

8.19 932 Pittwater Road, Dee Why - Amendments to the Dee Why RSL Club Masterplan/DCP

REPORT

Purpose

To gain a Council determination on an application for amendments to a Masterplan/DCP referred from both Development Assessment and the Warringah Development Assessment Panel.

Summary

In accordance with legislative changes, an existing Masterplan is now identified as a site specific Development Control Plan (DCP) by the Environmental Planning and Assessment Act 1979. In this regard, any amendments to an existing Masterplan (a deemed DCP) are required to be reported to Council for adoption.

The amendments to the Masterplan/DCP for the Dee Why RSL Club was submitted under Clause 19 of Warringah Local Environmental Plan 2000 concurrently with a development application for alterations and additions to the club. The application was referred to the Warringah Development Assessment Panel (WDAP) on 14 March 2012 for consideration of the proposed amendments that are required to be adopted prior to the DA 2011/1335 for alterations and additions to the Dee Why RSL Club being determined. The WDAP minutes are included in the body of this report. Further, the report and recommendation (as amended by separate memorandum) of the Group Manager-Development and Compliance Services to WDAP (Attachments A and B) is attached. The report concludes that all issues have been satisfactorily addressed and subsequently the application is referred to Council for adoption of the amended Masterplan/DCP.

Financial Impact

No impact.

Policy Impact

No impact.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That, in accordance with Clause 19 of Warringah Local Environmental Plan 2000, Council resolve to adopt the amendments to the Dee Why RSL Club Masterplan (deemed DCP).
 - B. That Council commence a review of Warringah Development Control Plan 2011 to provide site specific controls for the Dee Why RSL Club site which reflect the Dee Why RSL Club Masterplan.
-

REPORT

Background

The site is legally described as Lot 1, DP 706230, and is commonly known as No. 932 Pittwater Road, Dee Why and is occupied by the Dee Why RSL Club and AMF Bowling Centre.

The application was submitted on the 14 October 2011 and therefore is to be assessed against the provisions of Warringah Local Environmental Plan 2000.

Pursuant to the Warringah Local Environmental Plan 2000 (WLEP 2000) the site is identified as being in the E16 Pittwater Road North locality. The Desired Future Character Statement for the E16 locality states:

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 style housing with some shop-top housing where business and retail uses occur.

'Future apartment style housing 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.'

In accordance with paragraph 3 of the Desired Future Character Statement, a masterplan was prepared and adopted in 2001 for the expansion of the club under Clause 19 of WLEP 2000.

To comply with the requirements of the Desired Future Character Statement, any changes to the development of the club to meet their needs (and the changing legislation in relation to smoking), require amendments to be made to the adopted Dee Why RSL Club Masterplan. Clause 19 allows for amendments to be made and dealt with concurrently with a development application. As such, Development Application No. DA2011/1335 for amendments to the Masterplan and alterations and additions to the existing club building has been submitted. The proposed amendments to the Masterplan are to primarily allow for the provision of outdoor gaming and seating areas to address the changing smokers legislation, to upgrade the function area facilities and also to relocate the entrance to the club to facilitate the efficient use of the existing floor area.

The application was referred to the Warringah Development Assessment Panel on the 14th March 2011 for consideration of the Masterplan amendments and the associated Development Application for the works.

This report and its attachments include a full assessment of the proposed amendments and recommends that Council adopt the proposed changes to the Dee Why RSL Club Masterplan.

Legislative Requirements

Changes to the *Environmental Planning and Assessment Act 1979* (the Act) were made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* so that masterplans became deemed Development Control Plans. As such, the Dee Why RSL Club Masterplan is now defined as 'deemed Development Control Plan (deemed DCP)' by the Act and the associated regulations. Part 3, Division 6, Clause 25AD of the *Environmental Planning and Assessment Regulation 2000* provides further transitional provisions in relation to 'deemed DCPs' as follows:

(1) *In this clause:*

deemed DCP means a master plan, in force under a provision of an environmental planning instrument immediately before the relevant commencement, that is taken to be a development control plan under section 74D of the Act because of clause 95 of Schedule 6 to the Act, and includes a master plan that is taken to be a development control plan as provided by subclause (4).

relevant commencement means the date on which Schedule 2 to the 2005 Amending Act commences.

2005 Amending Act means the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.

(2) *Effect of section 74C on deemed DCPs*

Section 74C (2) and (5) of the Act (as inserted by the 2005 Amending Act) does not render invalid any deemed DCP until such time as the principal local environmental planning instrument applying to the land concerned adopts the provisions of a standard instrument (as referred to in section 33A of the Act).

(3) *Amendment of deemed DCPs*

A deemed DCP may be amended or revoked only in accordance with the procedures provided in relation to the making of the master plan by the environmental planning instrument under which it was made. Accordingly, section 74C (4) of the Act does not apply in relation to a deemed DCP.

(4) *Pending master plans*

Any master plan lodged under a provision of an environmental planning instrument but not made or adopted as at the relevant commencement may, after that commencement, proceed to be made or adopted as if the amendments made to the Act and this Regulation by Schedules 2 and 7.3 to the 2005 Amending Act had not been made. Once it is made or adopted, the master plan is taken to be a development control plan under section 74D of the Act.

These provisions allow for the amendments to the Dee Why RSL Club Masterplan (Deemed DCP) to be undertaken in accordance with the provisions of Clause 19 of WLEP 2000 under which it was made, rather than under the provisions for the preparation of development control plans stipulated in the Act as the application was lodged prior to the gazettal of Warringah Local Environmental Plan 2011. A full assessment of the proposed amendments against Clause 19 of WLEP 2000 is included in Attachment B.

It is noted that in accordance with Section 25AB of the *Environmental Planning and Assessment Regulation 2000*, following the gazettal of the Warringah Local Environmental Plan 2011, the Masterplan will no longer be a relevant consideration in any future Development Applications.

Site History

The introduction of Warringah Local Environmental Plan, 2000 included in its provisions the requirement for the Dee Why RSL Club to provide a Masterplan for the long term development of the club site.

DA2001/0394 was lodged with Council on 4 April 2001 along with a proposed Masterplan for the site. It is noted that the Masterplan incorporated 930 Pittwater Road, Dee Why.

DA 2001/0394 for the Stage 1 works and the Masterplan were approved/adopted concurrently by Council at its meeting of 17 July 2001.

The adopted Masterplan made provision for a 5 stage upgrade of the club to broadly include:

- Stage 1: Car parking, Club extensions and landscaping.
- Stage 2: Club fitout and landscaping.
- Stage 3: Administration fitout.
- Stage 4: Tourist accommodation and carparking.
- Stage 5: Car parking, food court extension, main entry and tourist accommodation.

The Stage 1 works have subsequently been completed.

DA2005/0292 was lodged with Council on 5 April 2005 for a revision to the Masterplan for the site and Stage 2 works. The revision included the deletion of Stage 5 and the removal of 930 Pittwater Road, Dee Why from the Masterplan. The floor area proposed as part of Stage 5 was transferred to the north eastern corner of the site as part of Stage 2. The Stage 2 works included the construction of additional carparking, indoor and outdoor terraces, bar/lounge and dining areas.

DA2005/0292 was approved on 13 September 2005. The Stage 2 works have subsequently been completed.

DA 2008/0997 – was approved on 3 June 2009 for alterations and additions to the existing Dee Why RSL Club for an outdoor garden terrace and alfresco gaming area. The development application included an amendment to the Dee Why RSL Masterplan to create Stage 2.5 in order to allow for the above works.

The club has not proceeded with the works approved as part of Stage 2.5.

DA2009/0822 was approved on 24 September 2009 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. These works have since been completed.

The development application before Council includes a revision to the existing Masterplan, specifically Stage 4 to accommodate the proposed works. The amendments to the Masterplan must be adopted if the Stage 4 works are to be approved in accordance with Clause 19 of the Warringah Local Environmental Plan 2000 (WLEP 2000). A development application for the Stage 4 works has been lodged concurrently.



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 as follows:

- Northern Boundary (Hawkesbury Avenue frontage): 100.585 metres
- Eastern Boundary (Clarence Street frontage): 178.435 metres
- Western Boundary (Pittwater Road frontage): 109.73 metres
- Site Area: 14,830 square metres.

The site is currently occupied by the Dee Why RSL Club building that includes the AMF bowling centre and a multi-level carpark. Vehicular access into the site is off Clarence Avenue which provides the entrance to the onsite carpark. Pedestrian access into the site is via entrances both Clarence Avenue and Pittwater Road.

The surrounding developments are generally characterised by residential flat buildings to the north, east and west. A seniors living development adjoins the site to the south and is operated by the RSL. Some other commercial uses including a service station, bike shop and real estate agent exist near the northwest corner of the site fronting Pittwater Road.

Proposal in Detail

Consent is sought for an amendment to the Masterplan in order to accommodate the Stage 4 works. The amendments to the Masterplan are as follows:

Stage Renumbering

The stages of the Masterplan have been renumbered to remove Stage 2.5. The amended staging is as follows:

- Stage 1: Car parking and club extension.
- Stage 2: Club fitout and landscaping.
- Stage 3: Alfresco gaming and club refurbishment.
- Stage 4: Function rooms and club refurbishment.
- Stage 5: Tourist style accommodation and carparking.

Staging Diagrams

The applicant has provided updated staging diagrams to reflect the renumbering and also detailing the amended stage 4. In addition, the diagrams indicate the works to the Level 4 office and meeting rooms which comprised 569sqm of additional gross floor area have been transferred to Stage 5.

These diagrams shall be incorporated in the amended Masterplan subject to adoption.

Stage 4 Works

The Stage 4 works comprise refurbishment of the existing function rooms, relocation of the entrance area and construction of an alfresco gaming area. No additional gaming machines are proposed. The office and administration works which originally formed part of this stage have been transferred to Stage 5.



Floor Area Tables

Stage 4 is primarily contained within the existing floor space of the RSL, however an additional 212sqm of gross floor area is proposed. This increases the overall additional gross floor area of the Masterplan from 18,226sqm to 18,438sqm. The updated floor space table is as follows:

GROSS FLOOR AREA & CARPARKING SUMMARY		
CARPARKING NO.S		
	APPROVED MP (2008)	AMENDED MP (2011)
STAGE 1	157	157
STAGE 2	74	74
STAGE 3	—	—
STAGE 4	—	—
STAGE 5	326	326
TOTAL	557	557
CLUB AREAS		
STAGE 1	8,043 sqm	8,043 sqm
STAGE 2	4,367 sqm	4,367 sqm
STAGE 3	(995 sqm)*	(995 sqm)*
STAGE 4	569 sqm	212 sqm (2,595 sqm)*
STAGE 5	—	569 sqm
SUB TOTAL	12,979 sqm	13,191 sqm
ACCOMMODATION AREAS		
STAGE 1	—	—
STAGE 2	—	—
STAGE 3	—	—
STAGE 4	—	—
STAGE 5	5,247 sqm	5,247 sqm
SUB TOTAL	5,247 sqm	5,247 sqm
TOTAL	18,226 sqm	18,438 sqm

* REFURBISH EXISTING CLUB AREA. NOT ADDITIONAL AREA

Prior to the amendments made to the Masterplan under DA2005/0292, the adopted plan included 18,440sqm of additional gross floor area but only made provision for 547 parking spaces. Therefore the proposed overall gross floor area of 18,438sqm with a provision of 557 car spaces does not represent an intensification of the development above what was originally approved.

The amended Masterplan drawings are forwarded to Council under a separate memorandum.

Public Exhibition

In accordance with Clause 19 of WLEP 2000, the application was advertised in the Manly Daily on the 29 October 2011 for a period of 21 days and a notice was placed on site. In addition, 259 adjoining land owners and occupiers were notified by letter for a period of 21 calendar days. No objections were received specifically relating to the amendments to the Masterplan.

Warringah Development Assessment Panel

The application was reported to the Warringah Development Assessment Panel (WDAP) for consideration of the amendments to the Dee Why RSL Club Masterplan and to determine the development application for the proposed alterations and additions to the club.

The minutes of the meeting are as follows:

'There were no requests to speak at the public meeting. This is an application to amend an already approved Masterplan for the Dee Why RSL Club. The Masterplan was adopted by Council for 5 Stages of upgrade to the Club in 2001. The Stage 1 Works – Carparking, Club Extensions and Landscaping have been completed. In 2005 there was a request for a revision to the Masterplan and the amended Stage 2 works have also been completed. In 2008 there was approval with further alterations and additions and these works, although approved, have not been completed. In 2009 there was an application for alterations and additions to the Club and the works were approved and have been completed. It is now necessary for the Masterplan to be formally amended before the proposed Stage 4 works, which differ from the previous stages, can be approved.

The Panel is aware of the proposed Stage 4 works from Council's Assessment Report and believe that the Masterplan should be amended to allow these works to be approved.

This decision is made based on the Council Report for both the amendment of the Masterplan and the new Stage 4 works proposal.

The Panel recommends that approval be given to approve the amendment to the Masterplan for the reasons given in the Council Assessment Report.

DECISION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL

That Council adopt the amended Dee Why RSL Masterplan as follows:-

Masterplan drawings prepared by Altis Architects: MP01_Proposed Level B1 Carpark (Issue 4); MP02_Proposed Level 1 (Issue 4); MP03_Mezzanine Level 1A (Issue 4); MP04_Proposed Level 2 (Issue 4); MP05_Proposed Level 3 (Issue 4); MP06_Proposed Level 4 (Issue 4) dated June 2011.

The WDAP raised no objections to the proposal and resolved to approve the development application subject to the adoption of the Masterplan amendments by Council.'

Policy Impact

Nil policy impacts.

Financial Impact

Nil financial impacts.

Conclusion

Approval is sought for amendments to the Dee Why RSL Club Masterplan (deemed DCP) lodged concurrently with Development Application No. DA2011/1335 for alterations and additions to the registered club and 932 Pittwater Road, Dee Why.

The changes primarily relate to amended staging of the Masterplan in order to facilitate an amended layout to accommodate changes to the smokers legislation, and an upgrade of the function area facilities.

The proposal was exhibited for a period of 21 days and no submissions were received in relation to the changes to the Masterplan. The amendments to the Masterplan have been considered against the provisions of Clause 19 of WLEP 2000 and are found to be consistent with the requirements of the controls. Further, the amended Masterplan is also in accordance with the E16 Pittwater Road North desired future character statement.

The Warringah Development Assessment Panel considered the proposed amendments to the Dee Why RSL Club Masterplan and the associated works for alterations and additions to the club as part of Development Application No. DA2011/1335 and found the proposal to be acceptable.

As such, in accordance with Clause 19 of Warringah Local Environmental Plan 2011, it is recommended Council adopt the amendments to the Dee Why RSL Club Masterplan (deemed DCP).

It is also recommend that Council resolve to commence a review of the Warringah Development Control Plan 2011 to accommodate site specific controls for the subject site which reflect those contained within the Masterplan document.

Group Manager Compliance and Development Services



Memo to the Warringah Development Assessment Panel on 14 March 2012

To: Warringah Development Assessment Panel

From: **Teresa Gizzi**
Senior Development Assessment Officer

Date: **12 March 2012**

Subject: **932 Pittwater Road, Dee Why – Dee Why Masterplan**

Link: **DA2011/1335 -**

Dear Panel Members,

DA2011/1335 for alterations and additions to the Dee Why RSL Club forms Items 3.2 and 3.3 on this month's agenda.

In accordance with legislative changes, the subject masterplan (Item 3.2) is a 'deemed Development Control Plan (DCP)'. In this regard, the proposed amendments to the Dee Why RSL Club Masterplan/DCP are required to be reported to Council for adoption. As such, the recommendations of the reports are amended as follows:

Item 3.2

That the Warringah Development Assessment Panel recommend to Council that the proposed amendments to the Dee Why RSL Club Masterplan/DCP at Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why be adopted as shown on the following plans:-

Masterplan drawings prepared by Altis Architects: MP01_Proposed Level B1 Carpark (Issue 4); MP02_Proposed Level 1 (Issue 4); MP03_Mezzanine Level 1A (Issue 4); MP04_Proposed Level 2 (Issue 4); MP05_Proposed Level 3 (Issue 4); MP06_Proposed Level 4 (Issue 4) dated June 2011.

Item 3.3

That the Warringah Development Assessment Panel:

- A. Recommend to Council that the proposed amendments to the Dee Why RSL Club Masterplan at Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why be adopted,
- B. Require a Bushfire Report be submitted to the satisfaction of the Deputy General Manager – Environment, and
- C. Subject to A and B above, authority be afforded to the Deputy General Manager - Environment to determine DA2011/1335 for alterations and additions to a registered club on land at 932 Pittwater Road Dee Why.

Peter Robinson

Group Manager - Development and Compliance Services



Report to the Warringah Development Assessment Panel on 14 March 2012

3.2 932 Pittwater Road, Dee Why – Application to Amend the Masterplan for the Dee Why RSL Club

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Teresa Gizzi
Address / Property Description:	Lot 1 DP 706230 932 Pittwater Road DEE WHY NSW 2099
Proposal:	Application to amend the Masterplan for the Dee Why RSL Club
Development Application No:	DA2011/1335
Application Lodged:	14/10/2011
Plans Reference:	Masterplan drawings prepared by Altis Architects: MP01_Proposed Level B1 Carpark (Issue 4); MP02_Proposed Level 1 (Issue 4); MP03_Mezzanine Level 1A (Issue 4); MP04_Proposed Level 2 (Issue 4); MP05_Proposed Level 3 (Issue 4); MP06_Proposed Level 4 (Issue 4) dated June 2011.
Amended Plans:	Not Applicable
Applicant:	Dee Why RSL Club
Owner:	A B A Holburn, N C Hall, D J Hooley
Locality:	E16 Pittwater Road North
Category:	Category 2 – ‘Registered Club’
Draft WLEP 2009 Permissible or Prohibited Land use:	Site is identified as ‘Additional Permitted Uses’.
Variations to Controls (Cl.20/Cl.18(3)):	Permissible subject to development consent
Referred to ADP:	No
Referred to WDAP:	No
Referred to WDAP:	Yes – in conjunction with the Development Application.
Land and Environment Court Action:	No
SUMMARY	
Submissions:	No submissions were received specifically relating to the amendments to the Masterplan.
Submission Issues:	Not Applicable
Assessment Issues:	Building design, parking, noise and streetscape, consistency with Masterplan objectives
Recommendation:	Adoption of amendments to the Masterplan.

Report to the Warringah Development Assessment Panel on 14 March 2012

LOCALITY PLAN (not to scale)



Subject Site: Lot 1, DP 706230
932 Pittwater Road, Dee Why

Public Exhibition: The subject application has been publicly exhibited in accordance with the EP&A Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan 2008. As a result, the application was notified to 259 adjoining land owners and occupiers for a period of 21 calendar days commencing on 28 October 2011 and being finalised on 22 November 2011. Furthermore, the application has been advertised within the Manly Daily on 29 October 2011 and a notice was placed upon the site.

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): 100.585 metres
- Eastern Boundary (Clarence Street frontage): 178.435 metres
- Western Boundary (Pittwater Road frontage): 109.73 metres
- Site Area: 14,830 square metres.

Report to the Warringah Development Assessment Panel on 14 March 2012

The site is currently occupied by the Dee Why RSL Club building that includes the AMF bowling centre and a multi-level carpark. Vehicular access into the site is off Clarence Avenue which provides the entrance to the onsite carpark. Pedestrian access into the site is via entrances both Clarence Avenue and Pittwater Road.

The surrounding developments are generally characterised by residential flat buildings to the north, east and west. A seniors living development adjoins the site to the south and is operated by the RSL. Some other commercial uses including a service station, bike shop and real estate agent exist near the northwest corner of the site fronting Pittwater Road.

SITE HISTORY

The introduction of Warringah Local Environmental Plan, 2000 included in its provisions the requirement for the Dee Why RSL Club to provide a Masterplan for the long term development of the club site.

DA2001/0394 was lodged with Council on 4 April 2001 along with a proposed Masterplan for the site. It is noted that the Masterplan incorporated 930 Pittwater Road, Dee Why. DA 2001/0394 for the Stage 1 works and the Masterplan were approved/adopted concurrently by Council at its meeting of 17 July 2001.

The adopted Masterplan made provision for a 5 stage upgrade of the club to broadly include:

- Stage 1: Car parking, Club extensions and landscaping.
- Stage 2: Club fitout and landscaping.
- Stage 3: Administration fitout.
- Stage 4: Tourist accommodation and carparking.
- Stage 5: Car parking, food court extension, main entry and tourist accommodation.

The Stage 1 works have subsequently been completed.

DA2005/0292 was lodged with Council on 5 April 2005 for a revision to the Masterplan for the site and Stage 2 works. The revision included the deletion of Stage 5 and the removal of 930 Pittwater Road, Dee Why from the Masterplan. The floor area proposed as part of Stage 5 was transferred to the north eastern corner of the site as part of Stage 2. The Stage 2 works included the construction of additional carparking, indoor and outdoor terraces, bar/lounge and dining areas.

DA2005/0292 was approved on 13 September 2005. The Stage 2 works have subsequently been completed.

DA 2008/0997 – was approved on 3 June 2009 for alterations and additions to the existing Dee Why RSL Club for an outdoor garden terrace and alfresco gaming area. The development application included an amendment to the Dee Why RSL Masterplan to create Stage 2.5 in order to allow for the above works.

The club has not proceeded with the works approved as part of Stage 2.5.



Report to the Warringah Development Assessment Panel on 14 March 2012

DA2009/0822 was approved on 24 September 2009 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. These works have since been completed.

The development application before Council includes a revision to the existing Masterplan, specifically Stage 4 to accommodate the proposed works. The amendments to the Masterplan must be adopted if the Stage 4 works are to be approved in accordance with Clause 19 of the Warringah Local Environmental Plan 2000 (WLEP 2000). A development application for the Stage 4 works has been lodged concurrently.

PROPOSAL IN DETAIL

Consent is sought for an amendment to the Masterplan in order to accommodate the Stage 4 works. The proposed Stage 4 works are detailed in the concurrent report. The amendments to the Masterplan are as follows:

Stage Renumbering

The stages of the Masterplan have been renumbered to remove Stage 2.5. The amended staging is as follows:

- Stage 1: Car parking and club extension.
- Stage 2: Club fitout and landscaping.
- Stage 3: Alfresco gaming and club refurbishment.
- Stage 4: Function rooms and club refurbishment.
- Stage 5: Tourist style accommodation and carparking.

Staging Diagrams

The applicant has provided updated staging diagrams to reflect the renumbering and also detailing the amended stage 4. In addition, the diagrams indicate the works to the Level 4 office and meeting rooms which comprised 569sqm of additional gross floor area have been transferred to Stage 5.

These diagrams shall be incorporated in the amended Masterplan subject to adoption.

Stage 4 Works

The Stage 4 works comprise refurbishment of the existing function rooms, relocation of the entrance area and construction of an alfresco gaming area. No additional gaming machines are proposed. The office and administration works which originally formed part of this stage have been transferred to Stage 5.

Floor Area Tables

Stage 4 is primarily contained within the existing floor space of the RSL, however an additional 212sqm of gross floor area is proposed. This increases the overall additional gross floor area of the Masterplan from 18,226sqm to 18,438sqm. The updated floor space table is as follows:

Report to the Warringah Development Assessment Panel on 14 March 2012

GROSS FLOOR AREA & CARPARKING SUMMARY		
CARPARKING NO.S		
	APPROVED MP (2008)	AMENDED MP (2011)
STAGE 1	157	157
STAGE 2	74	74
STAGE 3	—	—
STAGE 4	—	—
STAGE 5	326	326
TOTAL	557	557
CLUB AREAS		
STAGE 1	8,043 sqm	8,043 sqm
STAGE 2	4,367 sqm	4,367 sqm
STAGE 3	(995 sqm)*	(995 sqm)*
STAGE 4	569 sqm	212 sqm (2,595 sqm)*
STAGE 5	—	569 sqm
SUB TOTAL	12,979 sqm	13,191 sqm
ACCOMMODATION AREAS		
STAGE 1	—	—
STAGE 2	—	—
STAGE 3	—	—
STAGE 4	—	—
STAGE 5	5,247 sqm	5,247 sqm
SUB TOTAL	5,247 sqm	5,247 sqm
TOTAL	18,226 sqm	18,438 sqm

* REFURBISH EXISTING CLUB AREA. NOT ADDITIONAL AREA

Prior to the amendments made to the Masterplan under DA2005/0292, the adopted plan included 18,440sqm of additional gross floor area but only made provision for 547 parking spaces. Therefore the proposed overall gross floor area of 18,438sqm with a provision of 557 car spaces does not represent an intensification of the development above what was originally approved.

Traffic Statement

This application includes a 'Traffic and Parking Statement' prepared by Transport and Traffic Planning Associates dated October 2011.

The proposed parking and traffic arrangements are supported as discussed under Schedule 17 and General Principles of Development Control 72, 73, 74 and 75 of the WLEP 2000 of the concurrent development application report.



Report to the Warringah Development Assessment Panel on 14 March 2012

REFERRALS

Refer to concurrent Development Application report.

NOTIFICATION

In accordance with Clause 19 (6) of Warringah Local Environmental Plan, 2000 the proposal was advertised concurrently with the Development Application in the Manly Daily on 29 October 2011 and the proposal displayed in the office of Council for a period of 21 days. No submissions were received specifically relating to the amendments to the Masterplan.

MASTERPLAN DESIGN PRINCIPLES

The adopted Masterplan is premised on four (4) design principles that when satisfied will achieve a built form outcome in accordance with the stated Masterplan aims and objectives. These aims and objectives and the design principles are contained in Part 8 of the Masterplan and have been included as an attachment to this report. The proposed amendments to the Masterplan do not propose to alter any of the adopted design principles.

The following adopted Masterplan design principles shall be discussed having regard to the proposed amended Stage 4 works.

Building Profile and Streetscape

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

With the exception of the new goods lift and associated lift foyer, the proposal complies with the 12m and 3 storeys Building Height requirement of WLEP 2000. The goods lift and foyer has been designed to match the overall height of the existing plantroom and stairs located on Level 4 and is no higher than the existing building. The central location of this structure combined with substantial setbacks to all street frontages ensures it would not be visually dominant. The articulated and stepped nature of the proposal, which incorporates interesting roof structures, stepped setbacks, a variety of materials and significant landscaping, also ensures it is not visually dominant. It is noted that the proposed development will be no higher than the existing non-comply building in both metres and number of storeys. The proposal is commensurate in height to surrounding residential flat buildings to the east, west and north of the subject site.

Extensive landscaping is proposed at ground level along Pittwater Road to provide natural screening to the alfresco gaming areas at Level 2.

The amenity of surrounding land is not unreasonably impacted upon due to the careful design of the proposal and associated landscaping, which ensures adequate physical separation is provided between the Club and surrounding residential premises. Visual and acoustic screening is proposed along the Hawkesbury Avenue and Pittwater Road frontages to ensure reasonable privacy and acoustic amenity is provided.

The proposal would result in a building of bulk and scale that would not appear visually incongruous in the context of the surrounding residential properties.

Report to the Warringah Development Assessment Panel on 14 March 2012

View Assessment

“To ensure that the existing views across the site are maintained by limiting the height of the development on the western frontage to the maximum height of the existing Club building as it presents to Pittwater Road. This does not preclude structures on the site exceeding the height limit under Council’s LEP, as a result of topography or by virtue of retaining the existing structures.”

Comment: The proposed development does not propose any increase in height beyond the highest point of the existing Club. This combined with the issues discussed above ensure no unreasonable impact upon views particularly from properties to the west of the site.

Views towards the Club from northern residential properties will remain characterised by the prominence of Club facilities, as is presently the case. The Stage 4 works propose additions to the northern and western elevation, which will provide additional bulk and massing. The visual impact of the additional bulk and massing has been minimised through the use of lightweight materials, a variety of interesting architectural features and roof forms and associated landscaping to provide a natural screen to the structure. Ground level planting fronting Pittwater Road shall also provide a natural screen of the alfresco gaming areas.

Landscaping and Civic Improvements

“To provide appropriate landscaping that complements the design philosophy of the built structures on the site and provides for an appropriate transition to the surrounding residential areas, particularly those to the north and east. The northern portion of the site should be specifically set aside for open spaces and civic improvements such as a war memorial. Landscaping elements should be designed to contribute to the public domain and should consider the safety and security of both public and private spaces.”

Comment: Civic improvements in the form of the War Memorial Garden located adjacent to Hawkesbury Avenue were constructed as part of Stage 1. The works proposed to the northern elevation would have no affect on this landscape feature.

The proposed amendments to the Masterplan will generally maintain the landscape elements as previously approved including landscaped setbacks fronting Pittwater Road and Hawkesbury Avenue. The landscaped front setback to Pittwater Road is reduced in area but is proposed to be enhanced by significant planting and the construction of a vertical garden.

The proposed landscaped areas will successfully aid in the integrations of the Dee Why RSL with the adjoining residential uses.

Traffic Generation, Car parking and Vehicular Access

“The future development of the site should consider the rationale and recommendations of the separate Traffic and Parking Report prepared by Gary Shiels and Associates. Additional peak traffic generation should be assessed using the rates provided within the Masterplan. Similarly, car parking should be provided in accordance with the calculation methods with the Masterplan. Vehicular access should be restricted to Clarence Avenue and Pittwater Road and should comprise separate ingress and egress driveways.”

Transport and Traffic Planning Associates have provided an assessment of the proposed works to the carpark referencing the original Traffic Report prepared by Gary Shiels and Associates submitted as part of the adopted site Masterplan.

Report to the Warringah Development Assessment Panel on 14 March 2012

No changes are proposed to the existing approved parking and traffic arrangements as discussed under Schedule 17 and General Principles of Development Control 72, 73 and 74 of the WLEP 2000 of the concurrent development application report.

WARRINGAH LOCAL ENVIRONMENT PLAN 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the E16 Pittwater Road North Locality under Warringah Local Environmental Plan 2000. The Desired Future Character 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:

- The established use of the Club is being maintained by the proposal.
- The Masterplan is being amended to incorporate the proposed changes.
- Views, visual impact, traffic management and impact on the amenity of the locality are considered to not be unreasonably impacted upon by the development. This is due to the proposal complying with the objectives of the WLEP 2000, which are addressed in the Built Form Controls, General Principles of Development Control and amendments to the Masterplan.

The proposed development complies with the Masterplan for ongoing development of the Dee Why RSL Club, which is being reported to Council concurrently. Should the Masterplan be adopted, the proposed development would be consistent with the Masterplan and also in keeping with the Desired Future Character for the E16 – Pittwater Road North Locality.

Masterplan Aims and Objectives

The aims and objectives of the adopted Masterplan are as follows:

1. *To substantially upgrade the quality and quantity of services and amenities provided by the club for the benefit of members, visitors and the vast number of community groups supported by the club;*
2. *To ensure the long term economic viability of the club and provide a variety of services that will achieve this objective;*
3. *To improve the scenic quality of the site by providing an urban design solution that respects the topography of the site and the nature of surrounding development;*

Report to the Warringah Development Assessment Panel on 14 March 2012

4. *To retain the existing views to, from and through the site and promote a high quality outlook for surrounding residential areas;*
5. *To provide high quality landscaping throughout the site including dedication of land to the public domain;*
6. *To provide appropriate and well considered traffic planning solutions to minimise the impact of the Club activities and the surrounding road network; and*
7. *To provide adequate car parking facilities to accommodate the demand for off-street car parking, based on patronage and user surveys of the existing Club facilities and similar club developments.*

The proposed amendment is considered consistent with the Masterplan for the following reasons:

- The proposed works will upgrade the Dee Why RSL Club to provide additional areas to benefit the members and visitors to the Club. The alfresco gaming areas are required to upgrade the existing poker machine space and to provide a larger area for smoking in accordance with changes to legislation regarding smoking in clubs.
- The amendments ensure the economic viability of the Club by providing areas to cater for smokers and non-smokers and the inclusion of improved function facilities for patrons.
- The scenic quality of the building is maintained through a design that provides reasonable building setbacks, and includes a range of quality finishes that integrate with the existing club building, including the provision of substantial landscaping along the street frontages.
- The proposal does not propose any increase in height beyond the highest point of the existing building and generally provides compliance with the WLEP 2000 12.0m Building height requirement. External finishes are consistent with the existing architecture of the building and will add a contemporary aesthetic to the building façade. A variety of materials have been used to provide visual interest and with the addition of landscaping along the western boundary, the new additions will result in a high quality outlook.
- The proposal will maintain the existing landscaped front setback from the northern boundary. Although the landscaped area adjoining the western boundary is reduced, the proposed landscape design would improve and enhance the buildings appearance resulting in a high quality development when viewed from the public domain.
- Council's Traffic Engineers have reviewed the *Assessment of Traffic and Parking Implications Report* prepared for the proposal and advised no objection. The report concludes that the proposed parking provision will be adequate and appropriate, and that the increased traffic generation will be minimal. All car parking can be readily accommodated on the road system without any adverse implications.
- Councils Traffic Engineer supports the Traffic Report submitted with the application and the RTA raise no objections to the proposal. The submitted Traffic and Parking Statement is based on the Traffic and Parking studies and surveys adopted as part of the original Masterplan as amended by the subsequent changes and is concurred with. The proposed changes would not result in any significant increase in patronage and parking facilities remain acceptable.

Clause 19: When is a Masterplan required?

The provisions of Warringah Local Environmental Plan, 2000 set the requirements for the development of a Masterplan. Clause 19 (8) and (9) states:

"(8) A Masterplan may be amended by a subsequent Masterplan.

(9) An amendment to a Masterplan may be dealt with concurrently with a development application."

The application seeks to amend the existing adopted Masterplan to accommodate the proposed Stage 4 works.

Report to the Warringah Development Assessment Panel on 14 March 2012

The provisions of Clause 19 (5) of Warringah Local Environmental Plan, 2000 are assessed as follows;

“(a) design principles drawn from an analysis of the site and its context,”

Comment: A site analysis has been prepared as part of the submitted documentation supported by a Statement of Environmental Effects which includes comments addressing the existing Masterplan Design Principles.

“(b) phasing of development,”

Comment: The existing Masterplan provided for the development of the site to be undertaken over five (5) separate stages with a Development Application to be submitted for each stage. Stage 1 and 2 works were granted consent on 17 July 2001 and 13 September 2005 respectively, and have subsequently been completed. The now stage 3 works were approved under DA 2009/0822 on the 18 September 2009 and have since been completed. Stage 4 works are now subject of this application and stage 5 works will be subject of a future development application.

“(c) distribution of land uses, including foreshore public access and open space,”

Comment: The amended Masterplan provides additional Club facilities and maintains certain portions of the site for public open space including the Memorial Garden in the north western corner of the site.

“(d) subdivision pattern,”

Comment: No subdivision is proposed as part of the amended Masterplan and the subdivision pattern of the surrounding area is not affected.

“(e) building envelopes and built form controls,”

Comment: The built form controls of Warringah Local Environmental Plan 2000 for the site are addressed in the concurrent report assessing the physical alterations and additions to the building (Stage 4 works).

“(f) pedestrian, cycle and road access and circulation network, with particular regard to public transport servicing,”

Comment: The Club is at present well serviced by public transport having a frontage to Pittwater Road and within walking distance of the Dee Why CBD. Frequent bus services pass the Club and private taxi services also serve the site. Presently the Club has a multi-level car park that is accessed from Clarence Avenue providing off street parking for patrons. Pedestrian access is also provided for persons with limited mobility within all areas of the Club. The relocation of the Pittwater Road pedestrian entrance to the northern portion of the site would continue to provide safe and convenient access for club patrons.

“(g) parking provisions,”

Comment: This application relies on a recent assessment of traffic and parking for the club prepared by *Transport and Traffic Planning Associates* dated October 2011 which calculates parking based on the original Traffic Report prepared by Gary Shiels and Associates submitted as part of the original adopted site Masterplan.

As mentioned above, it is noted that prior to the amendments made to the Masterplan under DA2005/0292, the adopted plan included 18,440sqm of additional gross floor area but only made

Report to the Warringah Development Assessment Panel on 14 March 2012

provision for 547 parking spaces. Therefore the proposed overall gross floor area of 18,438sqm with a provision of 557 car spaces does not represent an intensification of the development above what was originally approved.

Assessment of the car parking and traffic arrangements specific to the proposed Stage 4 works are discussed under Schedule 17 and General Principles of Development Control 72, 73 and 74 of the WLEP 2000 of the concurrent development application report and are supported.

“(h) infrastructure provision,”

Comment: The existing Club building is located on established water, sewer and electricity grids and the future development of the site would utilise this infrastructure. The addition of development referred to in the amended Masterplan could be catered for with the existing infrastructure.

“(i) heritage conservation, including both Aboriginal and European heritage,”

Comment: There are no heritage items located on or adjacent to the subject site.

“(j) remediation of the site,”

Comment: See discussion under SEPP 55 – Remediation of Land and Clause 48 of the General Principles of Development Control of the WLEP 2000 in the concurrent development application report. The site is not considered to be contaminated and is suitable for the proposed development.

“(k) provision of public facilities,”

Comment: By virtue of it being a Registered Club, the Club building is a public facility, which can be accessed by the general public. No amendments proposed would alter the operations of the club in this respect.

“(l) provision of open space, its function and landscaping,”

Comment: The existing Masterplan provides a publicly accessible open space area to the northern corner of the site – War memorial and Garden. This space, whilst on the Club land, is available to passers by and represents a focal point for remembrance services (such as Anzac Day and Remembrance Day).

The amendments to the Masterplan and Stage 4 works results in a marginal reduction in landscaped open space but would provide an enhanced landscape design to the Pittwater Road frontage.

“(m) impact on, and improvements to, the public domain,”

Comment: With regard to the general appearance of the building, the further provision of landscaping to the street boundaries assists in minimising the visual bulk of the proposal and maintaining consistency with the general character of the area.

The amendments to the Pittwater Road frontage would improve the appearance of the western elevation comprising interesting architectural features, a variety of materials and appropriate landscaping thus relating favourably to the public domain.

“(n) identification and conservation of native flora and fauna habitat on the site, including any threatened species, populations or ecological communities,”

Report to the Warringah Development Assessment Panel on 14 March 2012

Comment: The site does not contain any threatened species or threatened flora or fauna.

“(o) the principles of ecologically sustainable development,”

Comment: The amended Masterplan document states that the redevelopment of the Dee Why RSL Club will incorporate energy consumption and energy efficiency options in to the design. The extensive use of glass throughout the building to allow light penetration and the addition of louvres to control heat loading are two examples of ESD design principles.

“(p) stormwater drainage and water management,”

Comment: The Club is located within the water catchment of Dee Why Lagoon which is approximately 300m from the site. The existing site drains into Council's system in Hawkesbury Avenue and eventually to the lagoon. Council's Development Engineers have reviewed the proposal and raised no additional concerns relating to stormwater drainage and water management. Appropriate erosion and sediment control measures are required as a recommended condition of consent.

“(q) bushfire hazard management,”

Comment: The site is identified as bushfire prone land. In this regard a bushfire report is required to be submitted with the application but has not been provided. As such, it is recommended that consent be deferred subject to the provision of a bushfire report to the satisfaction of the Deputy General Manager – Environment and delegated authority be afforded to the Deputy General Manager to determine the application.

“(r) the relevant general principles of development control outlines in Part 4, and”

Comment: The General Principles of Development Control have been assessed in the concurrent report on the alterations and additions to the building (Stage 4 works). The report finds the proposal consistent with the General Principles of Development Control.

“(s) any other matter it is required to address by the relevant Locality Statement.”

Comment: There are no additional matters outlined in the locality statement that have not already been addressed in this report.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The development application was lodged with the Council on 14 October 2011. This was after the exhibition of the DWLEP 2009 and prior to the making of WLEP 2011 on 9 December 2011. As the development application was lodged prior to the operation of WLEP 2011, Clause 1.8A (the transitional provision) is applicable and provides as follows:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

As such, an assessment of the proposal in relation to WLEP 2011 is provided below.

The site is located within the R3 – Medium Density Residential zone. The use of the premises is defined as registered club which is normally a prohibited land use in the zone. However, the site is

Report to the Warringah Development Assessment Panel on 14 March 2012

identified as benefiting from an additional permitted use for particular land in Schedule 1 as 'use of certain land at Pittwater Road, Dee Why' which permits registered clubs on the subject site with development consent.

WLEP 2011 does not include any specific provisions for the making or amendment of Masterplans. It does however include development standards which are relevant to the development which are considered in detail in the concurrent report for the proposed works.

The alterations and additions to the Dee Why RSL Masterplan are to improve the facilities of the registered club which is a permissible land use in the zone. The proposal would be consistent with the zone objectives and is acceptable in this regard.

CONCLUSION

The amended Masterplan application submitted by the Dee Why RSL Club is satisfactory in terms of the requirements set down by Clause 19 of Warringah Local Environmental Plan, 2000. The new Stage 4 component of the development is consistent with the aims, objectives and design principles of the adopted Masterplan and is therefore consistent with the Desired Future Character of the locality.

The proposed amendments to the Masterplan, if adopted, will provide the planning framework for associated Development Application, DA 2011/1335, to be assessed and determined. The report for this Development Application has been reported concurrently to the panel and contains a thorough assessment of the proposed works that will result from the amended Masterplan.

It is recommended that the proposed amended Masterplan as submitted, has identified the demands of the community, minimised the environmental impacts on the site, considered the amenity and views of neighbours whilst satisfying the economic objectives of the Club. Accordingly it is recommended that the Masterplan be adopted by Council.

RECOMMENDATION - APPROVAL

That the Warringah Development Assessment Panel adopt the proposed amendments to the Dee Why RSL Club Masterplan at Lot 1, DP 706230, No. 932 Pittwater Road, Dee Why as shown on the following plans:-

Masterplan drawings prepared by Altis Architects: MP01_Proposed Level B1 Carpark (Issue 4); MP02_Proposed Level 1 (Issue 4); MP03_Mezzanine Level 1A (Issue 4); MP04_Proposed Level 2 (Issue 4); MP05_Proposed Level 3 (Issue 4); MP06_Proposed Level 4 (Issue 4) dated June 2011.

