



Plan of Management

PROPOSED MULTIPURPOSE
COMMUNITY FACILITY
AND CARPARK AT
36–48 KINGSWAY, DEE WHY

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1 Introduction

1.1 What is a Plan of Management?

A Plan of Management is a document that sets out how community land is to be used, managed, maintained and improved.

2 Need for this Plan of Management

All community land is required to have a Plan of Management under section 36(1) of the *Local Government Act 1993*.

Currently the Land (refer to Figure 1) is not covered by a Plan of Management. This Plan of Management has been adopted by Council to satisfy the requirements of the *Local Government Act 1993* and to provide for the development of a Multipurpose Community Facility and Car park (Facility).

3 What is included in this Plan of Management

This Plan of Management has been prepared in accordance with the *Local Government Act 1993*, as demonstrated in Table 1 below:

Table 1		
Contents of a Plan of Management required under the <i>Local Government Act 1993</i>		
Section	Requirements of the <i>Local Government Act 1993</i>	How this Plan of Management satisfies the Act
S36(3)(a) S36(4)	Categorisation of the land	Section 7
S36(3)(b)	Objectives for management of the land	Section 8
S36(3)(b)	Performance targets of the Plan of Management	Section 8
S36(3)(c)	The means of assessing achievements of objectives and performance targets	Section 8
S36(3)(d)	The manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets	Section 8 Section 9
S36(3A)(a)(i)	A description of the condition of the land and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management.	Section 10
S36(3A)(a)(ii)	A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management	Section 10
S36(3A)(b)(i)	The purposes for which the land and any such buildings or improvements will be permitted to be used	Section 11
S36(3A)(b)(ii)	The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise	Section 11
S36(3A)(b)(iii)	A description of the scale and intensity of any such permitted use or development	Section 11
S46	Authorisation of leases, licences or other estates over community land	Section 13

4 Process in developing this Plan of Management

The following steps were taken in developing this Plan of Management:

1	Council Resolution (24 July 2012)
2	Prepare draft Plan of Management (s36 of LGA)
3	Public Exhibition of Plan of Management (s38 of LGA)
4	Public Hearing into the categorisation of the Land (s40A of LGA)
5	Review of submissions (s40 of LGA)
6	Public release of independent report prepared by the consultant chair (s46G of LGA)
7	Review of independent report
8	Review of Plan of Management (s40 of LGA)
9	Preparation of Council report
10	Adoption of Plan of Management by Council

5 Land to which this Plan of Management applies

The Land to which this plan applies is described as follows:

Table 2				
Address	Lot & DP	Size (m2)	Classification	Zoning under Warringah Local Environmental Plan 2011
36 - 48 Kingsway DEE WHY 2099	Lots 2-8 Sec 7 DP9125 and Part Lot 100 DP10482	5072m2 under title	Community Land	RE1 Public Recreation
(The Address is colloquially referred to as 'The Kingsway', which is the name used throughout this plan)				



Figure 1 – Location of the Land

6 Land ownership

The Land is owned by Warringah Council.

7 Categorisation of the Land (Sections 36(3)(a) & 36(4) of the *Local Government Act 1993*)

This Plan of Management is required to categorise the Land, as per sections 36(3)(a) and 36(4) of the *Local Government Act 1993*.

The Land is categorised as General Community Use under this Plan of Management.

The core objectives of the General Community Use category are outlined in Section 7.1.

7.1 Core Objectives for Management of Community Land Categorised as General Community Use

Part 2 Public Land Division 2 Use and management of community land of the *Local Government Act 1993* sets out the objectives for each category of community land.

All Community land must be managed by Council in accordance with the objectives under the relevant category of land. This means that all activities on the Land; and uses of the Land, must be in accordance with the objectives of the General Community Use category.

The relevant objectives under section 36I of the *Local Government Act 1993* for land categorised as General Community Use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

8 Objectives and Action Plan (Section 36(3) of the *Local Government Act 1993*)

Section 36(3) of the *Local Government Act 1993* states that a plan of management for community land must identify the following:

- the category of the land (refer to section 7);
- the objectives and performance targets of the plan with respect to the land;
- the means by which Council proposes to achieve the plan's objectives and performance targets; and
- the manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.

Table 3 outlines the Plan's response to Section 36(3)(b)-(d) of the *Local Government Act 1993*.

Table 3

Issue		Objectives and performance targets of the plan with respect to the Land	Means by which Council proposes to achieve the plan's objectives and performance targets	Manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets
1	Recreational / sporting value	Promote leisure and sporting values and increase recreational opportunities	Provide a Facility that contains indoor and outdoor recreational / sporting / leisure / community opportunities Provide ancillary services and facilities for a recreational / sporting / leisure facility	Level of uptake of youth activities and sporting / recreational / leisure/ community activities provided at the Facility
2	Social inclusion	The Facility is to meet the needs of the community and increase the provision of community development activities / services, with an emphasis on young people in Warringah	Provide space for recreational activities, educational programs, community uses and youth outreach Informal spaces are to be provided to meet the needs of young people Provide facilities to accommodate the needs of people using the Facility	Level of uptake of youth activities and sporting / recreational / leisure activities provided at the Facility
3	Economic development and Sustainability	Provide opportunity for economic development and revenue	Provision is to be made for multi purpose function rooms and meeting spaces within the Facility Provide a café / restaurant to service the users of the Facility and the local community	Number of economic development related functions / events held at the Facility during the year

Issue		Objectives and performance targets of the plan with respect to the Land	Means by which Council proposes to achieve the plan's objectives and performance targets	Manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets
4	Cultural activities	Provide opportunity for cultural activities within the community	Provide space for cultural activities	Number of cultural activities conducted at the Facility each year
5	Vehicle parking	Design a space that provides adequate motor vehicle, motorcycle and bicycle parking for the Facility	Provide motor vehicle, motorcycle and bicycle parking to service the Facility and patrons of the Dee Why town centre including (but not limited to) shoppers, commuters, businesses and employees.	Patronage of car parking facilities
6	Traffic management	Design a space that is accessible to all physical abilities and a range of transport options including but not limited to walking, motor vehicle, motorcycle, bicycle and wheelchair.	Make appropriate traffic management changes to the Kingsway and Fisher Road to accommodate increased traffic generated from the Facility Provide accessible pathways as required by the relevant building codes and standards	Level of recorded traffic congestion and traffic impacts Level of usage of the Facility
7	Visual amenity	Achieve a well designed and practical community space that responds to the conditions of the site and location	Design a Facility that is considered to achieve excellence in design	Community recognition and satisfaction with the space
8	Environmental Sustainability	Encourage sustainable building practices that have regard for environmental sustainable design, resource use and maintenance	All development on the land is to have regard for Council's "Occupational Management Standard 030 Environmentally Sustainable Design and Management of Council's Built Assets", or its equivalent	Applicable Council policies and guidelines
9	Accessibility	Design a space that allows for a range of users to access the Facility	The Facility is to be accessible to the community	Level of uptake of the Facility across all user groups
10	Landscaping	Design a space that incorporates landscaping to complement the Facility	Provide appropriate landscaping to enhance the appearance of the Facility	Type, scale, height and maturity of landscaping surrounding the Facility
11	Social amenity	Provide a safe and secure space for the community The Facility is to be integrated into the community and provide opportunities for all youth and the broader community within the Northern Beaches subregion	Design and build the Facility in accordance with Crime Prevention through Environmental Design (CPTD) Principles Communicate the opportunities available at the Facility to the community	Maintain the Facility in accordance with Crime Prevention through Environmental Design (CPTD) Principles. Operate the Facility within the appropriate environmental / usage parameters

9 Assessment of the Plan of Management's objectives and performance targets (Section S36(3)(d) of the *Local Government Act 1993*)

From time to time, when relevant, Council is to review the manner in which it assesses its performance against the plan's objectives and performance targets.

10 Description of the Land and Current Permissible Activities (Section 36(3A)(a) of the *Local Government Act 1993*)

Section 36((3A)(a) of the *Local Government Act 1993* requires this Plan of Management to provide a description of the current condition and use of the Land, any buildings or any improvements.

The Land is solely used for public car parking. There are no buildings on the Land.

The Land primarily comprises an 'at grade' bitumen car park that is interspersed with planted spaces that separate the car parking bays. The car park is maintained by Warringah Council.

The Land slopes generally to the North and West with a fall of approximately 5 metres from the South East corner to the North West corner.

Approximately 200 trees are located on the land within designated areas. The trees have been planted on the Land over time by Council.

In October 2012, Council engaged Eco Logical Australia Pty Ltd to undertake an assessment for tree pruning and removal, pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979*. The assessment was undertaken to:

- Address public safety concerns expressed by the nearby Dee Why Police Station by increasing the illumination of the car park from overhead lighting
- Improve the health and vitality of the remaining trees by reducing overcrowding.

Recommendations have been made by Eco Logical Australia Pty Ltd to remove approximately 74 trees and the pruning of 6 trees on the Land. The reasons for the need to remove trees vary, but include:

- The poor health of some trees
- The potential for the trees to lose branches and damage property and injure people.

11 Description of Proposed Future Development and Permissible Uses (Section 36(3A)(b) of the *Local Government Act 1993*)

This Plan of Management is required to provide a description of the proposed future development and permissible uses that will be allowable on the Land, as per section 36(3A)(b) of the *Local Government Act 1993*.

This Plan of Management permits the following activities and development, as set out in Table 4.

Table 4		
The purposes for which the land, and any such buildings or improvements, will be permitted to be used	The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise	The scale and intensity of any such permitted use or development
Youth activities	Enhancement of uses in column 1	<p>The bulk and scale of future development must be in accordance with any relevant local environmental plan; development control plan; state environmental planning policy; or legislation.</p> <p>No use will be permitted on the Land unless it is in accordance with the relevant zone within the relevant local environmental plan, development control plan or equivalent.</p>
Counselling		
Meetings		
Child care		
Administration offices		
Motor vehicle parking		
Motor cycle parking		
Bicycle parking		
Community use		
Community events		
Education / training		
Commercial activities		
Concerts (music, theatre)		
Exhibitions		
Corporate promotions		
Functions		
Ceremonies		
Recreational facilities (indoor)		
Recreational facilities (outdoor)		
Restaurants, cafes or kiosks		

12 Current leases and licences

No leasing or licensing arrangements currently apply to the Land.

13 Leases, Licences and other Estates (Section 46 of the *Local Government Act 1993*)

Save for sections 46(1)(a), 46(1)(a1) and 46(1)(c), Section 46 of the *Local Government Act 1993* requires that any lease or licence of community land be authorised by a Plan of Management. Leases and licences formalise the use of community land by groups and organisations. Activities must be compatible with the zoning of the land and provide benefits, services, or facilities for users of the land.

The maximum period (including any period for which the lease or licence could be renewed by the exercise of an option) for leases and licences on community land allowable under the *Local Government Act 1993* is 30 years for purposes consistent with the categorisation and core objectives of the particular area of community land.

Council must comply with the public notification and public exhibition requirements under clauses 47 and 47A of the *Local Government Act 1993*, for any lease or licence.

Where a valid lease has been entered into with Council for Community Land, any subleasing of the land must be in accordance with section 47C of the *Local Government Act 1993*.

In accordance with section 46 of the *Local Government Act 1993* any leases, licences and other estates may be granted for the purposes outlined in Table 4, including any ancillary public utilities and works authorised by this Plan of Management.

Council has entered into a commercial arrangement with the Police Citizens Youth Club (PCYC) for PCYC grant moneys to be invested into the Facility. This Plan of Management expressly permits:

- Leases and licences to be granted to the PCYC for the use of the Facility and any ancillary use; and
- Any leases or licences that are deemed necessary from time to time to allow for the purposes for which the land, and any such buildings or improvements, will be permitted to be used, indicated in Table 4 of this Plan of Management.

14 Planning framework

Section 35 of the *Local Government Act 1993* states that, community land is to be used and managed in accordance with a plan of management; and any law that permits the use of the land for a specified purpose or otherwise regulates the use of the land.

This section describes the legislative and policy framework applying to the Land, which along with this Plan of Management forms the basis of management for the Land.

14.1 *Local Government Act 1993*

The Land is managed in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The requirements of the content of a plan of management under the *Local Government Act 1993* are set out in Table 1.

14.2 *Environmental Planning & Assessment Act 1979*

The *Environmental Planning & Assessment Act 1979* (EP&A Act) establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's).

Under the EP&A Act the processes for approving and assessing development applications for development works on land in Warringah, are set out in Warringah Local Environmental Plan 2011 (WLEP 2011).

Under WLEP 2011, the Land is zoned RE1 Public Recreation. The Land Use Table within WLEP 2011 sets out the objectives of the zone and the permissible and prohibited development on land within the zone. In the event of any inconsistency between this Plan of Management and WLEP 2011, WLEP 2011 prevails to the extent of the inconsistency.

15 Planning controls & considerations

WLEP 2011 applies to the Land. Under WLEP 2011, the Land is zoned RE1 Public Recreation. Under this zoning, car parking, community facilities, recreational facilities (indoor) and recreational facilities (outdoor) are permitted with development consent.

The Land is not affected by a height of buildings or setback control, under WLEP 2011 or the Warringah Development Control Plan (the WDCP). In the absence of such controls in WLEP 2011 and WDCP, this section of the Plan of Management gives consideration to key planning controls relating to the development of the Facility on the Land.

The WDCP controls the bulk and scale of development within the Warringah Local Government Area. The WDCP or its equivalent as amended is applicable to the land and will guide future development on the land. The planning controls within the WDCP include but are not limited to:

- Traffic access and safety;
- Parking facilities;
- Noise;
- Access to sunlight;
- Privacy;
- Building bulk;
- Building colours and materials;
- Roofs;
- Glare and reflection;
- Accessibility;
- Safety and security
- Tree Management; and
- Retaining unique environmental features.

A wider consideration of planning considerations / controls relating to the Land will be provided during the development assessment stage.

15.1 Height of buildings

Council's objective is that development on the Land should be designed to:

- Be reasonably compatible with the height and scale of surrounding and nearby development; and
- Minimise visual impact, disruption of views, loss of privacy and loss of solar access.

To achieve this objective, the height of buildings on the Land should consider the height and scale of surrounding development within the Civic Precinct and should not exceed 20 metres.

15.2 Access to sunlight

Council's objective is to design buildings on the Land that provide appropriate solar access and amenity to neighbouring residential dwellings.

To achieve this objective, in relation to the impact of any development on the Land, at least 70% of apartments in the neighbouring residential flat buildings should receive a minimum of two hours direct sunlight to at least 50% of principal living room windows between 9am and 3pm in mid winter.

15.3 Key boundary interfaces

Buildings on the Land will have appropriate setbacks from key boundary interfaces that take into consideration the use and enjoyment of neighbouring land and access to sunlight.

15.4 Noise

The Facility is to be designed and constructed to mitigate unreasonable noise impacts on surrounding land.

15.5 Access to the Land

There are three potential vehicular access points to the Land, being Fisher Road, the Kingsway and Civic Drive. The ultimate location for access to the Facility will be investigated by Council. Consideration will be given to active transport facilities such as pedestrian access and end of trip bicycle facilities.

15.6 Traffic

It is anticipated that the Facility will increase traffic volumes in Fisher Road and the Kingsway and local traffic may increase on local streets such as Westminster Avenue. To address this, Council will upgrade the intersection of Fisher Road and the Kingsway and may introduce parking restrictions between McIntosh Road and Fisher Road. Council is to investigate the viability of re-leveling the intersection of Civic Drive and the Kingsway and the inclusion of bus bays and bus layover zones in the design of the Facility. The design of the Facility is to include active transport facilities such as end of trip bicycle facilities and easy pedestrian access.

A detailed traffic analysis of the following intersections is to be included in the development application to construct the Facility on the Land:

- a) Lismore Avenue / Pittwater Road;
- b) Kingsway / Fisher Road;
- c) Kingsway / Civic Drive
- d) Kingsway / Westminster Avenue;
- e) Fisher Road / McIntosh Road; and
- f) Pittwater Road / Fisher Road.