



Warringah Council

## DEVELOPMENT ASSESSMENT REPORT

<b>Assessment Officer:</b>	Nick England
<b>Address / Property Description:</b>	Part Lot 2743 DP 752038 Campbell Parade MANLY VALE NSW 2093 Alterations & additions to an existing bowling, sports and social club building
<b>Development Application No:</b>	DA2008/1199
<b>Application Lodged:</b>	19/08/2008
<b>Plans Reference:</b>	06721 A0001, 06721 A0002, 06721 A0003, 06721 A0004
<b>Amended Plans:</b>	N/A
<b>Applicant:</b>	Wilkinson & Associates Architects Pty Ltd
<b>Owner:</b>	Warringah Council
<b>Locality:</b>	G3 Manly Lagoon Suburbs
<b>Category:</b>	Category 3 (Registered Club)
<b>Variations to Controls (Cl.20/Cl.18(3)):</b>	Building Height; Front Setback
<b>Referred to ADP:</b>	NO
<b>Referred to WDAP:</b>	NO
<b>Land and Environment Court Action:</b>	NO
<b>SUMMARY</b>	
<b>Submissions:</b>	Nil
<b>Submission Issues:</b>	N/A
<b>Assessment Issues:</b>	Flood Prone Land; District Park Plan of Management; SEPP 71 – Sensitive Coastal Location; Building Height; Front Setback
<b>Recommendation:</b>	Approval
<b>Attachments:</b>	NIL



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## LOCALITY PLAN (not to scale)



**Subject Site:** Part Lot 2734 DP 752038 Campbell Parade, Manly Vale

**Public Exhibition:** The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to 280 adjoining land owners and occupiers for a period of 14 calendar days commencing on 8 September 2008 and being finalised on 23 September 2008, furthermore, the application has been advertised within the Manly Daily on 6 September 2008 and a notice was placed upon the site.



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### SITE DESCRIPTION

The site is legally described as Part Lot 2734 DP 752038 Campbell Parade, Manly Vale located within the facility commonly known as “District Park”. This area encompasses a range of sporting and recreational facilities which includes Nolan, Millers, Passmore and David Thomas Reserve.

Part Lot 2734 is bounded by Campbell Parade, Condamine Street, Kentwell Road and Manly Lagoon. No survey records are available to determine the size of the allotment, however it is estimated that the allotment is approximately 24 hectares in area. Manly Lagoon dissects most of the site and is located approximately 50m from the club building at its closest point to the north-east.

The club is located in the Passmore Reserve area of the District Park which is accessed from Campbell Parade and contains several playing fields, a children’s playground, an amenities block, and part of the pedestrian/ bicycle track. This track extends through from Nolan Reserve on its western side. The Manly Vale Bowling Club and the Manly Small Bore Rifle Clubs are located to the east of this reserve.

Current development on the site consists of a single to double storey clubhouse building, outbuildings and three (3) bowling greens. An informal parking area is located to the north of the bowling greens (adjacent Manly Lagoon) which is accessed from a driveway at Campbell Parade. Vehicular access to the front of the building is provided in the form of two driveways located on the western and eastern boundaries of the site.



**Photograph 1:** Manly Vale Calabria Club as viewed from Campbell Parade.



**Photograph 2:** Rear of existing club building.



**Photograph 3:** Western elevation of building subject to the proposed extension.



**Photograph 4:** Eastern elevation of existing club building (right) and men and women's change building (left) to be incorporated into the proposed extension.

## SITE HISTORY

Council's Plan of Management for District Park states that a lease for a bowling green on Passmore Reserve was granted in 1947, by the then Districts Parks Committee. Full control and management of the reserve was assumed by Council in 1991. The existing building is subject to a lease, with Warringah Council being the lessor and the Manly Vale Calabria Bowling Sports and Social Club Pty Ltd, being the lessee. This lease was granted on 1 April 2007 and will lapse on 31 March 2016.

Council records indicate the first lease with the Club dating from 1955 and development consents relating to the club building dating from 1965, 1966 and 1967. An aerial photographic survey undertaken for the contamination report indicated that prior to the commencement of the bowling club the land was likely to have been used for agricultural purposes.

## PROPOSED DEVELOPMENT

The development as proposed involves the following works:

- Addition to south-western elevation of existing building to provide a ground-keepers enclosure, members change room and office;
- Addition to south-eastern elevation of existing building to provide meeting room, toilets and modified entrance;
- Storage area on north-east elevation;
- Internal alterations to re-organise gaming area, bar and dance floor;
- New doors and glazing on north-west elevation;
- Modified entry facade, terrace and disabled access ramp;
- Total additional floor space of 222m<sup>2</sup>; and
- Provision of one (1) car space on western boundary.



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## **AMENDMENTS TO THE SUBJECT APPLICATION**

No amendments were made to the application, however additional information in regard to a flood evacuation management plan was provided by the applicant on 4 November 2008. This matter is discussed in greater detail in the "Referrals" section of this report.

## **STATUTORY CONTROLS**

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.
- c) Local Government Act 1993

## **PUBLIC EXHIBITION**

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to 280 adjoining land owners and occupiers for a period of 21 calendar days commencing on 6 September 2008 and being finalised on 23 September 2008, furthermore, the application has been advertised within the Manly Daily on 6 September and a notice was placed upon the site.

As a result of the public exhibition process, no submissions were received.

## **MEDIATION**

Has mediation been requested by the objectors?	NO
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	NO

## **LAND AND ENVIRONMENT COURT ACTION**

No appeal has been lodged in the NSW Land & Environment Court.

## **REFERRALS**

### ***Internal Referrals***

### **Catchment Management**

The application was referred to Council's Catchment Management section for comment. In a response dated 16 October 2008, the following information was requested:

**As discussed, there is concern in regard to the size and amenity of the proposed safe evacuation space during a major flood event and the maximum capacity of the club during a function or bowls tournament.**



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**In event of flooding in this location, floodwaters can attain a level which renders the roads unsafe for driving. Flood waters in a major flood event will also take some hours to recede to a safe level to allow evacuation. It is therefore considered important that adequate and comfortable space is available during a major flood event.**

**If the issue of maximum numbers of patrons and size of safe space to be provided can be clarified and confirmed with the applicant, approval may be granted in relation to flooding issues subject to conditions below.**

**If this matter cannot be addressed by the applicant in relation to the current plans, amended plans will be required to be submitted for further assessment. This could be done as a deferred commencement condition at your discretion.**

Given that the matter was related to flooding and the potential safety of patrons during a flood event, it was requested of the applicant to provide this information during assessment and not be dealt with as a matter of Deferred Commencement. Examination of the Building Code of Australia (BCA) compliance report prepared by BCA Logic states in the Access and Egress section (Page 22) that:

*“Number of person accommodated: 328 people in the function room/bar area & 41 people in the gaming area plus 10 staff = 380 total.*

*NB: function/bar areas based on 1.0m<sup>2</sup> per person & gaming area based on 1.2m<sup>2</sup> per person.”*

The matter was then referred back to Catchment for further comment. In a response dated 17 December 2008, it was acknowledged that the building (as proposed to be modified) would still have insufficient area to provide temporary shelter for patrons during a significant flood event. Nonetheless, no objection was raised to the proposed development subject to the addition of conditions which require the preparation of flood evacuation procedures prior to the issue of a Construction Certificate and the application of on-going conditions to ensure these procedures are carried out during a flood event.

### **Development Engineers**

Council's Development Engineers raise no objection to the proposed development, subject to the application of standard conditions of consent.

### **Building Code of Australia**

A Building Code of Australia (BCA) compliance report was lodged with the application. This was referred to Council's Compliance unit for comment, who concurred with the proposed upgrade measures recommended in this report. Additional standard conditions in regard to other matters of BCA compliance were also recommended.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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



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Section 79C 'Matters for Consideration'	Comments
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	See discussion on “Draft Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	Warringah Development Control Plan applies to this proposal.
<b>Section 79C (1) (a)(iiia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) – Provisions of the regulations</b>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been addressed in the documentation lodged with the application (Preliminary Building Code of Australia Compliance Report, prepared by BCA Logic dated 5 August 2008). The recommendations within this report are considered adequate to upgrade the building and are recommended to be enforced via conditions of consent prior to occupation.</p>
<b>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</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control 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. Specifically, the proposed works relate to a sporting and social club which contributes to the general provision of social infrastructure within the locality. Furthermore, the extent of the additions (222m<sup>2</sup>) are not of a magnitude to exacerbate the impacts of the existing licensed premises, which will maintain its existing operating hours, staffing numbers and the general area for bar and seating. The predominant amount of the additional floor areas are for administrative and service areas for the club and therefore would represent no significant increase in the intensity of the existing land use.</p>



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Section 79C 'Matters for Consideration'	Comments
	(iii) The proposed development is unlikely to have a detrimental economic impact on the locality considering the nature of the existing club premises and the proposed works which will essentially retain this land use.
<p><b>Section 79C (1) (c) – the suitability of the site for the development</b></p>	<p>The subject site is identified as being subject to the following risks to development, being: flooding; and acid sulfate soils. These are now discussed in turn:</p> <p><b>Flood Prone Land</b></p> <p>The portion of the site upon which the existing club is located is within a 1-in-100 year flood-prone area of the Manly Lagoon catchment. Advice has been sought from Council's Catchment Management Unit and no objection was raised to the proposed works, subject to conditions of consent.</p> <p><b>Acid Sulfate Soils</b></p> <p>The part of the site subject to the proposed works are identified as being Class 2 acid sulfate soils. This risk is discussed in the General Principles section of this report, in regard to Clause 49a of WLEP 2000.</p> <p>Notwithstanding the risks identified above the site is generally considered acceptable for the proposed development.</p>
<p><b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b></p>	<p>See discussion on "Public Exhibition" in this report.</p>
<p><b>Section 79C (1) (e) – the public interest</b></p>	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### State Environmental Planning Policies (SEPPs)

#### State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for recreational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.





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## State Environmental Planning Policy No 71 – Sensitive Coastal Location

The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are considered as follows:

Matters for Consideration	Comment	Consistent
<p>(a) The aims of the policy.</p> <p><i>This Policy aims:</i></p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i></p> <p><i>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p><i>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p><i>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i></p> <p><i>(e) to ensure that the visual amenity of the coast is protected, and</i></p> <p><i>(f) to protect and preserve beach environments and beach amenity, and</i></p> <p><i>(g) to protect and preserve native coastal vegetation, and</i></p> <p><i>(h) to protect and preserve the marine environment of New South Wales, and</i></p> <p><i>(i) to protect and preserve rock platforms, and</i></p> <p><i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <a href="#">Protection of the Environment Administration Act 1991</a>), and</i></p> <p><i>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i></p>	<p>The proposal is to be considered consistent with the aims of the policy.</p> <p>(a) The proposal will not affect the natural, recreational and economic attributes of the NSW coast other than to improve the existing club facilities.</p> <p>(b) The existing access arrangements to club have been maintained and will not be affected by the proposal.</p> <p>(c) The proposal does not have potential to provide new public access to the foreshore of Manly Laggon.</p> <p>(d) The proposal is not in the vicinity of any known aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs.</p> <p>(e) The proposal is not considered to detract from the visual amenity of the NSW coast as the proposed development will not significantly alter the overall bulk and scale of the existing building as the proposed additions and alterations are within the footprint of the existing building..</p> <p>(f) The proposal is considered to protect and preserve beach environments as the proposed development will not significantly alter the overall bulk and scale of the existing building as the proposed additions and alterations are generally within the footprint of the existing building.</p> <p>(g) The proposal require the removal of minor existing vegetation on the western boundary, which is not significant remnant native vegetation.</p> <p>(h) The proposal will not affect the marine environment of NSW as the proposed development will not significantly alter the overall bulk and scale of the existing building as the proposed additions and alterations are minor in scale.</p> <p>(i) No rock platforms are affected by the proposal as the proposed development will not significantly alter the overall bulk and scale of the existing building as the proposed additions</p>	<p>YES</p>



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	<p>and alterations are minor in scale.</p> <p>(j) The proposal is considered to be in accordance with the principles of ecologically sustainable development.</p> <p>(k) The proposed development will not significantly alter the overall bulk and scale of the existing building as the proposed additions and alterations are minor in scale.</p>	
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The public access to the foreshore is not altered by the proposal.	YES
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The proposal does not have potential to provide new public access to the foreshore.	YES
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	The proposal is considered suitable for the subject site.	YES
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	There is no significant loss of view or overshadowing from public places as a result of the proposal.	YES
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	The proposal is not considered to detract from the scenic qualities of the New South Wales coast.	YES
(g) Measures to conserve animals (within the meaning of the <a href="#">Threatened Species Conservation Act 1995</a> ) and plants (within the meaning of that Act), and their habitats	There is no remnant native vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.	YES
(h) Measures to conserve fish (within the meaning of Part 7A of the <a href="#">Fisheries Management Act 1994</a> ) and marine vegetation (within the meaning of that Part), and their habitats	The proposal is for alterations and additions to an existing club and therefore additional measures to conserve fish and marine vegetation are not required.	YES
(i) Existing wildlife corridors and the impact of development on these corridors	The proposal does not significantly impact upon any existing wildlife corridors as it involves alterations and additions to an existing club.	YES
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The proposal is not considered to increase the likely impacts of coastal processes and coastal hazards to the development. Furthermore, it is considered that the proposal does not significantly alter the existing impacts of the development on coastal processes and coastal hazards and conditions are recommended in this regard.	YES
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities	The proposal is unlikely to create any potential conflict between land based and water based coastal activities.	YES
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The proposal is not in the vicinity of any known aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs.	YES
(m) Likely impacts of development on the water quality of coastal water bodies	The proposal is unlikely to create any additional impact to water quality.	YES
(n) The conservation and preservation of items of heritage, archaeological or historic significance	The subject site is not identified as a heritage item and no archaeological records are evident in the area adjacent the building.	YES



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(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Council has not prepared a draft LEP that specifically applies to the site in regards to compact towns and cities.	YES
(p) Only in cases in which a development application in relation to proposed development is determined: <i>(i) the cumulative impacts of the proposed development on the environment, and</i> <i>(ii) measures to ensure that water and energy usage by the proposed development is efficient</i>	The cumulative impacts of the proposal are satisfactory.	YES
S13) A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The proposal does not attempt to allow development within a zone to be consented to as if it were in a neighbouring zone.	YES
S14) A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal is unlikely to result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES
S15) The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal does not involve a non-reticulated effluent disposal system that will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	YES
S16) The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES

### State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m of an overhead power line



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- 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 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

## **Local Environment Plans (LEPs)**

### ***Warringah Local Environment Plan 2000 (WLEP 2000)***

#### Desired Future Character (DFC)

The subject site is located in the G3 Manly Lagoon Suburbs Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

*The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style development in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment buildings will be confined to the “medium density areas” shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.*

*Future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. The street will be characterised by landscaped front gardens and consistent building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.*

*The relationship of the locality with the surrounding bushland will be reinforced by protecting the enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides, or in the vicinity of ridgetops, will integrate with the natural landscape and topography.*

*The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.*

The proposed development is defined as “registered clubs” under the WLEP 2000 dictionary. “Registered clubs” are identified as Category 3 development in this locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

*Requirement: “The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style development in landscaped settings*



*interspersed by a range of complementary and compatible uses. The development of further apartment buildings will be confined to the "medium density areas" shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality."*

*Comment:* The proposed works are subject to an existing registered club building which has been located on the site since at least 1947. The club is bordered by a range of non-residential development, including a small-bore rifle range to the east, industrial estate to the south-east, sportsgrounds to the west and MacKellar Girls High School to the south. The nearest detached style housing is approximately 230m to the south-west with apartment style housing approximately 100m to the west.

Given that development in the eastern end of Campbell Parade is not typically detached style housing and that the works relate to an existing land use, the proposal is considered to be complementary and compatible with the predominant character of the G3 locality being detached style houses.

The proposed works will not affect the setting or reduce the area of parkland within District Park.

For the reasons outlined above, the proposal is considered consistent with this requirement of the DFC.

*Requirement: "Future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. The street will be characterised by landscaped front gardens and consistent building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality."*

*Comment:* As stated previously, the eastern end of Campbell Parade is not generally represented by detached style housing and the imperative to retain or provide a visual pattern and predominant scale of such is not so critical in regard to the proposed development.

The existing front setback of the club building of 7.7m will be reduced to 6.5m on the southern elevation, however the ramp structure for disabled access extends to this boundary, effectively making the setback nil. Landscaping works will be incorporated around this ramp and in the front setback area. The ramp will have solid balustrades generally 1m in height and reaching a maximum 2.4m in height adjacent the proposed access steps.

No subdivision is proposed.

The proposed works will not depart significantly from the setback of the existing structure and will provide adequate landscaped area within the front setback. The ramp structure provides a transition of the built form towards the southern elevation and is considered to not adversely affect or add to, the overall scale of development in the locality.

For the reasons outlined above, the proposal is considered consistent with this requirement of the DFC.

*Requirement: "The relationship of the locality with the surrounding bushland will be reinforced by protecting the enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural*



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*watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides, or in the vicinity of ridgetops, will integrate with the natural landscape and topography.”*

*Comment:* The site is adjacent parkland vegetation on the upper reaches of the Manly Lagoon, consisting predominantly of Casuarina (Swamp Oak) forest. The proposed works will provide essentially a contemporary update of the facades of the existing building, which are in a partially dilapidated state. The materials and colours proposed in the refurbishment are based on natural colours (olive, yellow) which are consistent with the surrounding parkland and broader landscape.

The development is not located on a hillside or ridgetop.

For the reasons outlined above, the proposal is considered consistent with this requirement of the DFC.

*Requirement: “The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.”*

*Comment:* The proposed works are not located within a local retail centre.

As detailed above the proposed development is considered to be consistent with the requirements of the Locality’s DFC statement.

**Built Form Controls (Development Standards)**

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Standard	Required	Proposed	Compliance
Housing Density	Maximum 1 dwelling per 600m <sup>2</sup>	Not applicable (N/A)	N/A
<b>Building Height</b>	<b>Maximum 8.5m in height Maximum 7.2m NGL to ceiling to upper floor</b>	<b>9.75m</b>	<b>NO. See Clause 20 Variation.</b>
<b>Front Building Setback</b>	<b>Minimum 6.5m</b>	<b>Nil (from proposed access ramp)</b>	<b>NO. See Clause 20 Variation.</b>
Rear Building Setback	Minimum 6m	Allotment has multiple frontages (Campbell Parade, Pittwater Road, Condamine Road, Kentwell Road and Riverview Parade) and is located on a very large allotment within District Park. Defining a boundary for the rear setback is difficult, however if measured from the boundary at the Manly Lagoon, the location of the works are approximately 56m from this boundary at its closest point.	YES



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Built Form Standard	Required	Proposed	Compliance
Side Boundary Envelope	4m at boundary then 45 degree plane	No breach	YES
Side Setback	Minimum 0.9m	49m (west) 9.2m (east)	YES
Landscaped Open Space	Minimum 40% of site area.	<p>The club is located on a large site of estimated at 24 hectares, the overwhelming majority being landscaped open space. The proposed loss of landscaped area is estimated at 236m<sup>2</sup>.</p> <p>Given the large area of the existing site and its current state where the large majority of the site is occupied by open space, the proposed is most unlikely to breach the minimum 40% of site area.</p>	YES

The proposed development is not compliant with the Locality's Building Height and Front Setback Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

*“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with Clauses 50, 51, 63, 66 and 67 of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

**(ii) Desired Future Character of the Locality**

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

**(iii) Relevant State Environmental Planning Policies**



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The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

### **Description of variations sought and reasons provided:**

#### **Building Height**

*Required: 8.5m*

*Proposed: 9.75m*

*Response:*

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Building Height Built Form Control. Accordingly, compliance with the objectives are addressed below:

***Objective:*** *Ensure that development does not become visually dominant by virtue of its height and bulk*

Comment: The non-compliance with this control consists of a 1.25m variation to the building height control. This variation is caused mainly by an entry feature on the south-eastern corner of the building, which incorporates a large pole and awning structure which emphasises the revised entry to the building.

The existing building height varies between 6.55m and 8.75m. The proposed pole extends to RL 9.75m AHD, with the highest part of the proposed awning having a maximum height of RL 9.15m AHD. All other aspects of the existing building height remain unchanged.

The modified entry feature improves the visibility of the club from the public domain and provides a clear path of travel for pedestrians accessing the club. The entry feature provides a contemporary up-date of the southern elevation facing Campbell Parade and as a component of the entire facade is minor element.

In this regard, the proposed variation is considered to not be visually dominant maintains the complementary built form of the existing club to the Campbell Parade streetscape.

***Objective:*** *Preserve the amenity of surrounding land*

Comment: The visual amenity of the surrounding land uses are unlikely to be adversely affected by the proposed variation given the overall minor nature of the variation and the preponderance of non-residential land uses adjacent the site. The variation consists of an entry feature which is unlikely to have an adverse impact in regard to solar access or privacy or any other relevant aspect of neighbourhood amenity. The proposal is consistent with this objective.

***Objective:*** *Ensure that development responds to site topography and minimises excavation of the natural landform*

Comment: The site is flat, being adjacent a coastal lagoon. No excavation is required and the building height as proposed is generally consistent with the topography of the land.





**Objective:** Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.

Comment: The modified entry feature will improve variation to the existing roof form, which is predominantly flat. Notwithstanding the variation in the building height control, this element of the proposed design provides a varied roof design, which is consistent with this objective.

### **Front Setback**

*Required: 6.5m*

*Proposed: Nil*

*Response:*

The nil setback is provided by the disabled access ramp, which junctions on the front boundary of Campbell Parade and the terrace adjacent the entry feature. This structure does not qualify for an exemption from this Built Form control.

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Front Setback Built Form Control. Accordingly, compliance with the objectives are addressed below:

**Objective: Create a sense of openness**

Comment: The ramp consists of two pathways with solid masonry balustrades which have a maximum height of 2.4m when measured from the natural ground level of the front boundary. The structure is not roofed and is embellished with landscaping, to further reduce the visual impact when viewed from the street. The facade of the existing club will remain unchanged and the sense of openness is maintained in the proposed development, notwithstanding the variation.

**Objective: Provide opportunities for landscaping**

Comment: Approximately 88m<sup>2</sup> of landscaped open space is provided within the front setback area, of varying widths from 2 to 4m. This area is sufficient to propagate adequate area for landscaped open space and satisfies this objective of the front setback control.

**Objective: Minimise the impact of development on the streetscape**

Comment: The disabled access ramp located in the front setback is a modest structure which relates primarily to the entrance to the existing club building and generally follows the topography of the front setback area which rises up 1.5m to the existing ground floor from the front boundary. The structure and access terrace generally follow the existing topography of the land and therefore minimises the impact of the development on the existing streetscape.

**Objective: Maintain the visual continuity and pattern of buildings, front gardens and landscape elements**



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Comment: The ramp and terrace are located adjacent the southern (front) elevation and acts to consolidate an area which is currently typified by various ad-hoc elements (driveways, parking areas etc). The new pedestrian access arrangements will emphasise the location of the entrance to the building and create a consolidated landscape area on this frontage which will make a positive contribution to the visual continuity and pattern of buildings in Campbell Parade.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Building Height and Front Setback Built Form Control. It is for these reasons that the variation to the Building Height and Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

### General Principles Of Development Control

The following applicable 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
<b>CL38 Glare &amp; reflections</b>	<b>YES</b>	The new entrance feature will encompass illumination of the terrace and disabled access ramp. A standard condition of consent is recommended to ensure that no adverse illumination of the public domain occurs.	<b>Yes, subject to condition</b>
<b>CL42 Construction Sites</b>	<b>YES</b>	Standard conditions to apply.	<b>Yes, subject to condition</b>
<b>CL43 Noise</b>	<b>YES</b>	Standard conditions to apply.	<b>Yes, subject to condition</b>
<b>CL44 Pollutants</b>	<b>YES</b>	The proposed works will not entail the use of any specific pollutants and will not modify the existing use of the land as registered club and bowling green.	<b>Yes</b>
<b>CL45 Hazardous Uses</b>	<b>YES</b>	The proposed works to the existing registered club and bowling green will not entail any hazardous uses.	<b>Yes</b>
<b>CL47 Flood Affected Land</b>	<b>YES</b>	<p>The site is located within an area potentially affected by a 1% Annual Exceedence Probability (AEP) flood event. In this regard the development must demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>▪ <i>Development is not to reduce flood storage area or impact upon the existing flood regime;</i></li> <li>▪ <i>Habitable floor areas of buildings are to be a level at least 500mm above the 1% annual exceedence probability flood level, and</i></li> <li>▪ <i>constructed of flood compatible materials</i></li> </ul> <p>In advice provided to the applicant at pre-lodgement, a flood planning level was advised to the applicant, to be set at RL 3.2m AHD. This level has been provided in the proposed works.</p> <p>The flood study provided with the application (<i>Flood Review Report / Proposed Re-Development Of Manly Vale Calabria Bowling Sports and Social Club</i> prepared by Healey Castle &amp; Associates dated July 2008 Issue 1)</p>	<b>Yes, subject to condition</b>



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General Principles	Applies	Comments	Complies
		<p>outlines various work methods and materials which demonstrate compliance with this Clause. The report will be incorporated into the conditions of consent.</p> <p>In addition, Council's Catchment Management Unit has required that a flood evacuation plan be provided to ensure that all occupants of the building are able to exit the building in a satisfactory manner.</p>	
<p><b>CL48 Potentially Contaminated Land</b></p>	<p><b>YES</b></p>	<p>A Stage 1 Preliminary Assessment report (prepared by Environmental Investigation Services dated June 2008 Reference Number E22129K-RPT) into potential land contamination was provided with the application.</p> <p>The report found that contaminants were present on the site and covered a range of contaminants commonly encountered in the Sydney region. "Elevated" levels of contaminants were not detected in the analysis.</p> <p>In this regard, the level of contamination was found to be not higher than accepted levels of presence. When combined with the minor nature of the works and excavation proposed, the land is not considered to be a risk in its current state, to be developed.</p> <p>The proposed works are considered consistent with this General Principle.</p>	<p><b>Yes</b></p>
<p><b>CL49a Acid Sulfate Soils</b></p>	<p><b>YES</b></p>	<p>The land is located within an area identified as being subject to Class 2 Acid Sulfate Soils.</p> <p>The table for Clause 49a requires any works within a Class 2 area provide a preliminary investigation to determine whether or not an Acid Sulfate Soils Management Plan be provided.</p> <p>A Preliminary Assessment report (prepared by Environmental Investigation Services dated June 2008 Reference Number E22129K-RPT) and amending correspondence dated 3 July 2008 was provided with the application.</p> <p>The proposed level of soil disturbance is limited to the installation of screw-pile footings for the new areas of floor space. The report concludes that this is unlikely to generate acid sulfate soils and no management plan is required.</p> <p>The proposed works are considered consistent with this General Principle.</p>	<p><b>Yes</b></p>
<p><b>CL50 Safety &amp; Security</b></p>	<p><b>YES</b></p>	<p>The modified entry feature will enhance the visibility of the entrance to the club and improve opportunities for passive surveillance on Campbell Parade. Illumination of the steps and ramp will further improve safety and security.</p>	<p><b>Yes</b></p>
<p><b>CL51 Front Fences and Walls</b></p>	<p><b>YES</b></p>	<p>The solid masonry balustrade to the disabled access ramp is located on the front boundary. This will achieve a maximum height of 1.2m and has a length of 16m.</p> <p>Whilst not specifically a fence or a wall, this structure is nonetheless consistent with the requirement of the</p>	<p><b>Yes</b></p>



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General Principles	Applies	Comments	Complies
		General Principle to be consistent with existing streetscape character.	
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b>	<b>YES</b>	The proposed works are subject to a club building located within District Park, an area of public open space. The proposed works provide an adequate visual transition between the area of the public open space and the modified building. No significant views are affected.	<b>Yes</b>
<b>CL54 Provision and Location of Utility Services</b>	<b>YES</b>	The site is adequately serviced by energy and water utility services.	<b>Yes</b>
<b>CL58 Protection of Existing Flora</b>	<b>YES</b>	The proposed works will require the removal of a number of small shrubs on the western boundary of the site (see Photograph 3). These plants are not remnant indigenous vegetation and their removal is not inconsistent with this General Principle.	<b>Yes</b>
<b>CL60 Watercourses &amp; Aquatic Habitats</b>	<b>YES</b>	The Manly Lagoon watercourse traverses the site, located approximately 50m to the north-east of the existing club building. At its closest point to the watercourse, the proposed works are approximately 56m from this watercourse.  Given the minor additions to the existing structure and the significant distance, the works proposed are unlikely to adversely affect this existing watercourse, compliant with the requirements of this General Principle.	<b>Yes</b>
<b>CL61 Views</b>	<b>YES</b>	The proposed works to the existing building will increase the height of the structure on the south-west corner. The existing structure is located significant distances from adjacent buildings and at least 100m from the nearest residential dwellings to the west.  The proposed works are unlikely to affect the enjoyment of views to any significant local landmark, when viewed from either the adjacent residential dwellings or non-residential development.	<b>Yes</b>
<b>CL62 Access to sunlight</b>	<b>YES</b>	The proposed works adjoin a rifle club building (30m) to the north-east; an industrial block (38m) to the south-east and secondary school grounds to the west and south of the site. The extent of additional shadow cast by the proposed additions will fall predominantly over Campbell Parade and no adjoining area of private open space will be adversely affected by the proposal.	<b>Yes</b>
<b>CL63 Landscaped Open Space</b>	<b>YES</b>	The proposed works will result in an estimated loss of 236m <sup>2</sup> of landscaped area, predominantly in the grassed area within the front setback.  Notwithstanding this loss, a new landscaping scheme will be provided in the front setback area which will provide a more unified landscaped front setback. The proposed works are considered to satisfy this General Principle.	<b>Yes</b>
<b>CL63A Rear Building Setback</b>	<b>YES</b>	The proposed works are located at least 56m from the boundary located on the southern bank of the Manly Lagoon.	<b>Yes</b>



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General Principles	Applies	Comments	Complies
<b>CL66 Building bulk</b>	<b>YES</b>	<p>The existing building has significant distances from adjoining structures. The proposed works will retain the major proportion of the existing height and setbacks of the existing building and in doing so will create a visual bulk and architectural scale consistent with adjacent development.</p> <p>The proposal is considered to be consistent with this General Principle.</p>	<b>Yes</b>
<b>CL67 Roofs</b>	<b>YES</b>	<p>The existing building has a flat roof and the proposed works will establish a revised roof element to the entry of the building, providing visual interest and improving the contribution of the building to the local streetscape.</p> <p>Adjoining roof lines are predominantly styled in a functionalist manner (usually also flat), consistent with the predominance of non-residential land uses adjacent the site.</p> <p>The proposal is considered to be consistent with this General Principle.</p>	<b>Yes</b>
<b>CL68 Conservation of Energy and Water</b>	<b>YES</b>	<p>The additional floor space is created largely by the upgrade of existing change rooms and toilets and an enlarged foyer area. No increase in licensed area is proposed. As such, these facilities will be upgraded and installed with more efficient devices, which may have the effect of reducing the net consumption of water. Energy usage is unlikely to have significant increase due to the proposed works</p> <p>The additional consumption of water and energy due to the proposed works is unlikely to be substantially increased by the proposed works.</p>	<b>Yes</b>
<b>CL69 Accessibility – Public and Semi-Public Buildings</b>	<b>YES</b>	<p>Accessibility is addressed in the Building Code of Australia (BCA) Compliance report lodged with the application prepared by BCA Logic dated 5 August 2008.</p> <p>Annexure B of this report addresses the requirements of Section D3 of the Building Code of Australia (Access for People With Disabilities) and notes that all requirements are easily achievable. The proposed ramp will ensure adequate entry to the club premises and Council's standard condition of consent will apply to ensure that the access requirements are carried out.</p> <p>The proposed works are therefore considered to comply with this General Principle.</p>	<b>Yes, subject to condition.</b>
<b>CL71 Site facilities</b>	<b>YES</b>	<p>The site is adequately serviced by storage areas for waste, located on the western side of the building.</p>	<b>Yes</b>
<b>CL71 Parking facilities (visual impact)</b>	<b>YES</b>	<p>The one (1) car space proposed on the western side of the club building is not located within the front setback area. This has limited visual impact and is consistent with the General Principle.</p>	<b>Yes</b>
<b>CL72 Traffic access &amp; safety</b>	<b>YES</b>	<p>The existing site has three (3) vehicle footpath crossings. The proposed works will reduce this number to two (2), consolidating vehicular access and improving the general</p>	<b>Yes</b>



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General Principles	Applies	Comments	Complies
		safety and access of the land. The proposed works are considered to comply with this General Principle.	
<b>CL73 On-site Loading and Unloading</b>	<b>YES</b>	The existing loading dock will remain unchanged. The proposal is consistent with this General Principle.	<b>Yes</b>
<b>CL74 Provision of Carparking</b>	<b>YES</b>	Refer to discussion in Schedule 17 later in this report.	<b>Yes</b>
<b>CL75 Design of Carparking Areas</b>	<b>YES</b>	The proposed car space will incorporate a turning bay adjacent the disabled access ramp, enabling any vehicle accessing this space the ability to enter and exit the site in a forward direction.	<b>Yes</b>
<b>CL77 Landfill</b>	<b>YES</b>	The proposed works will require minor landfill to the areas directly beneath the additional floor space, to a maximum height of approximately 1.2m. The extent of the landfill will not result in an adverse impact in regard to visual bulk nor create potential for adverse geotechnical conditions in the future.	<b>Yes</b>
<b>CL78 Erosion &amp; Sedimentation</b>	<b>YES</b>	Standard conditions to apply.	<b>Yes, subject to condition.</b>
<b>CL79 Heritage control</b>	<b>YES</b>	The allotment once possessed items of environmental heritage, listed in the WLEP 2000 as: "Street trees, located on the corner of Condamine Street and Kentwell Road.  However, these trees have since been removed. The property will have no impact on any other item of environmental heritage.	<b>Yes</b>
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the Department of Environment &amp; Conservation</b>	<b>YES</b>	The site is not located on land that has a likely impact in regard to potential Aboriginal sites or places of cultural significance. The site is extensively developed and the location of the proposed works are adjacent the existing building.  However, these trees have since been removed. The property will have no impact on any other item of environmental heritage.	<b>Yes</b>
<b>CL81 Notice to Heritage Council</b>	<b>YES</b>	This clause has been deleted from the WLEP 2000 in Amendment No.13 dated 24 February 2006.	<b>Yes</b>
<b>CL83 Development in the vicinity of heritage items</b>	<b>YES</b>	The proposed works are located at least 150m west of the nearest heritage items, located in Riverview Parade. The subject building is separated from these properties by Manly Lagoon and not visible when viewed from these structures. The proposed works are therefore not likely to have an adverse impact on these heritage items.	<b>Yes</b>
<b>CL83 Development of Known or Potential Archaeological Sites</b>	<b>YES</b>	Standard conditions to apply.	<b>Yes, subject to condition.</b>



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## Other Relevant WLEP 2000 Clauses

### Clause 15

Clause 15 provides that all Category 3 development requires both the consideration by an independent hearing and assessment panel and a statement of environmental effects which addresses all the criteria of Schedule 15 of the WLEP 2000. The proposed works are to a *registered club*, which is a Category 3 land use.

### Clause 16

Clause 16 specifies that alterations and additions to an existing Category 3 may be granted consent if Council is of the opinion that the works are of a minor nature and do not to a significant degree, change the scale, size or degree of the land use or even inconsistent with the Desired Future Character statement.

If considered to be development of the type described above, Clause 16(3) does not require the consideration by an independent hearing and assessment panel.

In this regard the proposed works are considered to be of the nature described in Clause 16 and therefore no consideration of the applicable panel, being the Warringah Development Assessment Panel.

## SCHEDULES

### Schedule 8 - Site analysis

<b>Site Analysis</b>	A site analysis was prepared and provided with the application.
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### Schedule 15 - Statement of Environmental Effects

Clause 15(1) of Warringah Local Environmental Plan 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

Normally this is required for Category 3 however as Clause 16 disqualifies Clause 15 in respect to the proposed development, no information in respect to Schedule 15 is required.



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## Schedule 17 - Carparking Provision

<b>Carparking Provision</b>	<p>The parking requirements for a registered club under Schedule 17 require the provision of parking based on the following:</p> <p><i>Comparisons must be drawn with developments for a similar purpose</i></p> <p>The proposed development will provide one (1) additional car space, whilst an estimated 222m<sup>2</sup> of additional floor space is proposed.</p> <p>The statement of environmental effects lodged with the proposed development, prepared by Wilkinson &amp; Associates Architects, does not provide a comparison of similar land uses, however in response to the requirements of Clause 74 its states (pages 12/13):</p> <p><i>The proposal involves a reconfiguration of the existing club, providing an improved entry area, internal storage spaces and upgraded amenities. It does not involve any increase in the capacity of the club in terms of patrons, and as such there will be no change to the existing licence numbers or poker machine numbers as a result of the proposal.</i></p> <p><i>There is ample on-street car parking in the immediate vicinity of the site.</i></p> <p><i>Schedule 3 to the LEP sets out the car parking provision for the bowling green of 30 spaces per green plus 15 additional spaces per green. For the existing club, which has 3 greens, the requirement would be 60 spaces. The only way that this number of spaces could be provided the (subsequent) requirement of 45 spaces on it.</i></p> <p><i>This would be unreasonable in the context of this proposal, on the basis that the capacity and size of the existing club will not be altered by it. In addition, this approach would be inconsistent with the Core Objectives of the Plan of Management for the site as it would detract from the amount of recreational open space and facilities available to the community.</i></p> <p><i>On this basis, car parking provision in accordance with the LEP is not proposed and would be unreasonable.</i></p> <p>In summary, the applicant proposes no parking for the additional floor space as this floor space is for services ancillary to the function of the club, including meeting rooms, change areas, storage and the entrance foyer.</p> <p>An analysis of the plans demonstrate that there is no specific increase in the floor area dedicated to the licensed area for patrons. Inquiries with the Licensing Unit of NSW Police (Northern Beaches Local Area Command) confirms that no increase in patrons under the existing license is proposed.</p> <p>The additional floor space will act to effectively upgrade these existing ancillary spaces which are related primarily to the function of the existing bowling greens and not specifically the licensed club. In this regard, there is reasonable justification to assume that there will be no increase in the general parking demand as a result of the proposed works.</p> <p>In the circumstances of this application, car parking for the additional floor space is not required and the one (1) additional car space proposed is adequate.</p>
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## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments apply to the proposed development.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The following monetary contributions are applicable:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	480,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$4,560	6923
S94A Planning and Administration	0.05%	\$240	6924
Total	1.0%	\$4,800	

## OTHER MATTERS FOR CONSIDERATION

### Local Government Act 1993 – District Park Plan of Management

Under the Local Government Act 1993 and the Amendment Act 1998, s.36 (a) – (n), Councils must prepare and adopt plans of management for all Community Land. A Plan may apply to one or more areas of Community Land, providing all the Act's requirements are fulfilled.

The Manly Calabria Sports and Social Club is located in the area generally defined as "District Park" which is most classified as community land and governed by the "District Park Plan of Management (adopted 23 April 2002)

The relevant sections of the Plan of Management (PoM) are reproduced in the table below, with comment on how the proposal is consistent with these requirements.

Relevant Section	Compliance Comment
<p><b>1.5 What Are The Aims of This Plan?</b>  <i>In accordance with Council's broader goals and objectives, the Plan aims to provide the following strategic outcomes for District Park.</i></p>	<p>The bowling club has been identified in the PoM as primarily a "sportsground" use within District Park and specific requirements for it on-going use are identified in detail in the PoM.</p> <p>These specific requirements are discussed in greater detail</p>



<ul style="list-style-type: none"> <li>▪ <i>Identify and assess the reserve's values and uses;</i></li> <li>▪ <i>Define the reserve's role within its Local Government Area and regional context;</i></li> <li>▪ <i>Identify and assess key issues affecting the resource base;</i></li> <li>▪ <i>Develop an understanding of the resource at an organisational level;</i></li> <li>▪ <i>Set a vision for the park spanning the next 20-30 years;</i></li> <li>▪ <i>Establish management strategies and their resourcing implications;</i></li> <li>▪ <i>Assign directions and priorities in a strategic plan (5 years); and</i></li> <li>▪ <i>Develop a master plan</i></li> </ul>	<p>further in this Table. Upon consideration of these requirements it will become obvious that proposed works are consistent with the aims of the PoM.</p>
<p><b>2.4.2 How can Crown Land be used?</b>  <i>Uses and activities on land reserved for public purposes are broadly defined by the public purpose of the reservation, in conjunction with any conditions and provisions within the specific land use in the Warringah's Local Environmental Plan 2000.</i></p>	<p>The registered club is associated with three (3) bowling greens, which are recreational activities located on the public open space reserved for such purposes.</p> <p>The registered club is consistent with the definition in the WLEP 2000, which defines it as a Category 3 land use in the G3 locality. Assessment of the proposals consistency with the provisions of the WLEP 2000 are discussed in greater detail previously in this report.</p> <p>As alterations and additions to an existing Category 3 land use the application falls under the specific scrutiny of Clause 16. Assessment of the application has found the proposal to be consistent with these provisions.</p>
<p><b>3.3 Categorisation of Land within District Park.</b>  <i>The Local Government Act requires all Community Land to be categorised. The core objectives are detailed within the Action Plan. A combination of categories may be used for the one parcel of land. Accordingly this Plan of Management has identified the following categories:</i></p> <ul style="list-style-type: none"> <li>▪ <i>General Community Use</i></li> <li>▪ <i>Park</i></li> <li>▪ <i>Sportsground</i></li> <li>▪ <i>Natural Area: Bushland</i></li> <li>▪ <i>Natural Area: Watercourse</i></li> </ul> <p><i>Figure 3 Illustrates the location and extent of these categories within the Park. Refer to Appendix A table for categorisation of the land parcels.</i></p>	<p>The proposed development is located within an area of District Park which is defined under the PoM as "Sportsground". This is defined as:</p> <p><i>land used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</i></p> <p>The proposal would make alterations and additions to an existing club building for bowling purposes.</p> <p>In this regard, the works will maintain and enhance the existing sportsground use and as such the application is considered to be consistent with this aspect of the PoM.</p>
<p><b>3.4 Lease and License Details</b>  <i>District Park is subject to a number of Leases and Licences. Table 3 outlines</i></p>	<p>As at the time of preparation of the PoM, the lease described in Table 3 was the applicable lease of the subject land.</p>



<p><i>Lease and Licence details.</i></p> <p><i>5. 1/4/1997 – 31/3/2007</i>  <i>Manly Vale</i>  <i>Bowling Club</i>  <i>Limited</i>  <i>Lawn Bowls and licensed club</i>  <i>Clubhouse with three bowling greens.</i>  <i>N/a – current</i>  <i>lease to 2007</i></p>	<p>This part of the is currently under a new lease, which expires in 2016. The details of this lease are described in the Background section of this report.</p>
<p><b>3.6.1 Assessment Criteria for New Development Proposals</b></p> <p>No particular weighting will be given in the evaluation of criteria for approving new development proposals. It is recognised that different proposals will raise different concerns from the community. The following should be addressed in a Development Application:</p> <p>1) Compliance with Council’s Local Environment Plan 2000. In particular the application should address the following:</p> <ul style="list-style-type: none"> <li>• <i>Health and safety</i> – noise; pollutants; hazardous uses; flood affected land; potentially contaminated land; and remediation of contaminated land.</li> <li>• <i>Public Domain</i> – safety and security; development near parks, bushland reserves and other public open spaces; and signs.</li> <li>• <i>Site Planning and Building Design</i> – protection of existing flora; watercourse and aquatic habitat; and accessibility – public and semi public buildings. Page 26 District Park Plan of Management Adopted 23 April 2002</li> <li>• <i>Soil and water management</i> – management of stormwater; and erosion and sedimentation.</li> </ul> <p>2) Compliance with other Council and Local Management Plans and Strategies.</p> <ul style="list-style-type: none"> <li>• This should include, but not be limited to the following documents: Management Plan, Stormwater</li> </ul>	<p>In regard to the matters listed in 3.6.1, the following assessment is provided:</p> <p><b>1. Compliance with WLEP 2000</b></p> <p><u>Comment:</u> A detailed assessment of the proposals compliance with the WLEP 2000 is provided in greater detail previously in this report. The matters listed in 3.6.1 are derived from the General Principles of WLEP 2000, of which the proposal has demonstrated adequate compliance.</p> <p><b>2. Compliance with other Council Plans</b></p> <p><u>Comment:</u> The only other applicable Council plan would be the Council Flood Study, which indicates the existing structure is located in a flood prone area. The applicant had sought pre-lodgement advice from Council’s Catchment Management Section and the proposed flood planning level is consistent with the level specified to the applicant by Council.</p> <p><b>3. Is An EIS Required?</b></p> <p><u>Comment:</u> The proposed works are development that requires consent under Part IV of the EP&amp;A Act 1979. An EIS is only required if the works are subject to Part V of the Act and therefore is not required under the circumstances.</p>



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<p>Management Plan, Estuary Management Plan, Recreation Strategy, and Environmental Strategy, Principles for Community Land Management, and Ecologically Sustainable Development Policies.</p> <p>3) Is an Environmental Impact Assessment Required?</p> <ul style="list-style-type: none"><li>• This may range from consideration of environmental impacts described in a development application for very minor matters, through to significant impacts in Statement of Environmental Effects, or Environmental Impact Statements. The level of Environmental Impact Assessment should reflect the level of likely environmental significance of impacts.</li><li>• For development proposals requiring development consent, the requirements of Part 4 of the Environmental Planning and Assessment (EP&amp;A) Act apply. The types of developments requiring an Environmental Impact Statements are listed or designated in a schedule to the EP&amp;A Regulation 1994 and are known as designated developments.</li><li>• Development consent is often not required for some activities undertaken by government agencies and statutory authorities.</li></ul>	
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## CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

The proposed development is subject to land which is subject to a significant level of physical constraints, most significantly being the located with the flood prone area of Manly Lagoon. The applicant has provided adequate detail to demonstrate that the proposal is designed in a manner that will minimise damage to the structure during a flood event and provide safe accommodation for occupants during a flood event.

The proposed works to the existing club are considered to consistent with Council's District Park Plan of Management and satisfies the requirements of the Local Government Act 1993.



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The proposal is consistent with the applicable State Environmental Planning Policies, most noticeably being SEPP 71 – Sensitive Coastal Location.

The proposed works demonstrate technical non-compliances with the Built Form controls for Building Height and Front Setback within the G3 Locality, however these variations are considered justifiable under the circumstances.

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

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority grant approval to the application for the reasons detailed within the “Recommendation” section of this report.

## **RECOMMENDATION**

### **APPROVAL**

- A. THAT Council as the consent authority grant Development Consent to DADA2008/1199 for Alterations and Additions, Recreation Facility Indoor on land at Campbell Parade MANLY VALE NSW 2093 subject to the conditions printed below:
- B. That pursuant to Section 95(2) of the Environmental Planning 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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**Nick England, Development Assessment Officer**

Signed

Date

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**Ailsa Prendergast, Team Leader Development Assessment**