

# **Agenda**

## **Council Meeting**

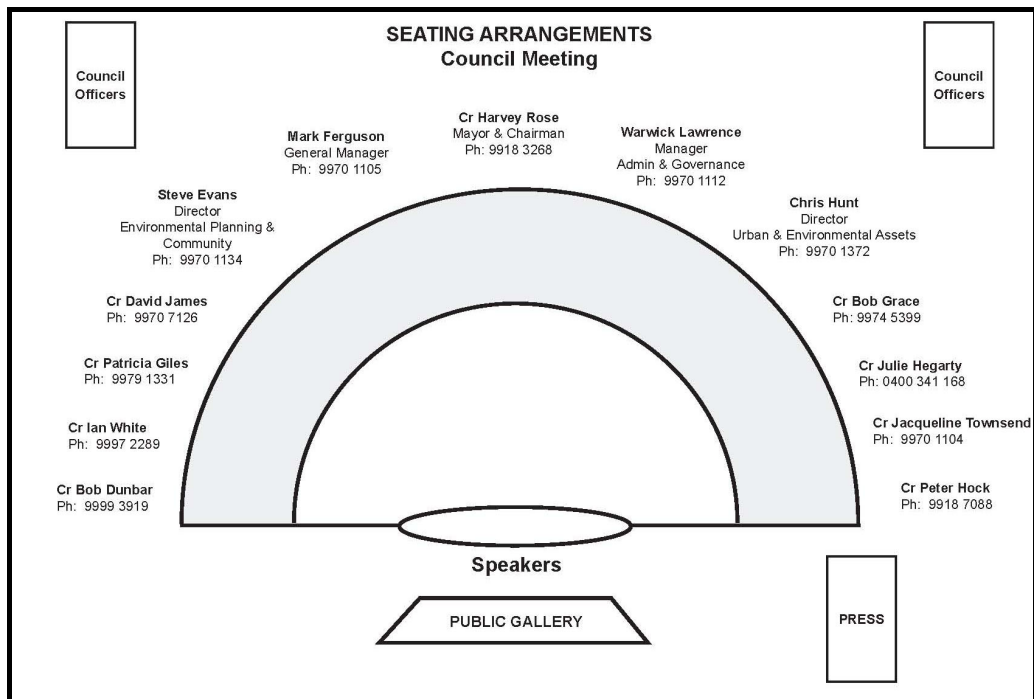
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***7 March 2011***

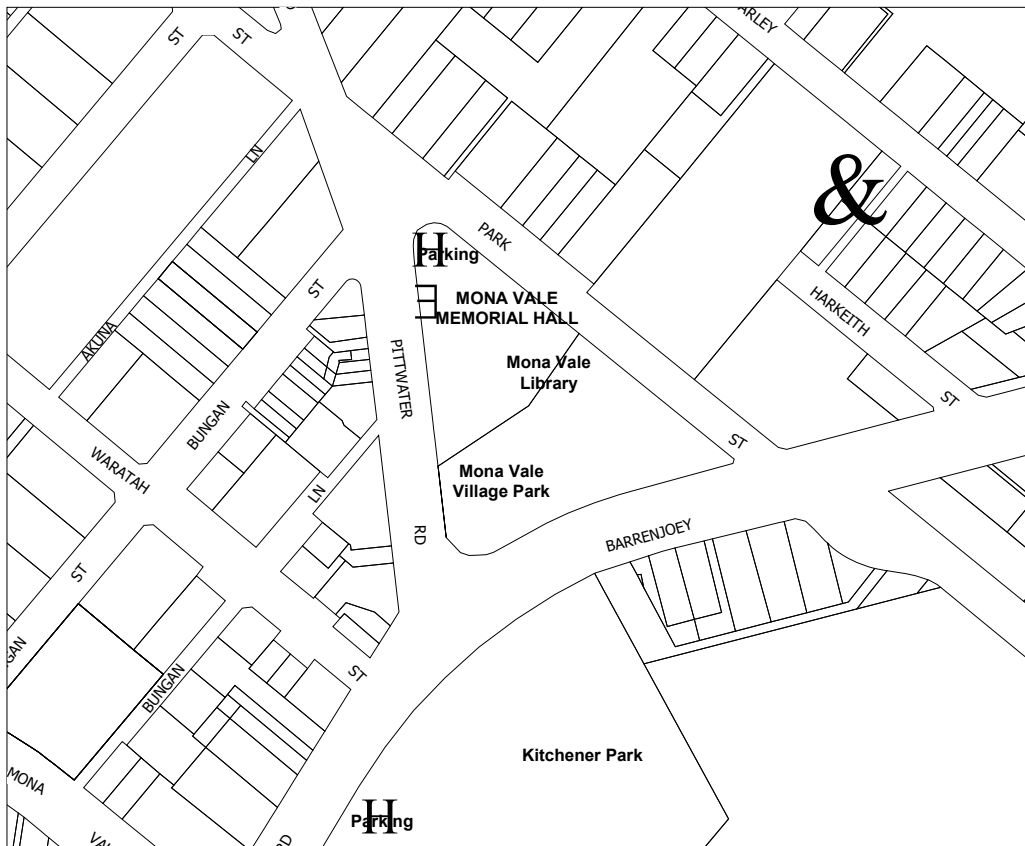
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson  
**GENERAL MANAGER**

## Seating Arrangements



## Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

# Council Meeting

## Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.  
Council acknowledges their traditional custodianship of the Pittwater area

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**The Senior Management Team  
has approved the inclusion of  
all reports in this agenda.**

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## Council Meeting

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### 1.0 Apologies

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

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### 2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts.

Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

\* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

- "(1) **[Pecuniary interest]** A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- (2) **[Remoteness]** A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

\* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.

\* A reportable political donation is a donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or

- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.
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### **3.0 Confirmation of Minutes**

“Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**”

Minutes of the Council Meeting held on 21 February 2011.

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### **4.0 Business by Exception (All items on the Agenda)**

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

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#### **Statement of Respect**

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations.

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## **5.0 Public Addresses**

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
  - (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*
  - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
  - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

*Exceptions to these requirements may apply where:*

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
  - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

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## **6.0 Mayoral Minutes - Nil**

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## **7.0 Council Meeting Business**

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### **C7.1 Development Application to be referred to Joint Regional Planning Panel - N0634/10 - 6-14 Macpherson Street Warriewood - SEPP Housing for Seniors - 25 Independent Living Units, a swimming pool, multi-purpose centre, medical consulting rooms and café**

**Meeting:** Council

**Date:** 7 March 2011

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**STRATEGY:** Land Use and Development

**ACTION:** Provide and effective development assessment and determination process

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#### **PURPOSE OF REPORT**

To provide the staff's assessment of the Development Application (DA) that has been referred to the Joint Regional Planning Panel (JRPP) for its determination and to facilitate a Councillor submission to the Panel if desired.

#### **1.0 BACKGROUND**

- 1.1 DA N0634/10 for development of 6-14 Macpherson Street, Warriewood is to construct a SEPP Housing for Seniors Development Consisting of 25 Independent Living Units and Associated Facilities Including a Swimming Pool, Cafe, Multipurpose Room and Medical Consulting Rooms
- 1.2 The application has been assessed by staff and reviewed by Council's Review Unit on 17 February 2011. The applicant addressed the Review Unit. Changes were made to the proposed conditions to address applicant concerns as well as to address further water management issues associated with the site. The attached report reflects the final submission to the Panel after the review.
- 1.3 The application is to be determined by the JRPP at a hearing on 16 March 2011 at the PAC Offices, Level 13 Thakral House, George Street, Sydney.
- 1.4 The JRPP procedures allow for a Council submission up to seven (7) days prior to the hearing i.e. 9 March 2010.

#### **2.0 ISSUES**

- 2.1 Attached Assessment report (**Attachment 1**) - Councillors to consider and determine as to whether any submission be made to the Panel on the DA.



### **3.0 POLICY IMPLICATIONS**

3.1 Nil See policy issues as discussed in attached assessment (**Attachment 1**)

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### **RECOMMENDATION**

That the Assessment Report in relation to DA N0634/10, as referred to the Joint Regional Planning Panel (**Attachment 1**) be noted.

Report prepared by

**Steve Evans**  
**DIRECTOR – ENVIRONMENTAL PLANNING & COMMUNITY**

**JRPP3.1      N0634/10- 6-14 MACPHERSON STREET, WARRIEWOOD Construction of a SEPP Housing for Seniors Development Consisting of 25 Independent Living Units and Associated Facilities Including a Swimming Pool, Cafe, Multipurpose Room and Medical Consulting Rooms**

**Determination Level:** Joint Regional Planning Panel

**Date:** 16 March 2011

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## **SUMMARY OF RECOMMENDATION**

### **CONSENT WITH CONDITIONS**

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<b>REPORT PREPARED BY:</b>	Sophie Garland
<b>APPLICATION SUBMITTED ON:</b>	2/11/2010
<b>APPLICATION SUBMITTED BY:</b>	ANGLICAN RETIREMENT VILLAGES C/- AURECON PO BOX 538, NEUTRAL BAY 2089
<b>OWNER(S):</b>	ANGLICAN RETIREMENT VILLAGES DIOCESE OF SYDNEY

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## **INTRODUCTION**

The proposal is for the construction of a 25 self contained dwellings under SEPP (Housing for Seniors and People with a Disability), associated ground floor car parking, ancillary facilities including a recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café. . It has a stated construction cost of \$16,850,000 and therefore, the Joint Regional Planning Panel is the determining authority.

The subject development site is part of Sector 3 and Buffer Area 2 of the Warriewood Land Release Area. Development application N0102/05 approved the demolition of the existing structures and construction of a SEPP Seniors Living development including 260 self-contained dwellings in 9 separate buildings, 119 bed Residential Aged Care Facility, ancillary facilities including administration offices, chapel/hall, community centre, child care centre, construction of associated roadwork, car parking and support facilities.

The proposal seeks to amend the original approval for buildings J and K (located in the western corner of the site) through the lodgement of a new Development Application. The original approval included a Childcare centre in building K with associated basement car parking and ten independent living units in building J with adjoining multipurpose hall, community facilities, health and fitness centre and administration offices. As a result of the proposed development, there will be an increase of 15 dwellings from the original approval of 260 dwellings.

## **1.0 BACKGROUND**

The subject application was lodged with Council and notified for a period of 31 days in accordance with the requirements of Pittwater LEP 1993 and Pittwater 21 DCP. During this time one (1) submission was received from an adjoining property at 105 Macpherson St, Warriewood. The application was referred to the following internal and external departments:

### **Internal:**

- Warriewood Valley Land Release Team
  - Urban Infrastructure
  - Natural Environment
  - Reserves and Recreation
  - Community Services
  - Strategic Planning Land Release Team
- Environmental Health

### **External**

- Department of Planning - CI 30D of Pittwater LEP 1993
- Roads and Traffic Authority (RTA)

Additional information was requested on 7 December 2010 regarding the submission of a Water Management Plan, compliance with Food Standards and a SEPP 1 objection for the density.

As discussed above, the proposed development is part of the Anglican Retirement Village development, which was approved by Council in 2006 (N0102/05). This application was further modified in 2007 and 2008.

A pre-lodgement meeting was held on 10 August 2010 between Council staff and the applicant's proponents regarding the current proposal. The applicant was provided with advice regarding the permissibility of the proposal on the site, with issues relating to the whether the application could be determined as a Section 96 modification.

## **2.0 SITE DETAILS**

The site is known as 6-14 MACPHERSON STREET, WARRIEWOOD (LOTS A & B DP 400488, LOT 22 DP 5464, LOTS 5, 6, 7 AND 8 DP 1115877 AND LOTS A & B DP 358765). The site has a total area of 66,519m<sup>2</sup> or 6.65 hectares. The subject area of the site has a frontage to Macpherson Street of 130m and is located between the entrance to Warriewood Brook Village and Brands Lane to the northwest. The subject site is located within Sector 3 and Buffer Area 2 of the Warriewood Valley Land Release area.

The site is located within Warriewood Valley, adjacent to Narrabeen Creek upstream of its crossing at Macpherson Street. A portion of the site has been developed including the Aged Care Facility and buildings A, B and C as well as the associated infrastructure of the development including access roads, fencing, and lake. The area of the subject proposal is currently vacant and clear of vegetation with a boundary fence around the perimeter. The topography of the land is generally flat with minimal fall.

Surrounding the site is a variety of uses including residential across the road of Macpherson St, and existing commercial nurseries existing to the northwest along Macpherson St. To the south of the development are the Warriewood wetland and Sewerage Treatment Plant.

## **3.0 PROPOSAL IN DETAIL**

The proposal is for the construction of one (1) building with 25 serviced self care dwellings (independent living units) consisting of 13 X 3 bed and 12 X 2 bed with 5 of the dwellings being located on ground level facing Macpherson Street and the remaining located on the upper level of the building. Twenty-five (25) car spaces are proposed on the ground floor along with the ancillary facilities including a recreation pool, putting green, gym, medical consulting rooms, resident meeting rooms, lounges and a large multipurpose room and café.

Additional parking has also been provided adjacent to the ancillary facilities and at the rear of the building. Access to the site is provided via the existing entrance off Macpherson Street.

The building itself is an 'L' shape two storey structure, with a low pitched roof and simple articulation and detailing around the exterior of the building. The building has been designed to 'fit in' with the existing and future built form of the site as well as responding to the desired future character of Warriewood Valley.

## **5.0 DEVELOPMENT CONTROLS**

The site is zoned 2(F) Residential F Urban Purposes- Mixed Residential pursuant to Pittwater Local Environmental Plan 1993. Within the 2(F) zoning, residential buildings, associated community and urban infrastructure are permitted with development consent. The proposed ancillary facilities are directly associated with the proposed Senior Housing considered to be 'residential dwellings' as per Pittwater LEP 1993.

The application is subject to the following State and Local Government Plans and Policies:

- Pittwater Local Environmental Plan 1993;
- Pittwater 21 Development Control Plan – Amendment 6 which in Appendix 3 contains Warriewood Valley Urban Land Release Planning Context and Criteria, Appendix 8 contains the Flood Risk Management Policy for Development in Pittwater;
- State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004

## **6.0 ISSUES**

- SEPP (Housing for Seniors and People with a Disability) 2004
- Clause 30C of Pittwater Local Environmental Plan 1993
- Clause 30D of Pittwater Local Environmental Plan 1993
- Pittwater 21 DCP- D16.1 Character as viewed from a public place
- Pittwater 21 DCP- D16.14 Height
- Pittwater 21 DCP- C2.12 Protection of Residential Amenity
- Pittwater 21 DCP- D16.6 Site Coverage- Warriewood Valley Residential Sectors
- Clause 33 of SEPP HSPD Neighbourhood amenity and streetscape
- Clause 50 of SEPP HSPD- Standards that cannot be used to refuse development consent for self-contained dwellings

**7.0 COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY  
(HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004**

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
<b>4</b>	Land to which Policy applies - Site zoned: 2(f) Urban Purposes- Mixed Residential	YES	YES
<b>10, 13</b>	Seniors housing Definitions and categories: Self-contained dwellings, Serviced self-care housing	YES	YES
<b>17</b>	Development on land zoned primarily for urban purposes and adjoins land zoned primarily for urban purposes	YES	YES
<b>19</b>	Development on land adjoining land zoned primarily for urban purposes	YES	YES
<b>26</b>	Location and access to facilities	YES	YES
<b>27(2)</b>	Vicinity of bushfire prone land	YES	YES
<b>28</b>	Water and Sewer	YES	YES
<b>29</b>	Site Compatibility (identify nuisances, natural environment, adjoining built form, etc)		
<b>30</b>	Site analysis	YES	YES
<b>32</b>	Design of residential development	YES	YES
<b>33</b>	Neighbourhood amenity and streetscape	YES	YES
<b>34</b>	Visual and acoustic privacy		
<b>35</b>	Solar access and design for climate	YES	YES
<b>36</b>	Storm water	YES	YES
<b>37</b>	Crime prevention	YES	YES
<b>38</b>	Accessibility	YES	YES
<b>39</b>	Waste management	YES	YES
<b>40</b>	<b>Development standards</b>		
<b>Site</b>	Site size – minimum 1000m <sup>2</sup> (66, 519m <sup>2</sup> )	YES	YES
	Site frontage – minimum 20m wide (>20m)	YES	YES
<b>41</b>	Standards for hostels and self-contained dwellings (Schedule 3)		
	<b>Siting Standards</b>		
	Wheelchair access	YES	YES
	Road access	YES	YES
	Common areas	YES	YES
	Identification	YES	YES
	Security	YES	YES
	Letterboxes	YES	YES
	Private car accommodation - car space dimensions	YES	YES
	Accessible entry	YES	YES

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
	Interior: general	YES	YES
	Main bedroom	YES	YES
	Bathroom	YES	YES
	Toilet	YES	YES
	Surface finishes	YES	YES
	Door Hardware	YES	YES
	Ancillary items	YES	YES
	Living and dining room	YES	YES
	Kitchen	YES	YES
	Access to kitchen, main bedroom, bathroom and toilet	YES	YES
	Lifts in multi-storey buildings	YES	YES
	Laundry	YES	YES
	Storage for linen	YES	YES
	Garbage	YES	YES
42	Serviced self-care housing 1. (a) home delivered meals (b) personal care and home nursing (c) assistance with housework 2. All services provided by ARV 3. 260 dwellings are proposed	YES	YES
43	Transport services to local centres for serviced self-care housing	YES	YES
44	Availability of facilities and services (on site)	YES	YES
45	Vertical villages	N/A	N/A
50	<b>Standards that cannot be used to refuse development consent for self-contained dwellings</b>		
	Should the building be 8m or less in height? (height is defined as distance measured vertically from any point on the ceiling of the top most floor to the ground level below that point) Height: 6.65m to ceiling	YES*	YES*
	Should the density and scale as FSR is 0.5:1 or less FSR = 0.66 (43902.54m <sup>2</sup> )	NO*	YES*
	Should 30% of the site be landscaped area (minimum) Landscape Area = 51.2%	YES	YES
	Not less than 15% (115m <sup>2</sup> ) of site is available as a <i>deep soil zone</i>	YES	YES

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
	Should living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter Proposed = 70% of dwellings comply	YES	YES
	Private open space for in-fill self-care housing Ground floor dwelling – not less than 15m <sup>2</sup> (with one 3m x 3m area) Any other dwelling – not less than 10m <sup>2</sup> (or 6m <sup>2</sup> for 1 bed), not less than 2m x 2m and access from living area	YES	YES
	Parking 0.5 spaces per bedroom= 31.5 spaces  52 space provided with one car spot allocated per dwelling in the basement.	YES	YES

\*These issues are discussed later in the report.

# **8.0 COMPLIANCE TABLE- PITTWATER 21 DCP AMENDMENT 6 AND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993.**

**T - Can the proposal satisfy the technical requirements of the control?**

**O - Can the proposal achieve the control outcomes?**

**N - Is the control free from objection?**

Control	Standard	Proposal	T	O	N
<b>Development Engineer</b>					
B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.2 Wastewater Disposal					
B5.3 Greywater Reuse					
B5.4 Stormwater Harvesting		Adequate details provided. There are no issues of concern.	Y	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-



B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C6.4 Flood - Warriewood Valley Land Release Area Residential Sectors			Y	Y	Y
C6.18 Utilities and services - Warriewood Valley Land Release Area			Y	Y	Y
C6.20 Water Management for Development in Warriewood Valley Land Release Area		See comments below regarding water management of the site and further recommended conditions of consent.	Y	Y	Y
C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley Land Release Area			Y	Y	Y
<b>Health</b>					
C 1.13 & C2.10 Pollution Control			Y	Y	Y

C2.21 Food Premises Design Standards	Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).  Compliance with Australia Standard 4674-2004 Design, Construction and Fit-out of Food Premises	Conditions of consent have been provided by Councils Environmental Officer	Y	Y	Y
<b>Natural Resources</b>					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.18 Saltmarsh Endangered Ecological Community			Y	Y	Y
C6.11 Natural Environment - Warriewood Valley Land Release Area			Y	Y	Y
<b>Planner</b>					
EPA Act Section 147 Disclosure of political donations and gifts	Application and public submissions made in accordance with S.147 of Act	Application and submissions accompanied by relevant statements.	Y	Y	Y
Clause 30D Mitigation of Odours from the Warriewood Sewerage Treatment Plant	Council cannot consent to development within 400m of the STP until it has been notified by the Director General of the DOP that satisfactory arrangements have been made to mitigate the odours.	The applicant has been advised to contact Sydney Water in order to meet the requirements of Clause 30D. Deferred Commencement recommended, please see discussion below.	N	N	Y
3.1 Submission of a Development Application and payment of appropriate fee		All required information has been submitted.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		Statement of Effects in accordance with requirements received.	Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		Plans and supporting documentation in accordance with requirements received.	Y	Y	Y
3.4 Notification		Undertaken in accordance with P21 DCP and Pittwater LEP 1993 (31 days)	Y	Y	Y
3.5 Building Code of Australia	Compliance with the BCA	Design Certification provided that proposal is capable of meeting BCA	Y	Y	Y
3.7 Designated Development		The proposal is not designated development.	-	-	-

4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
5.1 Referral to the Roads and Traffic Authority (non-concurrent)	Referral to NSW Roads and Traffic Authority		Y	Y	Y
5.2 Referral to the NSW Police Service			-	-	-
6.6 Section 94 Contributions - Warriewood Valley	Contributions, and dedication of land to be in accordance with Warriewood Valley S.94 Contributions Plan		Y	Y	Y
A1.7 Considerations before consent is granted	Consistency with Pittwater LEP 1993 & the development controls applicable to the development. Council to have regard to section 79C of the EPA Act 1979	The proposal is considered to be consistent with all relevant planning instruments applicable on the site.	Y	Y	Y
B1.3 Heritage Conservation - General		The site is not listed as having any heritage significance.	-	-	-
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)	A climate change assessment shall be provided and shall assess the impacts of climate change over the life of the development and the adaptive measures to be incorporated in the design of the project.  The assessment shall consider: Scenario 1: Impacts of sea level rise only; Scenario 2: Impacts of sea level rise combined with increased rainfall volume	Stormwater Management Report. Council's Project Leader - Floodplain Management.	Y	Y	Y
B5.1 Water Management Plan		Adequate details provided.	Y	Y	Y
C6.23 Site coverage-Sector Development-Warriewood Valley Land Release Area	Maximum site coverage of sector-50%	As discussed below, the development spreads over two sectors and therefore sector site coverage cannot be determined at this stage. However, site coverage has been calculated for the development area and discussed under D16.6. Density of the sectors has also been discussed below.	Y	Y	Y

<b>Residential Development</b>					
C1.2 Safety and Security	Development shall address the Crime Prevention through Environmental Design principles. Lighting to be designed and located so that it minimises possibility of vandalism or damage. Security lighting must meet AS4282 The control of the obtrusive effects of outdoor lighting.	Safety and security deemed acceptable	Y	Y	Y
C1.3 View Sharing			-	-	-
C1.9 Adaptable Housing and Accessibility	The design of the residential development shall meet the criteria of AS 4299- 1995 Adaptable Housing where 100% of the units are to be adaptable in accordance with SEPP HSPD.	Accessibility report has been provided as part of the application. Conditions of consent are recommended to ensure compliance with the Australian Standards and provisions of the SEPP HSPD.	Y	Y	Y
C1.10 Building Facades	Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.  For Multi Unit Housing or SEPP (Housing for Seniors or People with a Disability) 2004 and other development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.	Minimum detail has been provided by the applicant regarding the location of façade elements or letterboxes. A condition of consent is recommended to ensure compliance.	Y	Y	Y
C1.12 Waste and Recycling Facilities	Waste and recycling receptacles are to be stored within the property boundaries.	Garbage rooms have been included as part of the development.	Y	Y	Y
C1.13 Pollution Control	Residential premises must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development is not considered to result in environmental pollution and conditions have been included within the consent relating to pollution control.	Y	Y	Y
C1.15 Storage Facilities	A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Provided within the garages	Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays	A designated wash bay is to be incorporated on the site where developments have more than ten units.	A carwash bay is provided within the ARV development area for use by all residents	Y	Y	Y

C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.20 Undergrounding of Utility Services	All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	Undergrounding of the utilities has been completed as part of the constructed works within the site.	Y	Y	Y
C1.21 SEPP (Housing for Seniors or People with a Disability) 2004	<p>Housing for Seniors or People with a Disability, developments shall:</p> <ul style="list-style-type: none"> <li>• be in keeping with the development of the surrounding area in regard to bulk, height, scale and character.</li> <li>• not result in such an accumulation of Housing for Seniors or People with a Disability developments to create a dominant social type in the surrounding neighbourhood.</li> <li>• not result in such an accumulation of Housing for Seniors or People with a Disability developments to create a dominant 'multi-unit' housing appearance in the neighbourhood.</li> </ul>	The proposal is considered to be designed to respect the natural environment and is in keeping with the existing surrounding development.	Y	Y	Y
C1.23 Eaves	Dwellings shall incorporate eaves on all elevations	The development has incorporated eaves on all elevations.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over- Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building.	Lift over run has been incorporated into the building to minimise the visual impact of the structure.	Y	Y	Y
<b>Business Development</b>					
C2.6 Accessibility	An assessment from an accredited access consultant as to its compliance with P21 DCP and AS1428 Design for Access and mobility is required as the proposed building is publicly accessible	Access report provided by Access Associated Sydney dated September 2010. Condition of consent included to ensure the requirements meet relevant Australian Standards.	Y	Y	Y
C2.7 Building Facades	Façade not to contain stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place	To be included as a condition of consent.	Y	Y	Y
C2.8 Energy and Water Conservation	Buildings to be designed to be energy and water efficient.	The building has been designed with energy efficiency in mind and conditions have been included on the consent.	Y	Y	Y
C2.9 Waste and Recycling Facilities		Garbage bays have been provided within the site.	Y	Y	Y

C2.11 Business Identification Signs					
C2.12 Protection of Residential Amenity	Development which responds to the existing development and streetscape. Including consideration of solar access, privacy and amenity of adjoining residential properties.	One submission has been received from an adjoining property owner regarding the bulk of the development and proposed uses of the site.	Y	Y	N
C2.14 Commercial Swimming Pools			-	-	-
C2.15 Car/Vehicle/Boat Wash Bays			-	-	-
C2.20 Public Road Reserve - Landscaping and Infrastructure		See comments regarding landscaping.	Y	Y	Y
D14.2 Scenic protection - General			Y	Y	Y
D16.1 Character as viewed from a public place	Use of design elements (roof forms, textures, materials, windows, modulation, spatial separation, landscaping etc). Blank street frontage facades without windows shall not be permitted. Walls without articulation shall not have a length > 8m to any street frontage.	Proposal is for a large building, which uses a number of design elements in order to present a modern a building when viewed from a public place that responds to the desired future character of the Locality.	Y	Y	N
D16.2 Building colours and materials	Dark and earthy tones, recessive colours, low reflectivity finishes	The proposed colours are similar to the constructed stages of the ARV development. Colours include clay brown and mid grey.	Y	Y	Y
D16.3 Front building lines	Minimum frontage setback to Macpherson St: 6.5m Minimum frontage to Brands Lane: 4.0m	Setback from Macpherson St- 8m  Setback from Brands Lane- 6m	Y	Y	Y
D16.4 Side and Rear Building Lines – Warriewood Valley Residential Sectors	Side and rear building line- Residential: 2.5m to at least one side and 1m to the other.	South-east: 5.2m North-west: secondary frontage applies see D16.3.	Y	Y	Y
D16.6 Site Coverage- Warriewood Valley Residential Sectors	Maximum site coverage- 55% or 36 585.45m <sup>2</sup> Minimum landscaped area- 45%	Site Coverage= 39 247m <sup>2</sup> or 59% Landscaped area= 41%	N	Y	Y
D16.7 Fences- Warriewood Valley Residential Sectors		No fencing is proposed as part of this application.	Y	Y	Y
D16.8 Construction, Retaining Walls, terracing and undercroft areas			Y	Y	Y
D16.9 Utilities and Telecommunication Services	Adequate utility services capacity	The site has adequate utility service capacity.	Y	Y	Y

D16.10 Pets and Companion Animals		No pets are permitted within the ARV development	Y	Y	Y
D16.11 Location and Design of Carparking facilities- Warriewood Valley Residential Sectors	Garages and carports are to be integrated with the design of the dwelling, such as located behind the building frontage or designed in such a way so as to not be prominent when viewed from the street. Car spaces on site may be covered or uncovered.	Car parking has been located on the ground level and will not be able to be viewed from Macpherson St or other areas of the public domain as the dwellings, which front the street, screen the parking spaces.	Y	Y	Y
D16.12 Landscaping		Council's Landscape Architect has assessed the proposal and has no objections subject to the imposition of conditions.	Y	Y	Y
D16.13 Solar Access- Warriewood Valley Residential Sectors		Adequate solar access will be achieved to the primary living and recreation areas.	Y	Y	Y
D16.14 Height	Maximum height of 8.5m to the ridge line of the roof	9.35m from NGL 5.00. Non-compliance supported given the minimal impact of the non-compliance and compliance with the development standards under SEPP HSPD.	N	Y	Y

\*Issues marked with an N are discussed later in the report.

Issues marked with a - are not applicable to this Application.

## 9.0 NOTIFICATIONS

Twenty-eight (28) property owners notified

One (1) submission received from the following:

- Ms Kareena Tilley- 105 Macpherson St, Warriewood- reduced privacy and amenity, impact on the streetscape, parking and appearance as being high density.

## 10.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required  
(see discussion below regarding Cl 30C of Pittwater LEP 1993)

## 11.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

## 12.0 DISCUSSION OF ISSUES

The Pittwater 21 DCP and SEPP (Seniors Housing) issues are specifically highlighted for consideration. All relevant matters have been assessed under Clause 79(c) of the Environmental Planning & Assessment Act 1979 relevant provisions and state legislation and the requirements of the applicable local controls of P21 DCP.

### Clause 30C of Pittwater Local Environmental Plan 1993

The proposed Seniors Housing development is within an existing approved Seniors Living Development, which approved 260 self-contained dwellings. The proposed development will include 25 self-contained units and results in an increase of 15 dwellings from the originally approved application.

The original approval of 260 dwellings had exceeded the maximum number of dwellings permitted under Clause 30C of Pittwater LEP 1993. The subject site is located within Sector 3 and Buffer Area 2, with 29 dwellings attributed to the western portion of the site in Sector 3 and 132 dwellings as the maximum number permitted in Buffer Area 2. The proposal for an additional 15 dwellings results in 275 self-contained dwellings within the ARV development, well above the maximum permitted number of 161 dwellings (the sum of 29 and 132 dwellings).

As outlined within Cl. 2 of SEPP HSPD 2004, the aims of the policy are to be achieved by (inter alia):

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy.*

Furthermore, Cl. 5 of SEPP HSPD 2004 (inter alia) states that:

- (3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

Therefore, the 'development standard' within the LEP is not considered to hold determining weight and a SEPP One objection has not been required in this instance. A standard to limit the number of dwellings which provide Housing for Seniors is inconsistent with the aims of the policy and would restrict the ability to develop the site in order to meet the density controls within SEPP HSPD.



However, the density standards of Cl. 30C of Pittwater LEP 1993 are relevant in determining the provision of infrastructure and the required Section 94 Contributions required.

The applicant has advised that they are willing to accept a cap across the entire site of 260 dwellings as approved under development consent N0102/05. A condition of consent is recommended to require the new consent to be read in conjunction with the previously approved consent, however this condition does not override consent N0102/05 as it relates to dwelling numbers. The combined dwelling density of consent N0102/05 and the current proposal is 275 dwellings. Should the applicant wish to construct 275 dwellings the additional infrastructure is accommodated by proposed condition E24. As mentioned above, should the applicant wish to "cap" the overall density to 260 dwellings it would be necessary to modify consent N0102/05 by reducing it by 15 dwellings. This would negate the additional Section 94 Contributions.

### **Clause 30D (2) of Pittwater Local Environmental Plan 1993**

Council cannot consent to any development within 400m of the Warriewood Wastewater Treatment Plant until it has been notified by the Director General of the Department of Planning that satisfactory arrangements have been made to mitigate the odour of the treatment plant.

The applicant has been requested to consult Sydney Water regarding meeting the requirements of Clause 30D. This includes that an agreement is signed and lodge an unconditional bank guarantee with Sydney Water. To this date, no further correspondence has been received from the applicant regarding an agreement with Sydney Water or that the requirements of Clause 30D have been met. Therefore, a Deferred Commencement Condition is recommended to allow the applicant 12 months to come to an agreement with Sydney Water in meeting the requirements of Clause 30D.

### **Pittwater 21 DCP- C2.12 Protection of Residential Amenity**

A submission was received from the adjoining property owner at 105 Macpherson St, Warriewood regarding reduced privacy and increases in noise from use of the recreational facilities. Council controls require that a reasonable level of privacy is provided to residential properties and that any business or commercial uses do not have an adverse impact on adjoining properties.

The proposed swimming pool, café, multipurpose room and other uses recreational facilities are for the use of ARV resident only and have been designed to be located facing away from Macpherson St to provide adequate privacy to residential areas located on the opposite side of Macpherson St. The proposal is considered to provide adequate spatial separation in accordance with the requirements of the DCP and the outcomes of the control have been achieved. Further to the recommendations of the RTA, a condition of consent has also been recommended requiring that the proposed multi-purpose room and associated facilities (café, swimming pool, putting green etc) are for the use of ARV residents only. This is considered to manage the inflow of traffic into the development and minimise amenity impacts to the adjoining residents.

### **Section 94 Contributions**

The proposed development is subject to the Warriewood Valley Section 94 Contributions plan. Council's Manager of Urban Infrastructure has provided the contribution rates for the development. The contribution rates is based on:

- Contribution rates as adopted by Council on 15 November 2010
- SEPP SL Equivalent Dwellings as set out in the Warriewood Valley Contributions Plan Amendment No 16, and

- Creekline land and works being fully accounted for in Stage 1 and 2, i.e. no further contribution required.

Note: Further that there is an outstanding MPB payment from Council to ARV as a result of construction of the creekline corridor and amendment for the creekline land area in the amount of \$276,619. This payment is subject to ARV completing the MPB Agreement and providing certification of completion of the creekline corridor. This matter is unrelated to the current DA application

The breakdown of the contribution for 15 additional dwellings is follows:

<b>Element</b>	<b>Contribution</b>	<b>Cashier Code</b>
Traffic & Transport	\$75,546.57	SWTT
Community Facilities	\$56,009.55	SWCF
Public Recreation	\$142,527.00	SWPR
Pedestrians/Cycleways	\$38,695.80	SWPC
Library Services	\$12,788.85	SWLS

The condition E24 requires payment at Occupation Certificate Stage only if consent N0102/05 is not modified to cap the number of dwellings at 260.

#### **Pittwater 21 DCP- D16.1 Character as viewed from a public place & Clause 33 of SEPP HSPD Neighbourhood amenity and streetscape**

Concern was also raised by the owner of 105 Macpherson St regarding the reduction of visual quality of the streetscape and appearance of being high density. The development will be no more than two storeys and the scale of the development is considered appropriate for the size of the site, particularly the large frontage of the development area. The proposed structure has increased setbacks from Macpherson St to allow for additional landscaping as well as minimizing the impact of the non-compliant height when viewed from public places.

The proposed development is considered to respond to the desired future character of the Locality as defined under A4.16, which includes the provision of mixed residential development and medium density housing. Therefore, the proposal is considered to respond to the character of the Warriewood Valley locality and is able to meet the outcomes of the control.

Clause 33 of SEPP HSPD requires that the development should recognize the desirable elements of the location's current character or desired future character. This includes providing adequate building setbacks to the street frontage to allow for plantings and reduce bulk and overshadowing. As outlined above, the proposal is considered to respond to the desired future character of the Locality while also respecting the amenity of adjoining residential properties on Macpherson St.

#### **Pittwater 21 DCP- D16.6 Site Coverage- Warriewood Valley Residential Sectors**

The control requires that the total built area on individual allotments shall not exceed 55% of the site area of the allotment. The subject development area crosses over two (2) sites with the whole ARV site occupying five (5) sites. The proposed site coverage when considering the entire developed area of all five sites is 59% or 39 247m<sup>2</sup> and therefore results in a technical non-compliance.

The control does permit a number of variations including for pathways less than 1m in width and impervious landscaped areas. With such variation provisions, the site coverage is reduced to 55% and therefore complies with the technical requirements of the control.

The proposal is considered to maximize the landscaped area of the site and will enhance the site area. The landscaping will minimise the bulk and scale of the built form while also minimizing amenity impacts to adjoining residential properties.

#### **Clause 50 of SEPP HSPD- Standards that cannot be used to refuse development consent for self-contained dwellings**

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:*

- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less

The overall development floor space ratio for the total site with an area of 66,519m<sup>2</sup> is 0.66 or 43,902.54m<sup>2</sup>. This results in a minor reduction in the previously approved FSR of 0.69, which was supported on merit. The proposed removal of the previously approved Childcare Centre and reduction in floor space of proposed multipurpose centre reduces the overall FSR of the site. Therefore, although the proposed development will result in a non-compliant FSR, the impacts will be minimal and the overall floor space of the entire ARV site has been reduced. Accordingly, the proposal is supported on merit.

#### **HEIGHT**

The definition of height as defined by **SEPP HSPD 2004** is: *in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

SEPP HSPD specifically provides controls relating to height in Clause 50 'standards that cannot be used to refuse development consent for self-contained dwellings' which states that, *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).*

As shown in the compliance table above the subject building will comply with the height limit within Clause 50 in that the maximum height will be 6.65 metres from the natural ground level of the site to the ceiling of the topmost floor.

The above height limit is considered to be applicable control that apply to the subject application. Notwithstanding this, the above definition differs from that provided within Pittwater 21 DCP D16.14, which measures the height from natural ground level to the highest point of the building (including the top of the ridgeline). It is considered that it is relevant to have regard for the height controls of Pittwater 21 DCP and to demonstrate how the proposal will appear in context to surrounding existing and future development.

The proposed height to the ridgeline of the building is 9.35 metres and results in a technical non-compliance with the height limit of 8.5 metres as defined within D16.14. It is important to note that, the proposed building will provide for significantly greater setbacks then the requirements of Pittwater 21 DCP. This will allow for the impacts of the non-compliant height to be mitigated by significant landscaping within this setback area. In addition, the greater separation will reduce the overall bulk and scale of the building when viewed from adjoining properties and the public domain. Therefore, the non-compliant height of the proposed buildings is considered to be adequately addressed by the increased setbacks and minimal visual impact when viewed from Macpherson St.

## **WATER MANAGEMENT AND FLOOD MANAGEMENT**

The following comments have been provided by Council's Manager of Urban Infrastructure in relation to controls C6.20 Water Management for Development in Warriewood Valley Land Release Area, B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development, B5.1 Water Management Plan and B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume).

*The Water Management component of this application has been examined based on the following documents:*

- *GHD Anglican Retirement Villages - Water Management Report - December 2006*
- *GHD letter dated 18 January 2011 supporting Stage 3*

### **Water Management**

*The updated information is acceptable where the 2006 Report is relied upon.*

## **FLOOD MANAGEMENT**

### **General**

*This is a constrained site in terms of flood management as the site in the pre-development condition is not flooded for the 100 year event, whilst the site forms a floodway from the Macpherson Street/Brands Lane intersection to Narrabeen Creek in the Probable Maximum Flood (PMF) event.*

*A floodway through the site is required to off-set the predevelopment condition for the developed condition.*

### **Climate Change & Floodway**

*The 2006 Water Management Report did not include flood modelling for the PMF event (climate change scenario for 0.9m sea level rise) hence a refined analysis of the floodway path for the climate change scenario is required to be undertaken prior to this issue of the construction certificate and is to take into account the following:*

- *Ensure the floodway from Brands Lane is not obstructed by landscape elements and has a clear passage to Narrabeen Creek*
- *Ensure that the entry gate at Brands Lane is designed to allow the passage of water*
- *Ensure the adjacent floor levels of Building J/K, including multi-purpose area and offices are at the PMF level (2100 climate change scenario for 0.9m sea level rise)*
- *Ensure that the crest of the existing carpark entrance ramp to the residential aged care facility has been constructed to the level as set in the Conditions of Consent (DA N0102/05) requiring all new construction to comply with Development Control Plan No 30 Pittwater Flood Risk Management December 2002, which requires access ramps to underground carparks to be at the Probable Maximum Flood level to prevent the ingress of water into the carpark during a flood event, and*
- *Demonstrate that the impervious areas of the development does not exceed 55% of the site being 6-14 Macpherson St, Warriewood.*

**Floor Level of Multi-Purpose Area and Offices**

*The floor level of the multi-purpose area and offices is to be raised to the PMF level (2100 climate change scenario for 0.9m sea level rise). The reasoning behind this requirement is that:*

- a. any PMF flood event will be of immediate duration with little or no warning*
- b. the multi-purpose area is in direct line with the floodway, and*
- c. the multi-purpose area will be inhabited by elderly people, possibly unable to move quickly to a safe place*

*Note: Any increase in the building floor level must not reduce the flood storage volume for the site through a build up of embankments adjacent to the building.*

**Flood Emergency Response**

*A detailed Flood Response Plan for the site and its surrounds is required prior to the issue of the Construction Certificate to cater for a flood up to the level of the PMF (2100 climate change scenario for 0.9m sea level rise).*

*The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated into the site's overall disaster/emergency management plan. The Flood Emergency Response Plan should encompass the whole ARV site.*

**Creekline Corridor**

*This development does not affect the already completed creekline corridor.*

**LANDSCAPING / RESERVES**

The following comments have been provided by Council's Landscape Architect in relation to C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley Land Release Area and D16.12 Landscaping:

*I have reviewed submitted plans and make the following comments:*

- Setbacks from street to buildings are a priority in relation to the need for intensive screen planting (given scale of building)*
- Macpherson Street frontage (concept plan Taylor Brammer) shows high proportion of turf/paving/hedges to this specific setback which will not provide the level of screening required for this setback. Will condition screen planting to street and entry setbacks, and*
- Plan extremely concept in notion. Need actual detail plans to be submitted prior to CC.*

Recommended conditions of consent have been recommended in draft determination.

**TRAFFIC & PARKING COMMENTS**

The following comments were provided by Council's Principal Engineer, Strategy, Investigation and Design in relation to B6.2, B6.4, B6.6, B6.9 and B6.10 of Pittwater 21 DCP:

- The conclusion of the Traffic and Parking Review, that 'The modifications to the design of buildings J and K are acceptable in terms of traffic generation and parking demand' is acceptable in that the outcomes of Council's DCP are achieved*
- The deletion of the previously approved public parking area fronting Brands Lane from this DA now negates the need for the condition applied to the previous approval requiring the dedication of land as public road over the entire area of the proposed carpark and adjacent footpath, and*

- *The deletion of this carpark now requires a new condition to be applied to this DA should it be approved requiring the full length of the existing dish drain in Brands Lane (constructed under the current approval to provide access to the proposed carpark) to be removed and replaced with barrier kerb and gutter to Council's Requirements.*

## **ROADS AND TRAFFIC AUTHORITY**

The application was referred to the RTA for comment. The application was reviewed and no objection was raised given the minimal generation of significant traffic on the road network.

It was also noted that if the proposed multipurpose room and associated facilities were to be used by the public additional parking is to be provided for all users of the facilities. As discussed above, as per the previously approved DA N0102/05, the multi-purpose room is to be conditioned to be used by residents of ARV only.

## **13.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP, SEPP (Housing for Seniors and People with Disability) 2004 and other relevant Council policies.

The proposal is permissible within the specified zoning being 2(F) Urban Purposes- Mixed Residential zone as defined by Pittwater Local Environmental Plan 1993 and is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report.

While there are some minor non-compliance with Council's codes and policies, the development will respond to the desired future character of the Locality and will not dominate the residential area. The proposal is two storeys and has an increased setback from Macpherson St to further reduce the bulk of the dwelling.

As such, it is recommended that the Development Application be approved.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That the Joint Regional Planning Panel, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to development application N0634/10 for construction of a SEPP Housing for Seniors development including 25 self contained dwellings, associated ground level car parking, ancillary facilities including recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café subject to conditions of consent as contained in the draft determination.

## **Report prepared by**

Sophie Garland  
**SENIOR PLANNER**

**DRAFT DETERMINATION  
CONSENT NO: N0634/10  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:  
ANGLICAN RETIREMENT VILLAGES  
C/- AURECON  
PO BOX 538  
NEUTRAL BAY

Being the applicant in respect of Development Application No N0634/10

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0634/10 for:

The Construction of a SEPP Housing for Seniors development including 25 self contained dwellings, associated ground level car parking, ancillary facilities including recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café.

At: 6-14 MACPHERSON STREET, WARRIEWOOD (LOTS A & B DP 400488, LOT 22 DP 5464, LOTS 5, 6, 7 AND 8 DP 1115877 AND LOTS A & B DP 358765)

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

**Drawings numbered 0100 rev. a04, 1200 rev. a04, 1201 rev. a03, 0200 rev. a05, 2200 rev. a03, and 2500 rev. a03 prepared by NRP Architecture dated 14/12/2010.**

**Accessibility report prepared by Access Associates Sydney dated September 2010**

**Traffic Review prepared by Aurecon dated 16 September 2010**

**Acoustic Assessment prepared by Acoustic Logic Consultancy dated 16<sup>th</sup> September 2011**

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

## **DEFERRED COMMENCEMENT CONSENT**

### **PART 1**

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL PITTWATER COUNCIL IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING CONDITION:

1. Details are to be submitted that demonstrate that the Director General of the Department of Planning has certified in writing that the requirements as set out in Clause 30(D) of Pittwater Local Environmental Plan 1993 have been met and that an agreement with Sydney Water has been entered into.

**Upon receipt of evidence within twelve (12) months from the date of this consent satisfying the above, the consent will become operative, subject to conditions listed in Part 2 below.**

**The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.**

A

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## PART 2

### Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

#### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) The name and licence number of the principal contractor, and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.

- b) in the case of work to be done by an owner-builder:
  - i) The name of the owner-builder, and
  - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- 7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

**B. Matters to be incorporated into the development and maintained over the life of the development:**

- 1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified,
- 2. The development is to comply with the standards outlined in State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004, and
- 3. This consent should be read in conjunction with Development Consent N0102/05 relevant to this site endorsed 6<sup>th</sup> April 2006 as amended.
- 4. Any vegetation planted outside approved landscape zones is to be consistent with:
  - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan,
  - b) Species listed from the Endangered Ecological Community, and
  - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)
- 5. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for noxious/environmental weed lists.
- 6. No environmental weeds are to be planted on the site. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for environmental weed lists.
- 7. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.

8. For the life of the development Cats are to be kept in a cat run and / or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on the site or surrounding properties.
9. All services, including electrical and telecommunications, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan. The location of any trenching shall have regard for future and proposed landscaping in the public domain.
10. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
11. The adjustment of all public utilities and services is to be at the full cost of the developer.
12. Water conservation devices with an AAA rating must be installed and maintained, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
13. Only locally native canopy trees are to be planted on the site. Canopy tree species are to be from the vegetation community(s) on the site as per the lists in the Warriewood valley masterplan available from Council and on the Pittwater Web Site. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. No odour nuisance shall be caused from the carrying out of any operation within the premises.
16. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
17. All external glazing is to have a maximum reflectivity index of 25%.
18. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
19. Timber log retaining walls are not permitted and are not to be included in the proposed development.
20. Roofs to all structures are to be dark grey, brown and/or green tones only.
21. Sanitary facilities must comply with the Building Code of Australia. Provision must be made for storage of garbage containers, containers for recyclable material in an external areas of the premises or in a rooms specifically for that purpose.
22. No water pollution shall result from the operation of any plant or equipment or activity carried out.

23. Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia if required.
24. All services, including electrical and telecommunications within the development, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan. The location of any trenching shall have regard for future and proposed landscaping.
25. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be protected from flooding by reference to the Flood Planning Level as determined in the Water Management Report. (The level will be the 1% AEP flood level plus a freeboard safety factor of 500mm). This may be achieved by suitable flood protection works where the works are located below the relative level of the Flood Planning Level.
26. Noise from the operation of any plant or equipment at the premises (excluding construction activities) shall not exceed 5dB(A) above the background noise level measured inside the nearest dwelling on the property as well as measured inside the nearest dwelling adjacent to the property.
27. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
  - 1) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables,
  - 2) The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted,
  - 3) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface,
  - 4) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure,
  - 5) Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters,
  - 6) The garbage and recycling enclosure shall be made vermin proof,
  - 7) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2, and
  - 8) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
28. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.

29. The construction, fit out and finishing of the kitchen, cafe and food storage areas must comply with: Australian Standard 4674 –2004 Design, construction & fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2004.
30. Walls in and adjoining food handling areas (café and kitchen) must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction & fit-out of food premises.
31. Floors shall be:
- a) appropriate for the area,
  - b) able to be effectively cleaned, and
  - c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests.
32. Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No “feather edge skirting” is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.
33. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.
34. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 & 4.4 of AS 4674-2004 Design, construction & fit-out of food premises.
35. The ceiling over all food handling areas (including over the kitchen and cafe) must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.
36. Hand washbasins must be provided in the food cafe/kitchen area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and useable.
37. Hand washbasins must be provided with:
- (i) an adequate supply of potable warm running water delivered through a single spout,
  - (ii) a supply of liquid soap, and
  - (iii) single use hand towel.
38. Premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction & fit-out of food premises.
39. Dishwashers and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.

40. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.
41. All service pipes, conduits and electrical wiring shall be either concealed in floors, walls, ceilings or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
42. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination
43. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable be constructed and installed to prevent vermin harbourage.
44. A commercial kitchen must be provided with a kitchen exhaust hood complying with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings and AS 1668.2-1991 (Mechanical ventilation for acceptable indoor-air quality) where:
  - a) any cooking apparatus has:
    - (i) a total maximum electrical power input exceeding 8 kW,
    - (ii) a total gas power input exceeding 29 MJ/h.
  - b) the total maximum power input to more than one apparatus exceeds:
    - (i) 0.5 kW electrical power; and
    - (ii) 1.8 MJ gas  
per m<sup>2</sup> of *floor area* of the room or enclosure.
45. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
46. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
47. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
48. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
49. No noise nuisance shall be caused through the operation of any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
50. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
51. Medical treatment rooms are to comply with the "Infection Control Guidelines for Oral Health Care Settings" published by NSW Health.



52. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pool Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
53. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
  - a) The warning notice (i.e. sign) must contain all of the following words:
    - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
    - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
    - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
  - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
    - (i) that are set out in accordance with the relevant provisions of that Guideline,
    - (ii) that comply with the other relevant guidelines of the Australian Resuscitation Council, and
    - (iii) that are illustrated by drawings with key words only in bold print,
  - c) a statement to the effect that formal instruction in resuscitation is essential,
  - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
54. The multi-purpose room in Building J is for the sole use of ARV staff, residents and their guests only and is not to be used by those external to the site.
55. This consent does not approve or regularise any works on adjoining sites.
56. The full length of the existing dish drain in Brands Lane between the roundabouts (constructed under the current approval (N0102/05) to provide access to the proposed carpark) is to be removed and replaced with barrier kerb and gutter to Council's Requirements.
57. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

**C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering details showing the Water Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.

2. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
3. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped the plans before the issue of any Construction Certificate.
4. The applicant shall submit to the accredited Certifier details of the kitchen, café, and kiosk. The design, fitout and construction of these food areas must comply with AS 4674 and Food Safety Standard 3.2.3.
5. Driveway Access to Brands Lane - Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier or Council with the Construction Certificate application.
  - a) Street Levels must be obtained from Council for all access driveways across the public road verge to road edge. The street levels provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway,
  - b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge i.e. other than a plain concrete finish, within the public road reserve,
  - c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor, and
  - d) Councils Fees and Charges apply to Street Levels and Deed of Agreement for Access Driveway.
6. An updated Water Management Report, based on the Water Management Report - GHD December 2006 and GHD letter 18 January 2011 supporting Stage 3, detailing the design and plans for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification (February 2001)* and *Pittwater 21 Development Control Plan* is to be submitted by the applicant.

The detailed design and specification of all works associated with the water management system must provide for a complete system which meets the objectives and requirements of the *Warriewood Valley Water Management Specification (February 2001)* and the updated Water Management Report referred to in condition C9.

The updated Water Management Report is to address the following:

- Confirmation of the Probable Maximum Flood (PMF) level (for 0.9m sea level rise) for establishing the finished floor level for building J/K including multi-purpose room and offices based on the 2100 Climate Change Scenario for the PMF condition,
- Confirmation of the Probable Maximum Flood (PMF) level for the crest of the ramp to the carpark entrance of the existing residential aged care ensuring safety of the carpark for the PMF condition,
- A detailed flood Emergency Response Plan for the site and its surrounds to cater for a flood up to the level of the Probable Maximum Flood (PMF) with a 2100 Climate Change Scenario (for 0.9m sea level rise), and



- Demonstrate that the impervious areas of the development does not exceed 55% of the site being 6-14 Macpherson St, Warriewood.

The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated into the total site overall disaster/ emergency management plan.

7. The Flood Management System is to be designed to meet the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification and is to include and provide for:-
  - (i) Design of the works to achieve:
    - a) An unobstructed floodway is constructed from Brands Lane leading to Narrabeen Creek to carry floodwaters in a Probable Maximum Flood event with a 2100 climate change scenario (for 0.9m sea level rise),
    - b) All habitable floor levels of the adjacent building J/K including multi-purpose area and offices, are at the Probable Maximum Flood level 2100 climate change scenario (for 0.9m sea level rise), and
    - c) The entrance gate to the driveway at Brands Lane is to be designed to allow the passage of water.
  - (ii) The Stormwater Management System is to include a design for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The systems are to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
8. The updated Water Management Report and all associated plans must be certified in accordance with the *Warriewood Valley Water Management Specification (February 2001)* as meeting the requirements of these conditions.
9. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
10. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual. The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
11. A waste management plan as per Appendix 4 of the Warriewood Valley Urban Land Release Planning Context and Criteria is to be prepared and submitted to the Private Certifying Authority with the Construction Certificate application for all construction and site works including excavation and / or removal of existing waste and debris from the site, construction of roads, drainage facilities, buildings and other structures where waste may be generated.

12. Detail landscape plans to be prepared by a qualified landscape architect showing detail of landscape works generally in accordance with Landscape Plan LA01 as prepared by Taylor Brammer Landscape Architects. Landscape plans to include the following elements:
- Setback to Macpherson Street to maximise use of all areas for screening shrub/tree planting. Turf/paved areas to be minimised with intensive shrub planting 2-3m in height to be densely planted with trees at 10m centres along the entire frontage.
  - All trees to Brands Lane, Macpherson Street and internal access road frontages to be 400 litres in size. Native palms to be 3-5m clear trunk height. Shrub planting as per planting schedule (Taylor Brammer LAOI). Mounding up to 500mm to the frontage to assist screening of the built form would be accepted.
  - Report from qualified landscape architect independently certifying that works as installed are in accordance with detail landscape plans is to be submitted and approved by nominated certifier prior to release of occupation certificate.
13. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

14. A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field is to be submitted to the Accredited Certifier or Council in respect of the following items:
- 1) The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area,
  - 2) The proposed method of disposal of collected surface waters is to be clearly detailed, and
  - 3) Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
15. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
16. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

17. Design details and technical specifications relevant to recommendations in the Access Report, Prepared by Access Associates Sydney dated September 2010, must be submitted to the Accredited Access Adviser for written confirmation and submitted to the Accredited Certifier or Council with the Construction Certificate application.
18. A revised Accessibility Report is to be provided which adequately addresses the raised floor level of the Multipurpose Centre and offices. Design details and technical specifications relevant to the revised recommendations area to be submitted to an Accredited Access Adviser for written confirmation and submitted to the Accredited Certifier or Council prior to the issue of a Construction Certificate application.
19. The ridge line of the multi-purpose area and associated offices is to be maintained as shown on development drawings numbered 3- 2500 amendment date 14/12/2010 prepared by NRP Architecture.

**D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. No works are to be undertaken in Council's Road Reserve without the written approval of the Council under Section 139 of the Roads Act, 1993.
2. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's road reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed on site.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
6. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
- 9.. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - 1) The builder's name, builder's telephone contact number both during work hours and after hours,

- 2) That no works are to be carried out in Council's Road Reserve without the written approval of the Council,
  - 3) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site,
  - 4) That no skip bins or materials are to be stored on Council's Road Reserve, and
  - 5) That the contact number for Pittwater Council for permits is 9970 1111.
10. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
    - 1) Quantity of material to be transported,
    - 2) Proposed truck movements per day,
    - 3) Proposed hours of operation, and
    - 4) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
  11. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
  12. Toilet facilities are to be provided in a location, which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
  13. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
    - A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant for the contractor is required to be submitted for approval by Council prior to the commencement of any site works.
  14. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, on front-on and one from each side of the property, are to be submitted to Pittwater Council with the notification of the commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
  15. An all weather vehicular access must be maintained throughout the construction period to ensure continuous access to Foley's Nursery in Brands Lane. Such access must accommodate all vehicles including retail customers and service / delivery vehicles.

## **E. Matters to be satisfied prior to the issue of Occupation Certificate:**

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.
2. All appropriate infrastructure is to be provided to service the development, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
4. A Certificate by a qualified Engineer or Architect confirming that all access driveways in the public road reserve have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
6. All parking areas and driveways are to be sealed to an all weather standard, line marked, signposted and maintained prior to occupation/use of the site.
7. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. Full details in this regard are to be submitted to Council, prior to release of the Occupation Certificate.
8. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Occupation Certificate:
  - (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994,
  - (ii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia),
  - (iii) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council,

The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:

- Boundary layout,
- Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls,
- Signage (including type and wording), line marking,
- Easements, survey numbers and marks, reduced levels and co-ordinates,
- Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains,
- Water quality devices, ponds, creek line corridors, parkland, play equipment, and
- Significant landscaping.

- (iv) A security deposit of 5 % of the value of the works is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.
9. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to the development site have been carried out and completed in accordance with the engineering plans and specifications required under the conditions of this consent.
10. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate for each stage of development.
11. Certification is to be provided to Council, by an appropriately qualified professional, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under the conditions of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
12. All works associated with the water management system required under the conditions of this consent are to be completed prior to the issue of the Occupation Certificate for each stage of development.
13. A copy of the updated Water Management Report required under the conditions of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).



14. Notification to Council, certified by the appropriately qualified professional, of the properties to be notated under Section 149(2) for either Flood Category 1 or 2. Such notification is required to be submitted in sufficient time to allow process through the elected Council (approximately 6 weeks).
15. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
16. Street numbers are to be affixed to the building prior to occupation.
17. The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at  
[http://www.pittwater.nsw.gov.au/business/commerce\\_and\\_industry\\_premises/information\\_for\\_food\\_premises](http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_for_food_premises)
18. Council's Environmental Health Officer is to be contacted (phone: 9970-1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum of 48 hours notice is required for the inspection
19. Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.
20. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority **prior to the issue of the Occupation Certificate.**
21. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2:1991 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority **prior to the issue of the Occupation Certificate.**
22. The certifying authority must be provided with evidence that the food business has been notified with NSW Food Authority. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed food notification form to Council.  
  
Note: A fee applies when lodging notification forms with Council.
23. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
24. Noting that its the applicants stated intention to develop a total of 260 dwellings overall, should Consent N0102/05 not be modified to reduce the overall combined dwelling yield under Consent N0102/05 and this Consent to 260 dwellings a contribution of **\$325,567.77** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan, relative to the 15 additional dwellings provided for within this consent

The breakdown of the contribution for 15 additional dwellings is follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$75,546.57	SWTT
Community Facilities	\$56,009.55	SWCF
Public Recreation	\$142,527.00	SWPR
Pedestrians/Cycleways	\$38,695.80	SWPC
Library Services	\$12,788.85	SWLS

The *Warriewood Valley Section 94 Contributions Plan* may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the occupation certificate unless consent N0102/05 is modified as per this condition.

#### F. Advice:

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. You are advised that best practice advice and Council policies on climate change are likely to change with time, as more definitive information becomes available from climate change scientists around the world. Consequently Council's Flood Hazard Classification on this property may change with time. Any change in Flood Hazard Classification must be adopted by the elected Council, owners notified in writing and be placed on public exhibition for a minimum of 28 days.
3. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
4. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
5. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
6. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
7. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).



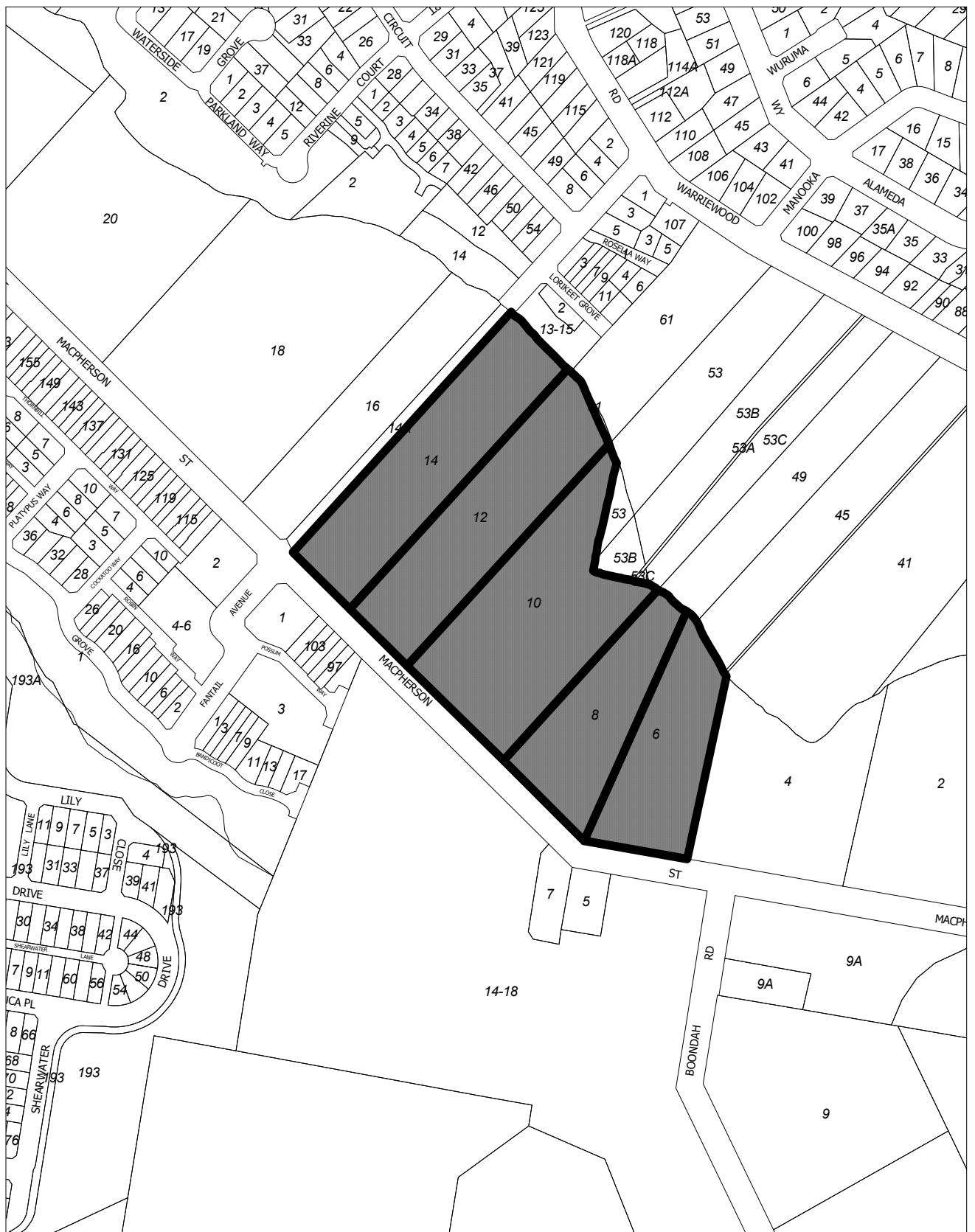
8. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
9. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
10. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
11. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.

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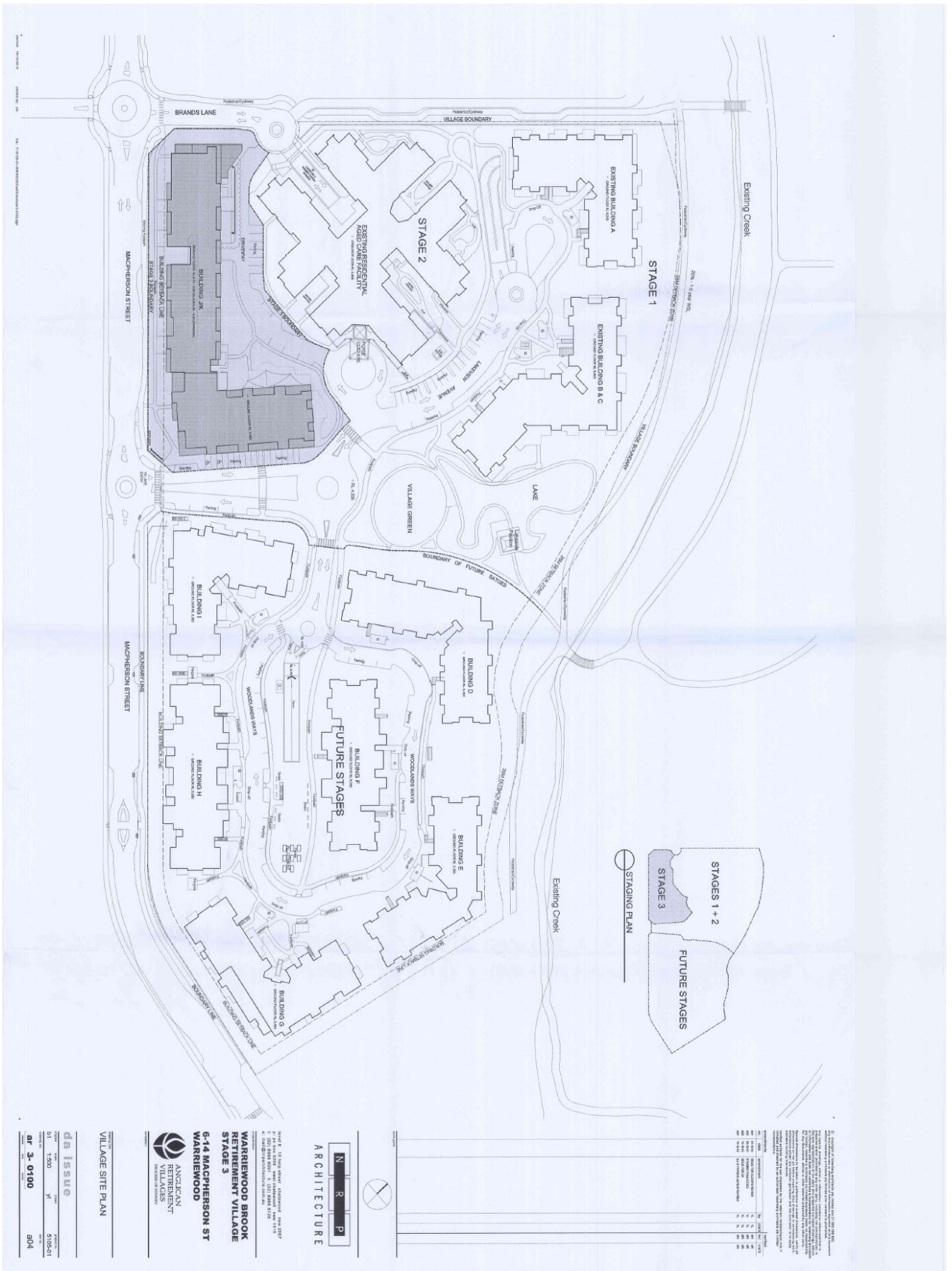
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## LOCALITY MAP



# NOTIFICATION PLAN

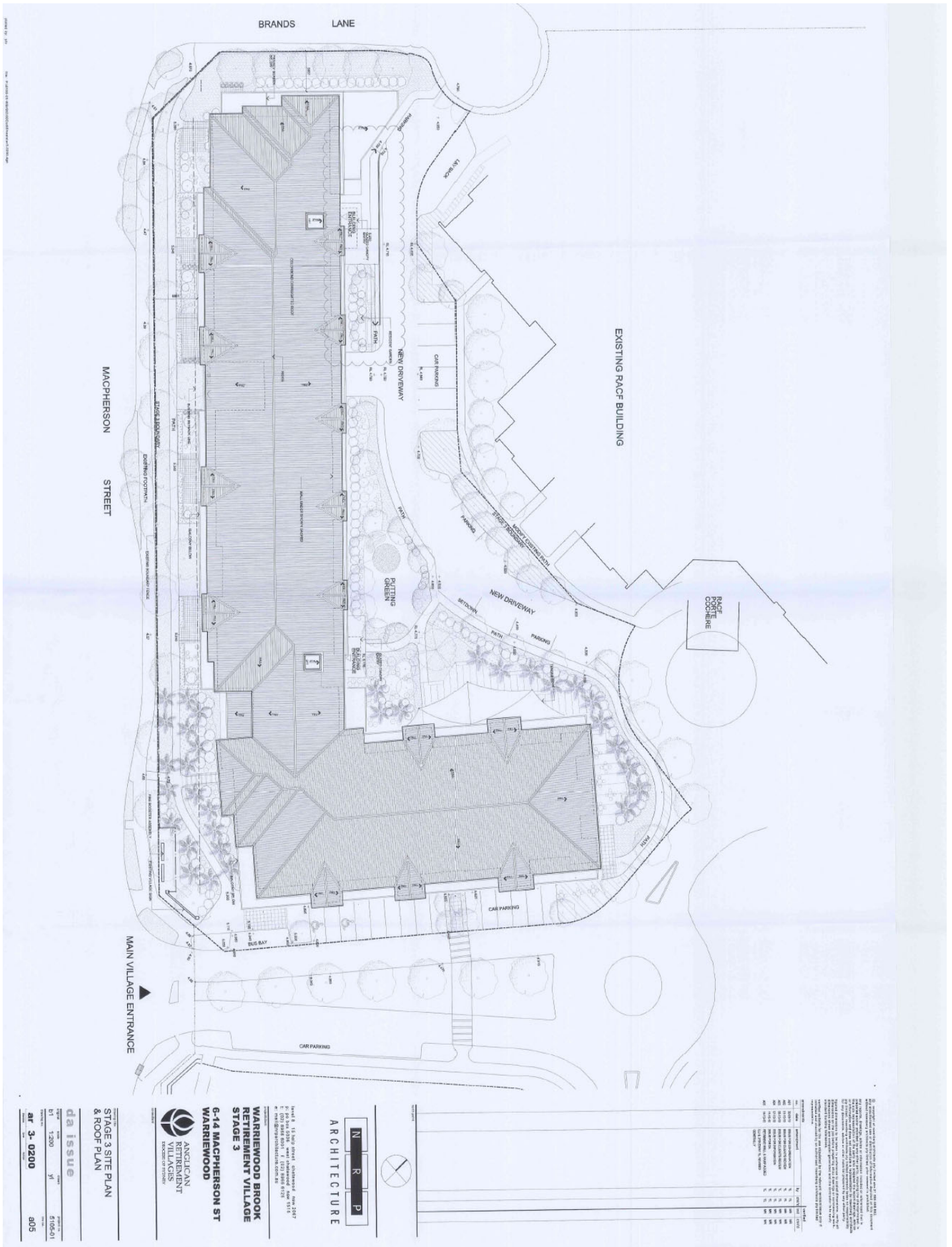






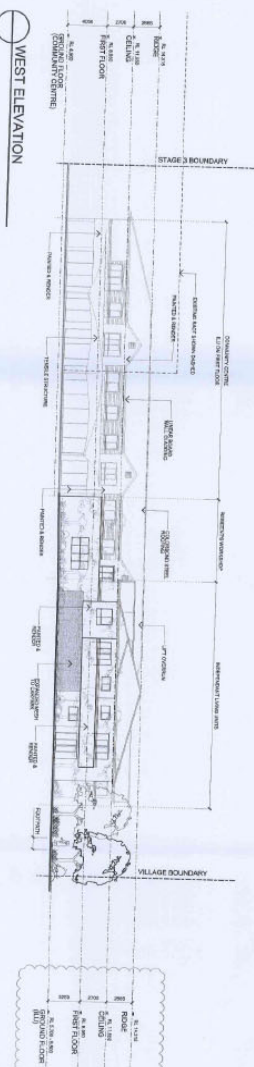
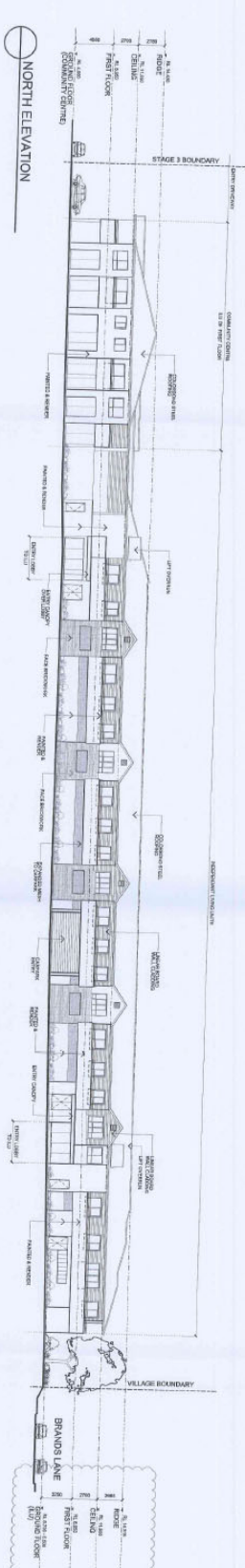
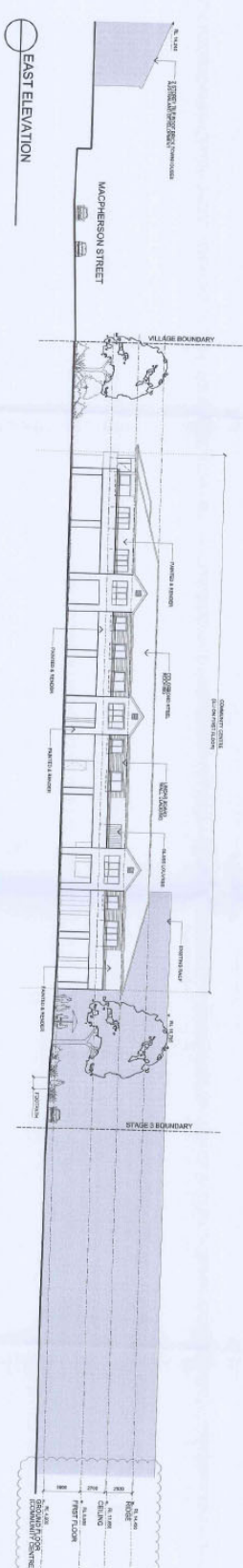
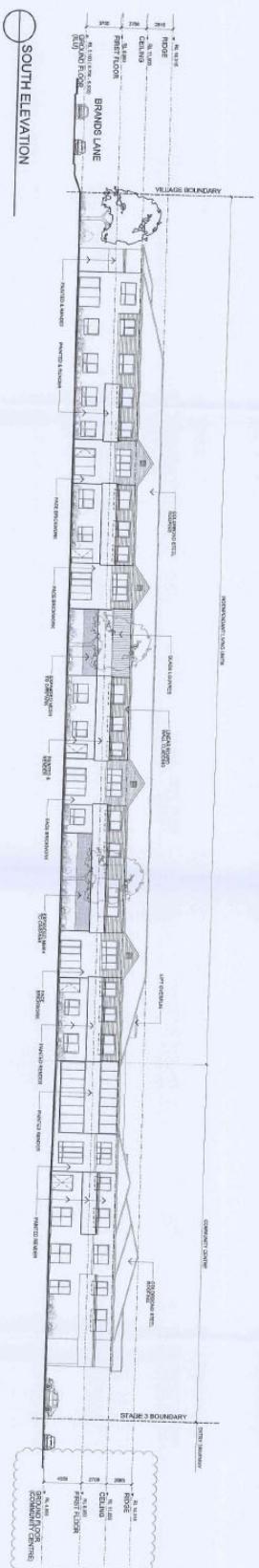












**da issue**  
 DATE: 10/01/2011  
 BY: JH  
 0106501

ELEVATIONS



**6-14 MACPHERSON ST  
 WARRIWOOD BROOK  
 RETIREMENT VILLAGE  
 STAGE 3**



**ARCHITECTURE**

Level 1: 17 Macquarie Street, Sydney NSW 2000  
 P: 02 9550 1000 F: 02 9550 1001  
 E: info@nrp.com.au W: www.nrp.com.au  
 Level 2: 17 Macquarie Street, Sydney NSW 2000  
 P: 02 9550 1000 F: 02 9550 1001  
 E: info@nrp.com.au W: www.nrp.com.au



## **Community, Recreation and Economic Development Committee**

### **8.0 Community, Recreation and Economic Development Committee Business**

## **C8.1 Dunbar Park Plan of Management - Adoption**

**Meeting:** Community, Recreation and Economic Development

**Date:** 7 March 2011

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**STRATEGY:** Recreational Management

**ACTION:** Undertake general planning, design and management of recreational facilities.

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### **PURPOSE OF REPORT**

For Council to consider the adoption of the Dunbar Park Plan of Management.

#### **1.0 BACKGROUND**

- 1.1 The Dunbar Park Plan of Management (POM) has been prepared to supersede the existing Dunbar Park POM adopted in February 2005.
- 1.2 Dunbar Park is situated in the heart of Avalon basin on the northern edge of Avalon's commercial centre. The Park's central location means that it is well positioned to provide public recreational facilities for residents, nearby schools and community groups and to function in association with local indoor community facilities.
- 1.3 This Plan of Management sets out a vision for the future of Dunbar Park as an important central community open space and recreation precinct. The vision is for a space that acts as a common for the Avalon community where people come to relax, gather, be entertained and enjoy in the heart of Avalon.
- 1.4 The current PoM (adopted 2005) began this vision through the removal of the soccer field which created an open common. This Draft PoM attempts to build upon this vision by proposing facilities to make the space work.

#### **2.0 ISSUES**

##### **2.1 Exhibition Period**

The Draft POM was placed on exhibition for a period of 63 days from the 11 December 2010 till 12 Feb 2011. The exhibition period was extended from the proposed 28 days due to being held over the holiday period.

##### **2.2 Submissions**

28 Submissions were received during the exhibition period. A summary has been included in this report (refer **Attachment 1**). Of these submissions 19 expressed some form of objection to the proposal of the outdoor performance stage connected to the Avalon Recreation Centre Annexe (former Scout Hall). The majority of these objections were in relation to unwanted noise in the area.

## 2.3 Theme 1: Noise

**Number of Submissions: 15**

### **Submission Points:**

- Noise to neighbouring residents as a result of the proposed outdoor performance stage connected to the Avalon Recreation Centre Annexe (former Scout Hall).
- Specific concerns regarding amplified music while others were concerned about night time noise.

### **Staff Response:**

At public meetings held in 2010 in relation to the two halls within Dunbar Park, there was a strong expressed need for a range of activities for young people. Many community members expressed the need for provision of affordable space for young people to socialise and engage in positive supervised activities.

The POM has been amended to include hours of operation for the facility.

Any proposed usage of the Avalon Recreation Centre Annexe (former Scout Hall) would be consistent with the following hours of operation:

- 7am to 10pm.

Any proposed usage of the Avalon Recreation Centre Annexe (former Scout Hall) deck as a performance space would be consistent with the following hours of operation:

- 9am to 9pm

## 2.4 Theme 2: Upgrade of Avalon Recreation Centre Annexe – Other Issues

**Number of Submissions: 3**

### **Submission Points:**

- Support of the proposed upgrade.
- Concerns regarding the proposed upgrade to the Avalon Recreation Centre Annexe (former Scout Hall) as it would encroach on parkland.
- It was suggested that the money required for the proposed upgrade would be better off spent on renovating the Bowling Club.

### **Staff Response:**

At public meetings held in 2010 in relation to the two halls within Dunbar Park, there was a strong expressed need for a range of activities for young people. Many community members expressed the need for provision of affordable space for young people to socialise and engage in positive supervised activities.

Staff have had further consultations with students and teachers from Barrenjoey High School, with similar feedback; being youth activities were needed within Avalon (and wider Pittwater) for young people to engage positively in programs particularly in the performing arts. Council staff have continued to work with local youth agencies such as Youth Reach to explore appropriate programs to offer young people within the Avalon Recreation Centre Annexe (former Scout Hall).

It is envisaged that the staff will work in partnership with local high schools, community groups and individuals to develop a program of cultural activities for the proposed stage, with the aim to deliver a range of cultural performances such as music, dance and theatre.

It is believed that creating such spaces within our community recognises and promotes the talent within the Pittwater community and provides young people the opportunity to perform publically encouraging cross generational engagement.

## **2.5 Theme 3: Anti Social Behaviour and Vandalism**

### **Number of Submissions: 5**

#### **Submission Points:**

- Concerns for anti social behaviour and vandalism.
- That providing more facilities would attract more people and hence may cause more incidents. It was also suggested that the proposed renovations to the Avalon Recreation Centre Annexe (former Scout Hall) would offer a greater target for vandalism.

#### **Staff Response:**

The proposed upgrade of the Avalon Recreation Centre Annexe (former Scout Hall) is a direct response to cater for the communities request for facilities for youths and performing arts as outlined above in response to Theme 2. The proposed upgrade of the Hall would enhance the area and offer some level of community ownership which may help to prevent vandalism. It is believed that activity and use of public space facilitates community ownership, resulting in the reduction of vandalism and other such anti-social activities.

## **2.6 Theme 4: Kiosk/Café**

### **Number of Submissions: 8**

#### **Submission Points:**

- Support for the proposed kiosk/café facility. (3)
- Concerns raised that there are already an adequate number of cafés in Avalon. (5)

#### **Staff Response:**

The proposal is for a small kiosk facility designed to service users of the adjacent playground. The playground is a popular and well used facility that will be expanded inline with the Masterplan. Council sees it as important to offer the community a social space with facilities for not only children, but for parents and carers. Winnererremy Bay and Governor Phillip Park are examples of how this relationship has worked within Pittwater.

## **2.7 Theme 5: Former Guide Hall**

### **Number of Submissions: 2**

#### **Submission Points:**

- The cost to renovate the former guide hall would out way the benefit of keeping the structure.
- Suggested that the building should be demolished and the areas returned to public open space.

**Staff Response:**

Council agreed to extend the moratorium of the demolition of the former guide hall for one year. Council has since facilitated an expression of interest process to offer a lease for the hall to a community group who can demonstrate a plan to fund the upgrade, maintain the hall and provide a use that is of benefit to the Avalon community. The results of this process are currently being reviewed.

**2.8 Theme 6: Barbecues****Number of Submissions: 3****Submission Points:**

- Do not support of Barbecues within Dunbar Park.
- Suggested Avalon Beach Reserve to be a more appropriate venue.

**Staff Response:** Barbecues were included in the Masterplan due to requests from community members during public consultation. Council have included them in the Masterplan as a way to increase recreational activities within the Park.

**2.9 Theme 7: Thinning of Trees****Number of Submissions: 3****Submission Points:**

- Not in support of thinning trees on the northern boundary of the park adjacent to the playground.
- Confusion around reason for thinning as Council are also proposing shade structures to the playground.

**Staff Response:** The proposed thinning would be to remove the Phoenix Palm and possibly some branches of other trees to allow for a less dense canopy. The playground will still require a shade structure as the sun is at a different angle during summer and winter months.

**2.10 Theme 8: Phoenix Palms****Number of Submissions: 2****Submission Points:**

- Not in support of transplanting Phoenix Palms within the Park as they are considered a noxious weed.

**Council Response:**

The POM proposes the thinning out of Palms near the drainage channel with the possibility that they may be transplanted in the Park or else ware. This allows Council future flexibility should there be a reason to relocate a palm or allows for the palms to be used or sold else ware. The avenue of palms could also be viewed as an important cultural identifier for Avalon.

**2.11 Theme 9: Lighting****Number of Submissions: 3****Submission Points:**

- Support for more lighting within the Park. (2)
- Not in support for lighting within the Park. (1)

**Staff Response:**

Lighting is proposed throughout the Park as it was an issue discussed during the consultation process. Increased lighting will create a safer environment within the Park.

**2.12 Theme 10: Parking****Number of Submissions: 2****Submission Points:**

- A request that no more vehicle parking encroach on parkland.
- Support for changes to Old Barrenjoey Rd to become 90 degree parking.

**Staff Response:**

There is no intention to increase vehicle parking where it would encroach on the Reserve. Proposals for Old Barrenjoey Rd form part of the Avalon Town Centre Masterplan and would be subject to approval by Council's Traffic Committee.

**2.13 Theme 11: Bowling Club****Number of Submissions: 3****Submission Points:**

- A request that funds set aside for the upgrade of Avalon Recreation Centre Annexe be spent on the Bowling Club building.
- Scope to redevelop western end of Park if Bowling Club and RSL Club were to merge.
- Bowling Club should be left as is and encouraged to increase recreational activities.

**Staff Response:**

The POM does not propose any change to the Bowling Club. Council is willing to help facilitate discussions between the Bowling Club, RSL Club and RSL Sub branch to develop a future proposal for the western end of the park. Any proposal would be focused towards community benefit and recreation.

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**3.0 SUSTAINABILITY ASSESSMENT****3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 This project provides for the diverse needs of all sectors of the community by upgrading facilities within the park. The proposals address particular needs of the youth of Avalon by providing a performance stage. Mobility within the community would be improved by sealing and lighting paths.

**3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 Dunbar Park is a modified environment. The PoM makes note of issues relating to the flood plain what process need to be taken into account for works within the park.

**3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 Following adoption of the PoM, landuse, management and development issues relating to Dunbar Park will be defined through the PoM. Objectives within the PoM are to be funded through Council's Major Works Program on a staged basis as funding becomes available in the Pittwater Delivery Plan.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 The process of developing the PoM has included extensive stakeholder consultation and consultation with key Council staff. Any submissions received during the exhibition period will be taken into consideration in the final document to be presented to Council.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The PoM directs the effective use of community assets through the long term planning of facilities. The recommended refinements as a result of community consultation will improve the Reserve for the public. Overall the proposals within the PoM will enhance the public space and provide additional facilities for all sectors of the community.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 This Plan of Management sets out a vision for the future of Dunbar Park as an important central community open space and recreation precinct. The vision is for a space that acts as a common for the Avalon community where people come to relax, gather, be entertained and enjoy in the heart of Avalon.
- 4.2 The current PoM (adopted 2005) began this vision through the removal of the soccer field which created an open common. This Draft PoM attempts to build upon this vision by proposing facilities to make the space work.
- 4.3 The Landscape Masterplan proposes creating a park environment that provides facilities where all members of the community can participate in passive and active recreation. The Landscape Masterplan helps achieve this by creating a more defined sense of place, upgrading community hall facilities, continuing to upgrade playground and improve access, circulation and park safety.
- 4.4 Major proposals within the Masterplan include:
- Renovation of the Avalon Recreation Centre Annexe (former Scout Hall) to include outdoor performance stage, deck, shade structure, doors facing the park, accessible toilets and storage.
  - Small kiosk attached to the side of the Avalon Recreation Centre Annexe with the main purpose to service the needs of parents and carers of children using the playground.
  - Playground expansion to cater for younger and older children, as per the 2008 Playground Masterplan
  - Maintaining the green open space to be used as a “town green” for passive recreation and community events.
  - General facility upgrades such as lighting to paths, seating and picnic facilities and sealing of paths.

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## **RECOMMENDATION**

That the Dunbar Park Draft Plan of Management, as tabled at the meeting, be adopted.

Report prepared by  
Phillip Gray – Landscape Architect

Les Munn  
**MANAGER, RESERVES & RECREATION**



**Summary of Submissions During Exhibition Period**

No.	Date	Submission Type	Summary of Main Issues	Actions	Staff Response
1	13 Dec 2010	Website Form	Would like a facility to cater for arts courses for disabled people	Responded	Advised that expressions of interest are being sort for uses for the former Guide Hall and the organisation that runs the facility they currently use may wish to put in a submission.
2	05 Jan 2011	Website Form	Better link across park to Elba Lane Thin trees in Woolworths carpark. Up lighting throughout park Demolish Guide Hall and return to public space.	Responded	It is proposed to add decomposed granite to the area beneath trees at the western end of the open space. This would act as a path to link to Elba Lane. Thinning trees and lighting are proposed in the POM. Council agreed to extend the moratorium of the demolition of the former guide hall for one year. Council has since facilitated an expression of interest process to offer a lease for the hall to a community group who can demonstrate a plan to fund the upgrade and maintenance of the hall and provide a use that is of benefit to the Avalon community. The results of this process are currently being reviewed.
3	11 Jan 2011	Hand Written Form	No night time entertainment in Dunbar Park due to noise for neighbouring residences.	Responded	The POM has been amended to include hours of operation for the Avalon Recreation Centre Annexe. Any proposed usage of the Avalon Recreation Centre Annexe would be consistent with the following hours of operation. 7am to 10pm. Any proposed usage of the Avalon Recreation Centre Annexe deck as a performance space would be consistent with the following hours of operation. 9am to 9pm
4	12 Jan 2011	Hand Written Form	Facilities should be used during daytime only and there should be no lighting during night.	Responded	Refer to response No.3
5	13 Jan 2011	Website Form	Works to the scout hall will be very expensive. Money should be spent improving the bowling club.	Responded	The proposed upgrade of the Avalon Recreation Centre Annexe is a direct response to cater for the communities request for facilities for youths and performance arts.
6	14 Jan 2011	Hand Written Letter	Would like sufficient landscaping throughout playground area to enhance aesthetic value of Park	Responded	The Masterplan proposes extensive landscaping within the playground precinct.
7	17 Jan 2011	Email	Against covered stage and amplified music/noise in Park	Responded	Refer to response No.3 and No.5

No.	Date	Submission Type	Summary of Main Issues	Actions	Staff Response
8	17 Jan 2011	Hand Written Form (Back of Flyer against outdoor stage)	Against outdoor stage due to noise. Playground should include Shade. Supports small café/kiosk (but only during daytime)	Responded	Refer to response No.3 and No.5 The Masterplan proposes shade structures for the playground. The proposed kiosk's main function is to service the needs for the children's playground; hence this is envisaged to be a daytime facility. Details of hours of use would be developed with any lease agreement.
9	18 Jan 2011	Hand Written Form (Back of Flyer against outdoor stage)	Would like the stage to only operate during daylight hours due to potential noise.	Responded	Refer to response No.3
10	19 Jan 2011	Hand Written	Against outdoor stage Support Café/kiosk	Responded	Refer to response No.3 and No.5
11	23 Jan 2011	Email	Against outdoor stage due to noise. Against café/kiosk as there are already enough outlets in Avalon.	Responded	Refer to response No.3 and No.5 The proposed kiosk's main function is to service the needs for the children's playground. The kiosk would be subject to somebody accepting a lease agreement and hence seeing it as a commercially viable business.
12	25 Jan 2011	Hand Written Form	Against outdoor stage due to noise. Against Café/kiosk	Responded	Refer to response No.3, No.5 and No.11
13	27 Jan 2011	Email with weblink to Submission	Supports Aquatic Facility Against Woolworths occupying leases in Dunbar Park Against allowing Woolworths to lease space in carpark. Upgrading carpark (near Woolworths) should not be paid for by rate payers.	Responded	Council is conducting a feasibility study for an aquatic facility in Pittwater. Council has agreed to exhibit a new lease agreement with Woolworths. This will be placed on public exhibition in the near future. Funds raised from the Woolworths leases go directly into funding the maintenance and upgrade of Dunbar Park, including the carpark.
14	27 Jan 2011	Website Form	Against outdoor stage due to noise.	Responded	Refer to response No.3 and No.5
15	27 Jan 2011	Email	Supports Old Barrenjoey Rd to become one way with 90 degree parking. Supports amalgamation of clubs and development of adjacent carpark on Avalon Pde.	Responded	Any change to parking on Old Barrenjoey Road would be subject to being discussed in Council's Traffic Committee.
16	4 Feb 2011	Hand Written Form (Back of Flyer against outdoor stage)	Against outdoor stage due to noise.	Responded	Refer to response No.3 and No.5
17	4 Feb 2011	Email	Draft POM accurately reflects community discussions. Cost to repair Guide Hall will be too much. Significant opportunity to develop western end of park and supports discussions towards this.	Responded	Council agreed to extend the moratorium of the demolition of the former guide hall for one year. Council has since facilitated an expression of interest process to offer a lease for the hall to a community group who can demonstrate a plan to fund the upgrade and maintenance of the hall and provide a use that is of benefit to the Avalon community. The results of this process are currently being reviewed.

No.	Date	Submission Type	Summary of Main Issues	Actions	Staff Response
17		(Continued)			Council is willing to help facilitate discussions between the Bowling Club, RSL Club and RSL Sub branch to develop a future proposal for the western end of the park. Any proposal would be focused towards community benefit and recreation.
18	3 Feb 2011	Hand Written Form	Proposed extension to former scout hall will take up valuable parkland space. Worried about noise from proposed stage.	Responded	Refer to response No.3 and No.5 The extensions to the hall would take a small amount of grass area that is generally not currently used.
19	7 Feb 2011	Hand Written Form	Against outdoor stage due to noise. Supports café/kiosk.	Responded	Refer to response No.3 and No.5
20	9 Feb 2011	Submission form with attached letter	Would like to compliment staff on the very comprehensive Draft POM. Vehicle parking not to encroach into park land. Bowling Club should be retained and increase recreational activities. Concerned that additions to scout hall will result in more vandalism and hence more cost to Council.	Responded	There are no proposals to increase vehicle parking in lieu of park space. There has been no change to the Bowling Club. The proposed upgrade of the Hall would enhance the area and offer some level of community ownership which may help to prevent vandalism. It is believed that activity and use of public space facilitates community ownership, resulting in the reduction of vandalism and other such anti-social activities.
21	9 Feb 2011	Email	Concerned that the stage will add more noise. Would be happy if use was restricted to unamplified sound.	Responded	Refer to response No.3 and No.5
22	10 Feb 2011	Email	Requests that plants used in landscaping are native to Pittwater. If Phoenix Palms are thinned they should not be replanted as they are considered weeds. Against thinning of trees behind playground.	Responded (email)	There have been no plant species identified at this Masterplan stage. This will be taken into consideration when plant species are being selected at further design stages. The POM proposes the thinning out of Palms near the drainage channel with the possibility that they may be transplanted in the Park or elsewhere. This allows Council future flexibility should there be a reason to relocate a palm or allows for the palms to be used or sold elsewhere.
23	11 Feb 2011	Letter	Against outdoor stage due to noise and that it will attract more young people into the area.	Responded	Refer to response No.3 and No.5
24	11 Feb 2011	Web Form	Against outdoor stage due to noise and increased need for parking. Against café/kiosk as there are already enough in Avalon.	Responded	Refer to response No.3, No.5 and No.11
25	11 Feb 2011	Email	Suggests that the plan has been developed as part of a piecemeal approach rather than part of the whole Avalon locality.	Responded	Council has previously produced an Avalon Masterplan which has been adopted under the section 94 strategy. This plan was displayed during public meetings and used in the preparation of the POM.

No.	Date	Submission Type	Summary of Main Issues	Actions	Staff Response
25		(Continued)	Supports most proposals within POM. Does not support shared path along Barrenjoey Rd Question the need to seal paths Against thinning of trees behind playground Against outdoor stage Against Café/kiosk RSL outdoor dining area should be a commercial rental		A shared path would provide pedestrians and cyclists a safe, direct route. Sealing paths would reduce maintenance and not form puddles and become muddy during times of wet weather. The proposed thinning of trees would be to remove the Phoenix Palm and possibly some branches of other trees to allow for a less dense canopy. Refer to response No.3, No.5 and No.11 The lease for the RSL is a commercial based lease.
26	11 Feb 2011	Email	Would like to see more bicycle parking facilities. Supports proposal for Scout Hall Supports current leases provided charges continue to increase. Supports reconfiguration of Old Barrenjoey Rd.	Responded	The Masterplan proposes to relocate the existing bicycle parking facility. It is envisaged that this would also involve an upgrade to the current facility.
27	10 Feb 2011	Letter	Against outdoor stage due to noise and invitation to vandals. Does not support barbecues Against café/kiosk as there are enough in Avalon. Phoenix Palms should be removed as they are a weed.	Responded	Refer to response No.3, No.5, No.11, No.20 and No.25 Barbecues have been included in the Masterplan as a way to offer increase recreational opportunities within the Park.
28	17 Feb 2011	Letter	Support former Guide Hall to be used as a Men's Shed	Noted (copy of previous submission)	CBPRA have submitted an expression of interest to use the former Guide hall as a men's shed.

## **C8.2            Midnight Basketball**

**Meeting:**            Community, Recreation and  
Economic Development

**Date:**    7 March 2011

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**STRATEGY:**    **Building Communities**

**ACTION:**            Respond to a range of community, cultural and social needs.

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### **PURPOSE OF REPORT**

Report back to Council to success of the first trial tournament of Midnight Basketball.

To seek financial support for the Midnight Basketball program to continue in 2011 and 2012.

### **1.0      BACKGROUND**

- 1.1    Midnight Basketball is a national social inclusion program to help young people identify and embrace positive opportunities. Through a combination of sport and life skills workshops the program aims to:
- Contribute to community and individual capacity building.
  - Engage a diverse social mix of young people in its programs
  - Be sustainable over time.
- 1.2    In 2010 Council supported a partnership between Midnight Basketball Australia and Youth Reach to implement the first tournament of the Midnight Basketball program at the Northern Beaches Indoor Sports Centre. The tournament ran from October through to early December.
- 1.3    The first tournament saw over 80 young people register to participate, with an average of 50-60 players attending each night. Over 50 volunteers registered with 15-20 helping out each night with; dinner, workshops, scoring, team management and general supervision.

### **2.0      ISSUES**

#### **2.1      Outcomes from first tournament**

The Pittwater Midnight Basketball committee made up of individuals and community organisations including Youth Reach, Council and Centrelink worked within the community to widely promote the program. The committee received support from local schools in the promotion of the program encouraging young people to participate.

Pittwater Midnight Basketball received financial and in-kind contributions from individuals and local businesses.

Each participant went through a grading process in the first week of the program and teams were established. Players stayed within their teams for the entire 8 week program. This consistency enabled relationships to form and team work to be facilitated. Each team was assigned a manager and assistant manager who worked with their team for the 8 weeks.

Each participant (players and volunteers) received a nutritious meal each night. This was a positive way for all involved to sit together and engage prior the tournament games beginning.

As part of the Midnight Basketball program interesting life skill workshops were delivered each night. The Committee was successful in getting some high profile identities to come and speak with the young people on a range of issues, these included:

- Andrew Johns – speaking on his experience as a young footballer and life choices.
- Caroline Pemberton – former Miss Australia speaking on body image.
- Peter Phelps – acting skills

Other workshops included power yoga, team building and first aid. All were received well by the young people.

Each player was transported home by bus at the end of each night (unless picked up by a parent). Youth Reach used their bus as well as having the use of the Biala Girls Hostel bus.

## **2.2 Post Tournament Evaluation:**

The overall response from the participants was overwhelmingly positive. Verbal feedback and an end of tournament survey indicated that the participants valued the opportunity to play basketball, be entertained on a Saturday night, and make new friends.

### **Key findings from the post tournament survey:**

- Over 95% of participants made new friends at Midnight Basketball.
- Having the chance to play basketball, and having something to do on Saturday night were the two biggest motivators for young people to sign up for the program.
- More than 80% of participants believed that Midnight Basketball acted as a preventative for young people committing crime.
- Some of the things that participants identified enjoyed most within the program were: playing basketball, making new friends, playing in mixed teams and having a free dinner
- The workshops which resonated most with young people were Andrew John's talk, which touched on life choices, the body image workshop, and the yoga workshop.

## **2.3 Participants in 2010**

Over 80 young people registered as players. Boundaries for participation were established by the Committee, Youth Reach and Midnight Basketball Australia, and included most of Pittwater and the southern parts of Warringah. The major consideration for setting specific boundaries was undertaken to ensure the logistics of transporting each player home at the end of the night was manageable.

Young people do not view themselves by the LGA in which they live, and participate in programs across the entire Northern Beaches. Therefore it was important in establishing the boundaries for the first Midnight Basketball program to include post codes from both Pittwater and Warringah.

Through the evaluation of the first tournament it has been identified by the Committee that further promotion needs to be undertaken within Pittwater with a view to attracting more young people from the Pittwater area. This will be achieved by Youth Reach and the Committee building stronger relationships with local high schools within Pittwater.

It is important to also note that although the numbers of players and volunteers for the first tournament were high, the first tournament was planned and delivered within a tight time frame. This is not the case for the subsequent tournaments planned for 2011 & 2012. Promotion and community awareness for the program will be a priority of the Committee in 2011.

#### **2.4 Proposed tournaments for 2011 & 2012**

Due to the availability of the Northern Beaches Indoor Sports Centre it is proposed that tournaments will be held in term 3 and 4 of 2011 and 2012.

#### **2.4 Financial Implications**

Through delivery of the first tournament it has been determined that the cost of delivering a tournament is significantly less than first anticipated.

Taking into consideration the cost of delivering the first tournament in 2010, the following revised funding is outlined below:

2011/2012: (2 x tournaments) Pittwater Council's Contribution: \$15,000

2012/2013: (2 x tournaments) Pittwater Council's Contribution: \$15,000

Originally staff had anticipated that the costs to Council would be \$20,000 per year in 2011/2012 and 2012/2013 this was also assuming a contribution from Warringah Council or other sponsors. Warringah has indicated they do not wish to support the program financially however this income has been offset through sponsorship and in-kind contributions.

#### **2.5 Conclusion**

The first Pittwater Midnight Basketball tournament was a great success further strengthening a working partnership with Youth Reach.

Council should continue its partnership with Youth Reach and Midnight Basketball Australia to ensure the program continues in 2011/2012 and 2012/2013.

At the completion of these next four tournaments a further evaluation should be undertaken.

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### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The proposed on-going delivery of the Pittwater midnight Basketball program will continue to be aimed at providing young people with opportunities for positive engagement on a weekend evening through a structured activity.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 No significant impact.

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 This program provides an opportunity for local community members to volunteer and contribute to a successful youth program.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 No significant impact.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 No significant impact

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 The Midnight Basketball program is primarily designed to engage young people in a positive structured program.
- 4.2 The delivery of the first tournament in 2010 was a great success with over 80 young people participating and over 50 volunteers registered.
- 4.3 A post tournament evaluation demonstrated the value of the program with overwhelming positive feedback from the participants.

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## **RECOMMENDATION**

- 1 That Council support a partnership between Youth Reach and Midnight Basketball Australia to continue the Pittwater Midnight Basketball program at the Northern Beaches Indoor Sports Centre during 2011/2012 and 2012/2013.
- 2 That the General Manager be authorised to enter into a funding agreement with Youth Reach for:
- \$15,000 in 2011/2012
- \$15,000 in 2012/2013

Report prepared by  
Melinda Hewitt – Social, Community & Economic Development Coordinator

Lindsay Godfrey  
**MANAGER, COMMUNITY & LIBRARY**



## **C8.3 Police Community Youth Club**

**Meeting:** Community, Recreation &  
Economic Development Committee

**Date:** 7 March 2011

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**STRATEGY:** Building Communities

**ACTION:** Respond to a range of community, cultural and social needs.

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### **PURPOSE OF REPORT**

To seek Council's support to further investigate a Police Community Youth Club (PCYC) for the Northern Beaches.

### **1.0 BACKGROUND**

- 1.1 Council staff have been approached by a local community organisation; Northern Beaches Business Education Network (NBBEN) with a proposal to investigate the potential of a PCYC on the Northern Beaches.
- 1.2 The PCYC model has been in operation for over 75 years, previously a club for boys to engage in positive activities. Later known as Police Citizen Youth Clubs, then in 1995 they changed their name to Police Community Youth Clubs. There are currently 57 PCYC's in both regional and metropolitan NSW.
- 1.3 PCYC is an incorporated not for profit charitable company.
- 1.4 The model of a PCYC is predominately a youth club where young people pay a membership fee and can use the facility to participate in any of the programs being offered within.

### **2.0 ISSUES**

#### **2.1 PCYC NSW**

As mentioned, PCYC NSW is a not for profit charitable company incorporated under the Corporations Act 2001. This company is governed by a Board of Directors.

PCYC's mission is 'We get young people active in life. We work with young people to develop their skills, character and leadership. We reduce and prevent crime by and against young people'.

The PCYC model is to 'create fun & safe environments where young people can develop new friendships, build fitness, develop teamwork, and express their creativity'.

In the PCYC NSW 2009 Annual Report (2010 report not released until May 2011) they state their target for membership by their 75<sup>th</sup> anniversary was surpassed reaching over 84,000 members across NSW. PCYC NSW consider this to be a key indicator for community engagement.

## **2.2 The PCYC Model**

The PCYC is a unique model as it partners with the NSW Police Force. Each time a new PCYC is approved by the State Government an additional 2 Police Officers are allocated to the Police Youth Command which is situated in Mount Druitt. These Police officers are then allocated to work in the newly created PCYC wherever that may be. This is an important aspect as resources do not come from the Local Area Command (LAC) and are accountable to the Police Youth Command.

A facility coordinator is also funded by the State Government via PCYC NSW. The coordinator is an employee of PCYC NSW.

With the above mentioned resources allocated to each club, each PCYC aims to achieve self sustainability, meaning the programs and activities which are offered and the membership contributions all go towards the club maintaining financial viability.

The Police Officers and the PCYC Coordinator facilitate the activities, typically these would include (but not limited to), sport, dance, self defence, gym, boxing, music and drama, leadership and targeted crime prevention programs. The breadth of activities will depend on the needs of the local community and the model that will best support this whilst remaining financially viable.

## **2.2 Local Interest**

NBBEN have been meeting with local stakeholders to gain initial interest.

NBBEN have met with local State MPs, Mayors and the Northern Beaches Superintendent who have given in principle support for a PCYC on the Northern Beaches.

Council staff and NBBEN have met with the General Manager of PCYC to discuss the model and process of how to progress a PCYC for this area.

## **2.3 Location and Type of Facility**

The Northern Beaches is comprised of 2 Police Local Area Commands (LAC). Manly which largely covers Manly LGA, and the Northern Beaches LAC which covers Pittwater and Warringah.

PCYC's are normally within a Police LAC. Across Sydney, LAC boundaries are also local government areas. Pittwater and Warringah are somewhat different in that both LGA's are covered by the one LAC.

NBBEN in their research identified that to service the needs of young people on the Northern Beaches a PCYC should be located within the Northern Beaches LAC (ie Pittwater LGA & Warringah LGA). Furthermore NBBEN and PCYC have highlighted the need for a PCYC to be well situated to public transport for access by young people.

Based on the above it would suggest that any future site for a PCYC needs to be along the main Pittwater Road corridor and to ensure reasonable access for both Pittwater and Warringah young people, should be in the southern part of Pittwater or the northern part of Warringah.

Within these regions it is unlikely that there will be an existing facility able to be used as a PCYC which mean that in all likelihood a new facility would need to be built.

## **2.4 Requirements for establishing a PCYC**

In order for a PCYC to be approved for a particular area a number of critical elements need to be in place. From staff's discussions with the PCYC NSW General Manager it is understood that in order for a community to receive the allocated resources by way of 2 Police and a coordinator there would need to be the following:

- A suitable facility or proposal to develop a facility.
- Identified community need and support.
- A detailed business case.
- Agreement from the State Government to allocate resources (Police Officers and funding for a coordinator)

For a Northern Beaches PCYC to be realised the above points would need to be addressed.

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## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 A proposed PCYC impacts on opportunities for young people to socialise and engage in positive supervised activities. A PCYC has the potential to positively strengthen the relationship between the community and Police.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 No significant impact.

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 A Northern Beaches PCYC has the potential to create local employment and training opportunities.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 The collaboration between Council and key community organisations strengthens links between Council, community and youth agencies.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The proposed PCYC has the potential to improve opportunities for young people and recreational activities.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 Council staff have been approached by a local community organisation, Northern Beaches Business Education Network (NBBEN), with a proposal to investigate the potential of a PCYC on the Northern Beaches.

- 4.2 The model of a PCYC is predominately a youth club where young people pay a membership fee and can use the facility to participate in any of the programs being offered.
- 4.3 In principal support has been given for a Northern Beaches PCYC from Northern Beaches Local Area Command and local MPs.
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## **RECOMMENDATION**

1. That Council supports in principle a Police & Community Youth Club (PCYC) for the Northern Beaches LAC which covers Pittwater and Warringah local government areas.
2. That Council support the Northern Beaches Business Education Network to continue to investigate a PCYC within the Northern Beaches LAC and develop a detailed business case, including possible capital and recurrent funding strategies.
3. That Council investigate potential sites for a PCYC within the southern part of Pittwater.

Report prepared by  
Melinda Hewitt – Social, Community & Economic Development Coordinator

Lindsay Godfrey  
**MANAGER, COMMUNITY, LIBRARY & ECONOMIC DEVELOPMENT**

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<b>Natural Environment Committee</b>
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<b>9.0</b>	<b>Natural Environment Committee Business - Nil</b>
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## **Council Meeting**

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### **10.0 Adoption of Community, Recreation and Economic Development Committee Recommendations**

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### **11.0 Councillor Questions**

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### **12.0 Response to Councillor Questions Taken on Notice at Previous Meetings (*Advice Only – Not for discussion*)**

#### **Question 1 - Cr James**

The recent PAC determination of the Meriton overall Concept Plan and Stage One Development Application contains a requirement that all residential floor levels shall be above, or not lower than, the Predicted Maximum Flood (PMF) Level.

Warriewood Valley Flood Study 2005 as amended indicates a PMF in that vicinity of 4.76m AHD, thus requiring an additional elevation of ground floor residential units as above that submitted by the applicant of between .36m and .56m.

Could Councillors be informed of these possible implications flowing from this aspect of the PAC determination:

1. In the opinion of staff will the PAC requirement for Meriton that "all floor levels" be not lower the PMF levels also flow on to constitute a precedent that Council must, or would be well advised to, follow for the determination of all other minimum residential unit floor levels in future development applications with Warriewood Valley Buffer Zones?
2.
  - (a) In regard to prevention of downflooding or underground car parks during an extreme flood event, does the PMF minimum ground floor level requirement as imposed by PAC also extend to the relative heights of driveway threshold levels, stairway accesses, etc., for all underground Carpark and any other facilities?
  - (b) Is it the view of Council Officers that this should be, or is, a minimum requirement for these structures?

- (c) If PMF is a minimum requirement for threshold of Carpark, etc., is that a precedent for any other future proposed development in the Warriewood Valley Buffer Zones?

In the event that staff are unable to provide definitive answers to the above, can appropriate responses to these specific questions be obtained?

**Answer:**

**Note:** It is assumed that Councillor James is referring to the 'Probable Maximum Flood Levels' rather than the "Predicted Maximum Flood Levels".

**BACKGROUND**

**1. Planning Assessment Commission decision**

The Planning Assessment Commission decision of 18 January 2011 states the following:

**(a) SCHEDULE 3:**

***"1. Flood Levels***

*Future Development Applications shall comply with the Brown Consulting Flood Management Report and consider and address any recommendations in the Council's adopted Flood Study and relevant state policies at the time of lodgement of the application to demonstrate the finished floor levels of the building will be above the probable maximum flood levels for the site."*

**(b) SCHEDULE 2: PROJECT APPROVAL – CONSENT CONDITIONS**

**PART B – GENERAL CONDITIONS**

***"B18 Flooding***

*The minimum floor levels are the Flood Planning Levels determined by the major stormwater design as outlined and modelled in the Brown Consulting Report – Stormwater and Environmental Management Plan – Buffer Area 3 – Warriewood Valley, 14-18 Boondah Road, Warriewood (August 2010).*

*The storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level."*

***"B19 Entry into Basement Parking***

- a. The minimum level of the entry to all underground car parking shall be the Flood Planning Level.*
- b. Emergency egress from the basement carparking is to be provided. All access, ventilation and any other potential water entry points must be above the Flood Planning Level.*
- c. A clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level separate to the vehicular access ramps is to be provided."*

#### **“C4 Water Management Report and detailed Engineering Plans**

- a. *Prior to the issue of the relevant Construction Certificate, an updated Water Management Report and updated Civil and Infrastructure Drawings are to be submitted providing additional detailed designs, plans, specifications for all works to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS) and the Pittwater 21 Development Control Plan, based on Brown Consulting – Brown Consulting Report – Stormwater and Environmental management Plan – Buffer Area 3 – Warriewood Valley, 14-18 Boondah Road, Warriewood (August 2010).*
- b. *The updated Water Management Report is to address the following:*
  - i. *Water Cycle Assessment*
    - *The demonstration that the impervious area of the development does not exceed 50% of the sector area.*
  - ii. *Flood emergency Response*
    - *A detailed Flood Emergency Response Plan for the site and its surrounds (ie surrounding streets around the site) is required to cater for a flood up to the level of the probable maximum flood with a 2100 Climate Change Scenario (consistent with the NSW Government Guideline entitled “Flood Risk Management Guide – incorporating sea level rise benchmarks in flood risk assessments” (DECCW, August 2010).*
    - *The Flood Emergency Response Plan may involve evacuation from the site or ‘shelter-in-place’ and shall be incorporated in to the site’s overall disaster/emergency management plan.”*

#### **2. Pittwater 21 Development Control Plan**

The development controls applicable to the Meriton application are as follows:

##### **“B3.12 Flood Hazard – Flood Category 1 – Low Hazard – Residential Development: Multi Unit Housing Development**

###### **Floor Levels – New Development and Additions**

*All floor levels within the development excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.*

###### **Floor Levels – Carparking Facilities**

###### ***Enclosed garage and enclosed car park:***

*All flood levels shall be at or above the Flood Planning Level.*

###### ***Covered basement carparking facilities***

*All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a ‘safe haven’ above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher), separate to the vehicular access ramps, shall be provided.”*

#### **3. Department of Planning Guidelines PS07-003**

##### **“Guideline on development controls on low risk flood areas – Floodplain Development Manual – Department of Planning – issued 31 January 2007**



*The Guideline confirms that, unless there are exceptional circumstances, councils should adopt the 100-year flood as the FPL for residential development. In proposing a case for exceptional circumstances, a council would need to demonstrate that a different FPL was required for the management of residential development due to local flood behaviour, flood history, associated flood hazards or a particular historic flood.*

*The Guideline also notes that, unless there are exceptional circumstances, councils should not impose flood related development controls on residential development on land above the residential FPL (low flood risk areas)."*

**4. Floodplain Development Manual 2005**

The Policy provisions of the NSW Government's Floodplain Development Manual (2050) states, in part:

**"1.1.2 Policy Provisions**

*A merit based approach to selection of appropriate flood planning levels (FPLs). This recognises the need to consider the full range of flood sizes, up to and including the probable maximum flood (PMF) and the corresponding risks associated with each flood, whilst noting that with few exceptions, it is neither feasible nor socially or economically justifiable to adopt the PMF as the basis for FPLs. FPLs for typical residential development would generally be based around the 1% AEP flood event plus an appropriate freeboard (typically 0.5m)"*

**5. Climate Change**

Pittwater Council has had development controls within the Pittwater 21 DCP requiring the consideration of climate change in determination of flood planning levels and PMF levels since July 2009 where intensification of development is proposed.

**6. Meriton Floor Levels**

The proposed minimum floor level for the development is RL4.5m AHD.

**7. Brown Consulting Water Management Report (for Meriton)**

The Water Management Report confirms

- a) The Flood Planning Level for the site (pre-development) ranges from RL3.61m to 3.9m AHD.
- b) The Flood Planning Level for the development inclusive of climate change, ranges from RL4.06m to 4.35m AHD.
- c) The Probable Maximum Flood Levels for the development, exclusive of climate change, ranges from RL4.6m to 4.62m AHD.

**Note:** It is conservatively estimated that a 0.9m sea level rise scenario may result in a 0.2 metre increase in PMF levels for the Meriton site.

**RESPONSE TO CR JAMES' QUESTIONS:**

- 1. The PAC requirement for Meriton would not be a precedent for future development of residential development in the Warriewood Valley Buffer Zones. Council will continue to apply the State Government policies which currently required the flood planning level to be based on the 100 year ARI plus a freeboard (0.5m).

Noting that there is an inconsistency in the PAC advice, the inconsistency may be amended by either:

- any changes in the relevant State policies on flooding controls at the time or prior to the lodgement of a future development application for the Meriton site;
  - Meriton seeking a Request for Modification of the Consent Approval now or at the time of lodgement of a future development application. The request would be submitted to the Director-General of the Department of Planning.
2. (a) No statement has been made by the PAC in respect to the minimum levels for the entry ramps to the underground carpark other than in the conditions where the minimum level requirements of the entry ramp is the Flood Planning Level.
- (b) The minimum requirements for underground carparks remain as set out in the Pittwater 21 Development Control Plan, which is in compliance with the State Government Policies for development controls for residential development.
- (c) There is no precedent being set as the minimum level of threshold of the underground carpark as stated in the consent is the Flood Planning Level.

## **Question 2 - Cr James**

To assist their work in understanding the scope of the work, could Pittwater Councillor Delegates to the Joint Narrabeen Lagoon Floodplain Committee be now provided with the following documents:

- 1) Hard copy of the Study Brief for the recently awarded Narrabeen Lagoon Flood Study to WBM Oceanics
- 2) Hard copy of the outcomes of the accompanying Literature Review
- 3) Could Pittwater Council be now advised of variations to previously supplied Gantt Chart regarding the prospective timing a completion dates for each remaining stage up to and including the planned adoption of the Narrabeen Lagoon Flood Plan, conducted in accordance with the Floodplain Development Manual.
- 4) Do these documents reside within the Pittwater data bank?
- 5) Is Pittwater required under the terms of the relevant MOU with Warringah to firstly obtain Warringah Council consent prior to release of these specified documents for its appointed Councillor Delegates to the Joint Narrabeen Floodplain Committee?
- 6) Did Pittwater Council contribute an equal sum of money to that provided by Warringah Council for the contracted Flood Study?

## **Answer:**

### **Part 1:**

The consultancy engagement of BMT WBM for the preparation of the Narrabeen Lagoon Flood Study is held with Warringah Council. Pittwater Council is not a party to the contract, although Pittwater Council will contribute to a portion of the cost to Warringah Council for carrying out the study.

A request has been made to Warringah Council for the release of the "Study Brief" which forms part of the contract.

An answer is pending from Warringah Council on whether they will release this portion of the document. Warringah Council staff is unable to provide an immediate response due to current staff commitments.

### **Part 2:**

Copies of the Narrabeen Lagoon Flood Study – Data Compilation Study report are being distributed to Councillor delegates on the Narrabeen Lagoon Floodplain Risk Management Working Group.

### **Part 3:**

A request has been made to Warringah Council to provide an updated time line for the Narrabeen Lagoon Flood Study project.

An answer is pending from Warringah Council on whether they can provide this information. Warringah Council staff is unable to provide an immediate response due to current staff commitments and attendance at the Floodplain Management Authorities conference.

### **Part 4:**

Pittwater Council's ECM records include a copy of the Narrabeen Lagoon Flood Study – Data Compilation Study (Cardno, 2010) and a copy of the draft Invitation to Tender for Consultancy Services for the Narrabeen Lagoon Flood Study.

### **Part 5:**

Under the "Project Agreement for the Narrabeen Lagoon Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan" between Warringah and Pittwater Councils, the section on Data Ownership states: *"Any data developed as part of the Flood Study, Floodplain Risk Management Study or Floodplain Risk Management Plan is the property of both Councils and to be used as each Council sees fit."*

This data may be practically interpreted as the products of the project ie. consultancy reports, maps, flood level data, model files. The content of a contract document, particularly as Pittwater Council is not a party to the contract, could be considered to be a confidential document, hence the need to seek permission from Warringah Council for the release of such material.

It is not expressly stated in the Project Agreement that consent be obtained from Warringah Council for the release of materials, however in the interest of maintaining a positive working relationship with Warringah Council, and respecting that Warringah Council is responsible for the project lead, seeking consent for the release of the Study Brief, is considered an appropriate course of action.

## Part 6:

Pittwater Council will be contributing an equal sum of money to Warringah Council for the Flood Study.

### **Question 3 – Cr Townsend**

I have been asked a number of questions by residents that indicate that there is some confusion in the community over the detail of the Special Rate Variation. People that I have spoken to are broadly in agreement about the need for this initiative but many have said that they don't quite understand how it will work. Another example is The Daily Telegraph reported on 16 February 2011 that Pittwater "wants 20% to balance its budget against escalating cost, ageing infrastructure and limited revenue".

To help people in the Pittwater community gain a better understanding of the details of what this initiative is, how long it will operate for and how it works, could Council staff produce a flier and webpage containing "Frequently Asked Questions" that will give clear answers to the questions that residents have about the Special Rate Variation and the associated program of works?

Some of the questions I have been asked are:

1. Please confirm the proposed special rate increase is not a replacement of the Environmental Levy of 5% but a rate increase phased in over 3 years.
2. At the end of the 3 years is the rate increase built in for evermore?
3. The reported percentage increases over the 3 years does not equate with the reported dollar figures.
4. What is the total special rate increase, excluding the CPI increases, at the end of the 3 year period between 2011 and 2014?

### **Answers:**

1. ***Can you confirm the proposed special rate increase is not a replacement of the Environmental Levy of 5% but a rate increase phased in over three years?***

The proposed special rate is a new levy within itself, but as the Environmental Infrastructure levy had one year to run in 2011/12, the new levy will replace the levy for that year only.

Accordingly, the new special rate variation is a cumulative levy of 5% in the first year, 4% in the second year and 3% in the third year. This equates to a total of 12% excluding CPI for the period of 3 years only.

As ratepayers are already paying the 5% for the EI Levy in the first year, they will only see a CPI increase in their rates notice in 2011/2012.

2. ***At the end of the three years is the rate increase built in for ever more?***

At the end of the three years the increase residents have paid will still be there, but at this stage their rates will only be affected by the annual CPI increase that is determined each year. This currently runs at between 2.6% and 2.8% each year.

**3. *The reported percentage increases over the 3 years does not equate with the reported dollar figures. Can you explain?***

Ratepayers should observe the figures in the land value table in the Pittwater Report Special Edition mailed to all ratepayers in February. Using an average land value of \$750,000, ratepayers are currently paying \$1,170 in rates (including the current 5% environmental infrastructure levy). As 2011/2012 would be the last year of the 5% environmental infrastructure levy, the impact to ratepayers in Year 1 of the special rate would only be the annual CPI increase of 2.8% and a very small adjustment of 0.4% that picks up the mathematical difference between removing the environmental infrastructure levy and implementing the new special rate. In Year 2 and Year 3 rates will increase by 4% and 3% (exclusive of the annual CPI increase) respectively.

**4. *What is the total special rate increase, excluding the CPI increases, at the end of the 3 year period between 2011 and 2014?***

Excluding the annual CPI, the increase in Year 1 income from the special rate will be \$1,522,892; Year 2 \$1,313,448 and Year 3 \$1,052,072. The total of special rate income over three years will be \$3,888,412.