, Snr Development Assessment Officer**

Signed

Date

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**Steve Findlay, Team Leader Development Assessment**