

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Lashta Haidari, Planner
Date:	11 September 2019
Application Number:	Mod2019/0422
Address:	Lot 1 DP 706230 , 932 Pittwater Road DEE WHY NSW 2099
Proposed Modification:	Modification of Development Consent DA2017/0244 granted for Demolition works and Redevelopment of part of an existing Registered Club Dee Why RSL Club

Background

Development consent (DA2017/0244) was granted by Sydney North Planning Panel on 31 July 2017 for Demolition works and redevelopment of part of an existing Registered Club (Dee Why RSL Club);

Details of Modification Application

Under Section 4.55 (1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Warringah DCP (A7 Notification) does not require the notification of Section 4.55 (1) modification applications as they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application seeks to modify the following conditions to only apply to the Relevant or Final Occupational Certificate and not to Any Occupational Certificate as currently stated. The amendments proposed to the conditions are inserted in Red and any wording to be removed ~~striketrough~~

- 20 **Kitchen Design, construction and fit out of food premises**
The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises'. ~~Prior to any Occupation Certificate (OC)~~ **Prior to an Occupation Certificate (OC) being issued which includes new food premises**, certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements.

- 21 (a) Existing trees which must be retained

All trees not indicated for removal on Landscape Plan Dwg No. 102 A dated 20.03.2017 prepared by Site Image Landscape Architects, unless exempt under relevant planning instruments or legislation. **Certification by Landscape architect for Final Occupational Certificate that trees have been retained as per plans.**

- (b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

23 **Driveway Classification**

Vehicular crossing leading to the Porte Cochere is to be maximum 8.0m in width at the site boundary, with layback in accordance to Council's standard drawing for a vehicular layback.

Certification by traffic consultant only for areas relevant to that occupational certificate and full certification off all areas at Final Occupational Certificate.

Reason: Vehicle Safety (DACPLC03)

24 **Pedestrian sight distance at property boundary**

All existing and new driveways are to meet AS2890.1:2004 pedestrian sight triangle of 2.0 metres by 2.5m metres requirements. This sight distance triangle is to be provided at all existing and new vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

Certification by traffic consultant only for areas relevant to that occupational certificate and full certification off all areas at Final Occupational Certificate.

34 **Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan is to be **submitted with final Final Occupation Certificate**), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

36 **Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

38 **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~~ the 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)

39 **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an appropriately qualified civil engineer registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

42 **Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, stating that the stormwater quality management system has been installed in accordance with the Civic Engineering Plans prepared by ACOR Consulting dated 10.03.17, Issue B/C, project number SY160161 and Stormwater Management Report prepared by ACOR Consultants dated March 2017.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the **Final** Occupation Certificate.

Reason: Protection of the receiving environment (DACENFPO1)

43 **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality measures remain effective.

The Plan must contain the following:

- a) Inspection and maintenance schedule of all stormwater quality treatment devices
- b) Record keeping and reporting requirements
- c) Funding arrangements for the maintenance of all stormwater quality treatment devices

- d) Waste management and disposal
- e) Traffic control measures (if required)
- f) Relevant contact information
- g) Renewal and replacement requirements of all stormwater quality treatment devices
- h) Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the **Final** Occupation Certificate.

Reason: Protection of the receiving environment (DACENFPO1)

45 **Works as Executed Drawings**

Works as Executed Drawings for all stormwater quality devices must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the **Final** Occupation Certificate.

Reason: Protection of the receiving environment

46 **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to the **relevant** Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

50 **Acoustic Report**

Recommendations made by the acoustic consultant detailed in the report titled Dee Why RSL Noise and Vibration, report no. 17038-DA dated 21 March 2017 must be implemented in order to minimise noise and vibration disturbance to surrounding amenities.

Certification by Acoustic Consultant for Final Occupational Certificate confirming that recommendations detailed have been implemented.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

Consideration of error or mis-description

The above amendments (although not an error or mis-description) is required to manage the various stages of the approved development. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development and the public interest, and the proposed development as modified is considered acceptable as there are no changes proposed to the approved development.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2019/0422 for Modification of Development Consent DA2017/0244 granted for Demolition works and Redevelopment of part of an existing Registered Club Dee Why RSL Club on land at Lot 1 DP 706230,932 Pittwater Road, DEE WHY, as follows:

A. Modify the following Conditions to read as follows:

20 Kitchen Design, construction and fit out of food premises

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises' Prior to an Occupation Certificate (OC) being issued which includes new food premises, certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

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In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Lashta Haidari, Principal Planner

The application is determined on //, under the delegated authority of:



Steven Findlay, Manager Development Assessments