

**JOINT REGIONAL PLANNING PANEL**  
**Sydney Region East**

<b>JRPP No</b>	2014SYE043
<b>Development Application No.</b>	DA2014/0344
<b>Local Government Area</b>	Warringah Council
<b>Proposed Development</b>	Demolition of existing car parking and construction of a Multi-Purpose Community facility (Police and Citizens Youth Club) including car parking, landscaping and signage
<b>Street Address</b>	36-48 Kingsway and 725 Pittwater Road, Dee Why
<b>Applicant/Owner</b>	Warringah Council
<b>Number of Submissions</b>	26
<b>Recommendation</b>	Approval with Conditions
<b>Assessment by</b>	Nicola Gibson, MG Planning (External Consultant)

**ASSESSMENT REPORT AND RECOMMENDATION**

<b>Application lodged</b>	28/03/2014
<b>Proposed Development</b>	Demolition of existing car parking and construction of a Multi-Purpose Community facility (Police and Citizens Youth Club) including car parking, landscaping and signage
<b>Property Description</b>	Lot 1 in DP 1193308 (formerly Lots 2-8 in DP 9125) Part Lot 100 in DP 1041823
<b>Zoning</b>	RE1 Public Recreation
<b>Development Permissible</b>	Yes
<b>Existing Use Rights</b>	No
<b>Consent Authority</b>	Sydney Region East Panel (JRPP)
<b>Land and Environment Court Action</b>	No
<b>Application Type</b>	Integrated
<b>State Reporting Category</b>	Community facility
<b>Notified</b>	7 April to 8 May 2014 and 27 June to 28 July 2014
<b>Advertised</b>	05 May 2014
<b>Submissions</b>	26
<b>Estimated Cost of Works</b>	\$ 25,701,500

## **1. ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## **2. SUMMARY OF ASSESSMENT ISSUES**

- Warringah Local Environmental Plan 2011 – 5.9 Tree Removal
- Warringah Development Control Plan – C2 Traffic,
- Warringah Development Control Plan - C3 Parking Facilities
- Warringah Development Control Plan - D3 Noise
- Warringah Development Control Plan – D6 Access to Sunlight
- Warringah Development Control Plan - D7 Views
- Warringah Development Control Plan - D8 Privacy
- Warringah Development Control Plan - D9 Building Bulk
- Warringah Development Control Plan – D10 Building Colours and Materials
- Warringah Development Control Plan – D11 Roofs
- Warringah Development Control Plan – D12 Glare and Reflection
- Warringah Development Control Plan – D20 Safety and Security
- Warringah Development Control Plan – D23 Signs
- Warringah Development Control Plan – D23 Signs
- Warringah Development Control Plan – E1 Private Property Tree Management
- Warringah Development Control Plan – E6 Retaining Unique Environmental Features

## **3. SITE DESCRIPTION**

The site comprises land bounded by Fisher Road to the west, the Kingsway to the north, Civic Drive to the east and a residential flat building and Council owned land (including the Council Chambers and Library) to the south. The site is approximately 5,100m<sup>2</sup> in area and is irregular in shape. It falls from the south-eastern corner to the north-western corner with a level change of approximately 5.17 metres. It has a frontage to the Kingsway of approximately 100 metres and to Fisher Street of approximately 50 metres.

The site is currently occupied by a 130 space public car park. It is extensively vegetated and contains a significant number of trees varying from early mature to mature in age.

Part of Lot 100 in DP 1041823 located to the south of the car park is also included in the development. This land comprises Civic Drive as well as additional parking used by Council.

A mix of residential, community and government land surrounds the site. Two and three storey residential apartments are located to the north across the Kingsway, to the east across Civic Drive as well as immediately adjoining the south of the site. Further to the south is the Pacific Lodge Aged Care facility. Single and two storey dwellings are located to the west across Fisher Road. Further to the north and north-west along Fisher Road is the Dee Why Public School.

The Council Chambers and Dee Why Community Library lie to the south-east of the site.

## Location Map



## 4. SITE HISTORY

There is no applicable background associated with this Application.

## 5. PROPOSED DEVELOPMENT IN DETAIL

The development application seeks approval for the following development:

- The demolition of all existing car parking infrastructure;
- Construction of a four level building comprising three levels of car parking with the multi-purpose community facility located above;
- Tree removal and public domain landscaping;
- Building identification and way finding signage; and
- Extension and augmentation of infrastructure and services as required.

The multi-purpose community facility will be operated by the PCYC and include the following:

- Café
- Public office space
- Amenities
- Counselling rooms
- Drop in centre
- Multi-purpose rooms
- Multi-purpose courts

The building has a proposed maximum height of 17.5 metres and site coverage of 4,218m<sup>2</sup>.

The car park will comprise 348 car parking spaces, as well as bicycle lockers, general storage and waste and building service infrastructure facilities.

An outdoor terrace is proposed on the western side of the building at the upper level above the car park. The terrace is intended primarily as “break out” space for the adjoining multi-purpose community rooms.

The multi-purpose courts will be used for a range of indoor sports activities including basketball, volleyball and netball. They will also be used for events such as blue light and silent discos.

The proposed maximum capacity of the facility will be 1,000 persons.

The application seeks approval for the removal of 192 trees to facilitate the development and includes new landscaping and tree planting, which equates to 47% of the site is intended to be landscaped.

The proposed hours of operation for the centre are as follows:

Multi-purpose courts and rooms	6am to 12am Mondays to Sundays
Car park	5.30am to 12.30am Mondays to Sundays
Events	7am to 10pm Mondays to Sundays

Vehicular access to the proposed development will be via the realigned Civic Drive driveway. The driveway will provide ramped vehicular access to the basement levels. A loading zone for service vehicles will be located adjacent to the driveway at the south of the site. A vehicular drop off area is also provided at the southern entrance to the building, providing at-grade access.

Pedestrian access to the site will be provided from the Kingsway and Civic Drive. Level access to the building will be provided from Civic Drive at the southern entrance to the site and stairs and lift facilities will be provided from the Kingsway entrance.

Bicycle parking racks for 24 bikes will be provided at both entrances to the building. Three higher security bike locking spaces will be provided on level 2 of the car park to be used by the centre’s staff.

### **Amended plans**

The design of the podium balustrade and roof structure has undergone minor alterations following submission of the Development Application (DA). The architects for the project, Francis-Jones Morehen Thorp (FJMT) have advised that these changes have been made to meet the design capabilities of the roofing materials and respond to comments regarding the roof form in the independent urban design assessment provided by GM Urban Design.

In consideration of the application a review of (but not limited to) documents as provided by the Applicant in support of the application was taken into account.

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

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in Section 13 of this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None Applicable.
Section 79C (1) (a)(iii) – Provisions of any	Warringah Development Control Plan 2011 applies to this proposal

Section 79C 'Matters for Consideration'	Comments
development control plan	and has been considered in this report.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## 7. EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## 8. PLAN OF MANAGEMENT

The site is classified as community land under the *Local Government Act 1993*. Accordingly, a Plan of Management (PoM) was prepared for the site under section 36(1) of the Local Government Act and adopted by Council in June 2013. The objectives of the PoM are to:

- Promote leisure and sporting values and increase recreational opportunities
- Meet the needs of the community and increase the provision of community development activities/services with an emphasis on young people in Warringah
- Provide opportunity for economic development and revenue
- Provide opportunity for cultural activities within the community
- Design a space that provides adequate motor vehicle, motorcycle and bicycle parking

- Design a space that is accessible to all physical abilities and a range of transport options
- Achieve a well-designed and practical community space that responds to site conditions
- Encourage sustainable building practices
- Design a space that incorporates landscaping
- Provide a safe and secure space for the community.

It is considered that the proposed development complies with the objectives of the PoM.

The PoM permits a wide range of uses including indoor and outdoor recreation facilities, parking, community events, concerts, exhibitions, youth activities, restaurants, cafes and functions. The proposed development is consistent with the permissible uses under the plan.

The PoM states that the bulk and scale of future development must be in accordance with any relevant local environmental plan, development control plan, state environmental planning policy or legislation. As detailed below, the proposed development complies with relevant planning controls.

### Height

The Plan stipulates a 20 metre height limit for buildings on the site and states that development should be designed to:

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

An assessment of the proposal's height and scale and impact on views, visual amenity, privacy and solar access is provided in the discussion on the Warringah DCP in Section 13 of this report. The assessment finds that the proposal is satisfactory in relation to these matters. It is therefore considered that the proposal complies with the PoM in this regard.

### Key boundary interfaces

The PoM requires that buildings have appropriate setbacks from key boundary interfaces that take into consideration the use and enjoyment of neighbouring land and access to sunlight. An assessment of the appropriateness of the proposed setbacks is provided in the Warringah DCP section of the report. The assessment concludes that the setbacks are adequate having regard to privacy and solar access issues. It is therefore considered that the proposal complies with the PoM in this regard.

### Noise

The PoM states that the facility is to be designed and constructed to mitigate unreasonable noise impacts on surrounding land. An assessment of the noise impacts is provided in the Warringah DCP section of the report. The assessment concludes that noise impacts can be mitigated subject to appropriate conditions. It is therefore considered that the proposal complies with the PoM in this regard.

### Access

The PoM requires that Council give consideration to active transport facilities such as pedestrian access and end of trip bicycle facilities. It is considered that adequate provision has been made for pedestrian access and end of trip bicycle facilities as part of the development.



## Traffic

The PoM indicates that the following works may be undertaken by Council to address increased traffic volumes associated with the proposed redevelopment of the site:

- Upgrade of the intersection of Fisher Road and the Kingsway
- Introduction of parking restrictions between McIntosh Road and Fisher Road
- Releveling the intersection of Civic Drive and the Kingsway
- Inclusion of bus bays and bus layover zones
- Inclusion of active transport facilities such as end of trip bicycle facilities and easy pedestrian access.

The traffic studies undertaken for the project indicate that the traffic generated by the proposal will not adversely impact on the operation of nearby intersections, including the intersection of Fisher Road and the Kingsway (refer discussion on Warringah DCP Clause C2 in Section 13). However, Council's Traffic Engineer has reviewed the traffic studies and has identified a number of concerns which are proposed to be addressed through appropriate conditions of consent. The traffic impact and recommended conditions are discussed in Section 13. Subject to the findings of this discussion and the imposition of appropriate conditions, it is considered that the proposed development will comply with the PoM.

In summary, it is considered that the proposed development is consistent with the objectives and requirements of the PoM.

## **9. DEE WHY TOWN CENTRE MASTERPLAN**

The proposed PCYC and car park facility are identified in the Dee Why Town Centre Master Plan which was adopted by Council in August 2013. The facility is part of the "Civic Centre Precinct" which is intended to provide a diverse range of community facilities and services and include new pedestrian pathways and civic plazas interconnected via Civic Drive. This precinct is identified as a key site in the Masterplan and is considered to have high significance and value in the evolution of Dee Why centre. In turn, the PCYC facility is seen as a catalyst project for the Precinct.



**Excerpt from Dee Why Town Centre Masterplan**

Under the Dee Why Town Centre Masterplan there are no specific controls or other parameters that apply to the subject site.

It is considered that the proposed development is consistent with the aspirations of the Masterplan. It will provide a significant community facility, will help consolidate the Civic Precinct's identity and community functions, and will enhance connectivity within the precinct and to the broader Dee Why Town Centre.

## 10. NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

It should be noted that the initial notification letter sent to surrounding residents did not include reference to Lot 100 in DP 1041823 in describing the land to which the development applied. Development proposed to be undertaken on Lot 100 includes the reconfigured Civic Drive (including roundabout and vehicular drop off) and the building overhang at its eastern end. Additionally, the property description for the Council Carpark (previously lots 2 to 8 in DP 9125) has recently changed to Lot 1 in DP 1193308 as a result of the consolidation of the lots. Accordingly, the application was re-notified to ensure compliance with the EP&A Regulation.

As a result of the public exhibition process Council is in receipt of 26 submissions from:

[illegible]



Name:	Address:
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Of the submissions received in response to the initial notification, five (5) submissions strongly supported the proposal, five (5) indicated “in principle” support but raised specific concerns particularly relating to car parking, and five (5) submissions objected to the proposal (two from the same objector). Of those strongly supporting the proposal, two requested that netball courts be provided in the facility. The applicant has confirmed that netball facilities will be provided on the multi-purpose courts.

A further eleven (11) submissions were received in response to the re-notification of the proposal, ten (10) of which raised similar concerns to those detailed in the initial round of notification. One (1) submission questioned whether Council had put in place arrangements to ensure girls are catered for in the PCYC facility and stated that Council needs to ensure social justice principles are delivered when approving development.

The issues raised in submissions are addressed below:

- **Loss of Free Car Parking**

Concerns were raised that the proposal will lead to the loss of free commuter car spaces and discourage public transport use because of the lack of ‘park and ride’ facilities. Submissions questioned whether Council staff would receive preferential treatment. Concerns were also raised that the existing car park is used by residents in the area for overflow parking and that this opportunity will no longer be available. One submission suggested that the introduction of a parking charge could trigger a Fringe Benefit Tax liability for workers.

Comment: The proposed car park will be available for use by commuters and others (including Council staff) but it is understood will be subject to a “nominal” fee commensurate with other Council car parks in the Dee Why town centre. The applicant has advised that Council has indicated that the parking rates will be set at a level that does not act as a deterrent to use the car park and the cost will be reasonable and reflect the increase in security and protection provided by the enclosed parking within the new facility.

It is considered that the removal of free parking on site is reasonable given that:

- Council has committed to charging only a modest fee for all day parking commensurate with long day parking facilities elsewhere in the town centre (between \$2 to \$7 per day based on current rates);
- The proposal will result in a notable increase in parking available for commuters and others.

Council’s Traffic Engineer has recommended the preparation of a Parking Management Plan to address, amongst other matters, the fee structure for the facility

having regard to the potential displacement of existing long stay parking to adjacent residential streets. A condition to this effect is recommended subject to approval.

Concerns that the existing car park will not be available for overflow parking by residents are not justified given that all surrounding residential developments have off street parking and on street parking is unrestricted.

Further discussion in relation to parking is provided under Clause C3 of Warringah DCP in Section 13 of this report. In summary, the extent of parking to be provided is found to be sufficient for the proposed development.

The question of whether the parking charge could trigger a tax liability for workers is not a planning consideration.

- **Increased traffic and traffic safety**

Concerns were raised that the proposal will encourage commuters to park in surrounding residential streets. Concerns were also raised that the increase in parking numbers on the site will lead to increased traffic and adverse impacts on pedestrians in the area. One submission recommended that the Kingsway be closed to avoid traffic/pedestrian conflicts at the Westminster/Kingsway intersection.

One submission questioned the credibility of the traffic assessment as it incorrectly identified the speed limit along Fisher Road as 60km/h rather than the correct 50km/h.

Comment: A detailed discussion on traffic impacts and traffic safety is provided under the Warringah DCP section of the report (Section 13). The proposal has been assessed against the provisions of Clause C2 (Traffic, Access and Safety) of the Warringah DCP and subject to conditions, has been found to be acceptable.

In relation to the potential for increased commuter parking in surrounding streets, it is agreed that this may occur with the introduction of paid parking on the site. However, it is considered that this impact will be partly offset by the increase in parking availability on the site (an increase from 130 spaces to 348 spaces). In addition, all surrounding residences have off street parking helping to mitigate the potential impact. There is also the opportunity for Council to introduce time limited parking in surrounding streets if the situation were to become problematic. As noted above, a Parking Management Plan has also been recommended by Council's Traffic Engineer to help address this issue. Given these factors, it is considered that any impact on surrounding streets will be minimised.

Errors in the TTW report referred to in one submission are considered minor and do not affect the report's conclusion.

Existing traffic conditions in Westminster Avenue are not relevant to this application.

- **Inadequate Justification for Car Parking**

Two submissions raised concern that the car park is the dominant component of the development cost but that no clear rationale has been provided for its size or use. The opportunity for shoppers to use the car park was questioned given the topography and distance from shops.

Comment: The PoM for the site states that Council will provide motor vehicle, motorcycle and bicycle parking to service the facility and patrons of the Dee Why town centre including (but not limited to) shoppers, commuters, businesses and employees. The provision of a redeveloped public car park on the site is also anticipated in the Dee Why Master Plan and in the Schedule of Works to Council's Section 94 Contributions Plan.

The applicant has argued that the size of the car park reflects the parking demands of commuters, users of the PCYC facility, shoppers and others. Although demand for these spaces by these groups occurs at different times of the day, the applicant's traffic consultants have advised that there is some overlap in demand, justifying the larger number of spaces.

An assessment of the car parking against the provisions of Part C3 of the Warringah DCP is provided in Section 13. The assessment indicates that the level of car parking proposed is reasonable and is consistent with the aims of the DCP.

In light of above, it is considered there is adequate justification to support the proposed car park.

- **Amenity and Safety Impacts**

One submission requested that all events at the facility finish by 10-10.30pm and that a time restriction be imposed on vehicles using Fisher Road to exit the facility in order to reduce noise impact. It was also suggested that people should be directed to leave the facility via the Civic Drive exit towards Pittwater Road. Another submission raised similar concerns about youth hanging around residential streets and the need for them to be directed away from residential areas. This submission also suggested that the large numbers of people associated with the facility could lead to an increase in crime in the area.

Comment: The proposal has been assessed against the provisions of Clause D3 (Noise) of the Warringah DCP and has been found to be acceptable subject to a recommended change in the hours of operation and the imposition of a two year trial of these hours to enable an assessment of the ongoing management performance of the facility and its impacts on neighbourhood amenity.. A detailed discussion on noise impacts is provided under Clause D3 Warringah DCP section of the report.

With respect to the potential increase in crime associated with the facility, the proposal has been assessed against the provisions of WDCP Clause D20 (Safety and Security) and has found to be acceptable.

- **Inadequate Public Transport**

Manly Hospital (North Sydney Health Promotion) made a number of recommendations regarding the need to provide improved bike and pedestrian access to the site, including providing separated bike paths, integrating the bike paths with the existing bike path network, providing high security bike storage and end of trip facilities for commuters, providing better way finding signage for bike users and implementing a 'hop, skip and jump' service from the facility to Warringah Mall and Dee Why beach front. The provision of a formal 'park and ride' scheme was also recommended. Other submissions noted the lack of additional public transport for the facility and the

disincentive to using public transport as a result of charging commuters to park at the facility.

#### Comment

The proposed development incorporates bike facilities in accordance with the requirements of the Warringah DCP. The provision of separated bike paths around the facility is not feasible without a significant redesign of the facility. In addition, separated bike paths are not considered to be warranted given that Fisher Road, which is the main planned bike route in the vicinity of the facility, is only intended to be a shared bike path under the Warringah Bike Plan. Similarly, it is considered that issues associated with way finding signage, bicycle facilities for commuters, the provision of a 'hop, skip and jump' service and the like are more appropriately addressed through the initiatives in the Warringah Bike Plan and the Dee Why Town Centre Masterplan rather than as part of this development application.

The site is located in close proximity to existing high frequency bus services along Pittwater Road. Pedestrian links to Pittwater Road via Civic Drive will be improved as part of the development as well as when the broader Civic Precinct is upgraded as part of the Dee Why Masterplan improvements. It is therefore considered that the provision of additional public transport at the site is not necessary.

The issue of commuter parking has been discussed above.

- **Poor Building Design**

One submission raised concern about the building design, in particular the building bulk and treatment of the street façade as a consequence of the car park which was considered to be excessive. The building design was considered to result in poor street activation and limited surveillance from the building. The lack of a roof over the terrace was questioned, the suggestion being that a roof would eventually be constructed.

#### Comment

A detailed assessment of urban design issues associated with the development is provided in Section 13 (Warringah DCP Part D9). The assessment concludes that on balance, the bulk and scale of the building is satisfactory and that impacts on the streetscape and surrounding land uses have been appropriately mitigated.

The construction of a roof over the terrace is not proposed as part of this DA. Any such proposal would be subject to separate DA if it were to occur.

- **Loss of Trees**

One submission raised concern regarding the extent of tree removal as a result of the development and requested they be replaced at a 2:1 offset ratio.

#### Comment

An assessment of the proposed tree removal is provided under the Warringah LEP section of the report (Section 13). The assessment concludes that the nature and scale of the proposal mean that significant tree removal is unavoidable. It also notes that the proposed development does retain some trees, proposes planting of new trees as part of the overall landscape plan for the site and that Council has also agreed to a tree planting offset scheme involving the replanting of approximately 200 trees elsewhere.

Having regard to these mitigative measures, it is considered that the very significant community benefits arising from the proposal outweigh the loss of the trees.

- **Need for Additional Amenities and Facilities**

Manly Hospital asked that Council consider providing a community garden and water fountains for drinking within the facility and another submission suggested consideration be given to providing skate facilities and/or a swimming pool as part of the development.

Comment

The applicant has advised that the provision of water fountains will be further considered as part of the detailed design and fit out of the facility. The opportunity to provide a community garden as part of the facility would appear limited given site constraints. Similarly, the provision of other recreation facilities within the development is not feasible given the size of the site and funding constraints.

- **Provision of Alcohol**

Manly Hospital recommended that the facility be limited to alcohol free events only as the majority of users of the facility will be young people.

Comment

Alcohol is not proposed to be permitted at events held by the PCYC. The provision of alcohol will be limited to private functions only and will be subject to conditions and restrictions on the service of alcohol in accordance with a Final Operational Management Plan to be approved by Council. A condition to this effect is proposed subject to the application being approved.

- **PCYC Management**

One submission questioned the affordability of the facility for local residents. A further submission asked whether Council has put in place arrangements to ensure that girls are attracted to use the facility and that social justice principles are delivered.

Comment

The applicant has advised that the PCYC will be operated as a commercial arrangement with a fee structure comparable with similar facilities in the area. The PCYC will set hire rates for the courts and rooms and will establish a membership program to save costs for regular users.

The PCYC is a community organisation and provides an array of programs for young people. Income from the hiring of courts, rooms etc in the facility will assist the PCYC in delivering its programs. It is therefore considered appropriate that the PCYC set its own rates.

The PCYC offers a wide range of sporting and other activities for both girls and boys. It has clearly stated policies on equal opportunity and anti-discrimination and is committed to the welfare and development of all young people. Special arrangements requiring the PCYC to attract girls to the facility are therefore not considered warranted.

## 11. MEDIATION

No requests for mediation have been made in relation to this application.

## 12. REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objection to development subject to conditions
Development Engineers	Development Engineers have assessed the concept drainage design for the project which is considered to be generally in accordance with Council's OSD Technical Specification subject to conditions. In addition, the proposal will require changes to various alterations to internal Council and the external public road system to facilitate the design. Conditions have been included to cater for these requirements. No objection to approval, subject to conditions recommended.
Environmental Health and Protection (Food Premises)	No objection to development subject to conditions
Heritage Advisor	The applicant's Statement of Heritage Impact has been reviewed and its conclusions are agreed with. No adverse impact upon the heritage significance of nearby heritage items is expected as a result of this development.
Landscape Officer	No objection and no conditions recommended.
Natural Environment (Biodiversity)	Council's Natural Environment - Biodiversity section have no objection to approval, subject to conditions as recommended.
Parks, Reserves and Foreshores	Parks, Reserves and Foreshores have reviewed the application and consider it would be appropriate to allow removal of trees and require appropriate replacement planting as part of a landscaping plan to be developed, agreed by the Tree Management Officer and implemented following works. Conditions are recommended.
Traffic Engineer	Council's Traffic Engineer has reviewed the proposal and identified a number of concerns which are recommended to be addressed through appropriate conditions of consent. Subject to imposition of these conditions, no objections to the proposal are raised on traffic grounds.  A discussion of the key issues raised in the Traffic Engineer's comments is provided in C2 and C3 under the Warringah DCP section of the report.
Waste Officer	Standard conditions of consent proposed

External Referral Body	Comments
Ausgrid: (SEPP Infra and Substation)	Ausgrid has raised no objections to the development and has provided a number of recommendations that will be included as conditions of approval is granted.
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	The RMS did not raise any objection to the proposal and provided the following comments to Council for its consideration: <ol style="list-style-type: none"> <li>1. Car parking provision to Council's satisfaction</li> <li>2. Off-street parking shall be in accordance with AS2890.1-2004 and AS2890.2-2002</li> <li>3. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of a Construction Certificate.</li> <li>4. All works associated with the proposed development shall be at no cost to the Roads and Maritime.</li> </ol> <p>Recommendation 1 is noted. Recommendations 2-4 are included as conditions if approval is granted.</p>



External Referral Body	Comments
NSW Roads and Maritime Services (SEPP 64 Advertising and Signage)	No response was received. It is therefore assumed that RMS raises no objections to the proposal in relation to signage and requires no conditions of consent.
NSW Police Force	<p>The NSW Police Force advised that police from the Northern Beaches Command have been involved with Council staff and the architects during the design phase for the project. Several of their recommendations with respect to Crime Prevention Through Environmental Design (CPTED) have been incorporated into the design. However, NSW Police Force raise concern in their letter regarding the use of a ventilated block screen face for the podium base and note as follows:</p> <p><i>There is considerable concern in relation to this type of block being climbable by a person to in effect scale the wall and gain access to the facility, in particular the outdoor terrace. If the 'besser' block is able to be custom designed and coloured, <b>consideration should be given to using a material in the podium that is not easily climbable.</b></i></p> <p>The applicant's architects have advised that the custom blockwork module of the car park façade will provide ventilation in the form of circular holes which vary in scale. The varying holes will be set out to address required ventilation requirements to the carpark, minimisation of climbing, safety through passive circulation and 'through viewing' and visual interest.</p> <p>Notwithstanding the advice from FJMT, it is considered appropriate that a condition be imposed requiring that the car park façade be designed so that it is not able to be climbed. A condition to this effect is included subject to granting of approval.</p>
State Transit Authority	No response was received. It is therefore assumed that the State Transit Authority raises no objections to the proposal and requires no conditions of consent.

### 13. ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

#### State Environmental Planning Policies (SEPPs)

The applicable SEPPs are addressed as follows:

#### SEPP 55 - Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated. In response to this requirement, the applicant has submitted a Preliminary Contamination Screening and Acid Sulfate Soil Assessment dated May 2013 prepared by Environmental Investigation Services (EIS). In its executive summary, the investigation states:

*The potential contaminants of concern at the site were identified as heavy metals; total petroleum hydrocarbons (TPH); benzene, toluene, ethylbenzene and toluene (BTEX compounds); volatile organic compounds (VOCs); PAH (polycyclic aromatic hydrocarbons); organochlorine and organophosphate pesticides (OCPs and OPPs); polychlorinated biphenyls (PCBs); and asbestos.*

*Fieldwork for the investigation was undertaken on 4-5 April 2013... Soil samples were collected from the fill and natural soils from six boreholes drilled for the investigation.*

*Selected samples were analysed for potential contaminants of concern... Elevated concentrations of contaminants were not encountered in the soil samples analysed for the investigation... Based on the results, EIS are of the opinion that the potential for significant widespread soil contamination at the site is relatively low.*

*The fill material was classified as General Solid Waste (non-putrescible) under the NSW Waste Classification Guidelines 2009. The natural soil and bedrock was classified as Virgin Excavated Natural Material (VENM).*

The report also indicates that the risk of potential impact on the groundwater of any contaminants encountered in the fill soils at the site to be very low.

While the report indicates that the potential for contaminants to exist on the site is low, Clauses 7(1)(b) and 7(1)(c) of the SEPP must be considered.

Clause 7(1)(b) stipulates that Council must be satisfied that if the land is contaminated it is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. The preliminary contamination screening by EIS concludes that the site can be made suitable for the proposed development provided that the site is inspected by experienced environmental personnel during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered.

Based on the advice in the preliminary contamination screening by EIS, it is considered that the land can be made suitable for the purpose for which the development is proposed to be carried out and that a Phase 2 Environmental Site Assessment is not required. Compliance with the recommendations included in the investigation is required as a condition of consent should the application be approved.

#### **SEPP 64 - Advertising and Signage**

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed development includes business (identification) and wayfinding signage. The signage is necessary to help identify and locate the facility. It comprises a coordinated suite of signage which is appropriate in scale and integrated with the development. It is compatible with the existing and future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Although the signage does not involve any advertising, its design is compatible with other wayfinding and business signage in the area.	YES

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage is low key and integrated into the design of the development. It will not detract from the amenity or visual quality of heritage items in the vicinity.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No important views are impacted by the proposed signage.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is subservient to the building and does not dominate the skyline.	YES
Does the proposal respect the viewing rights of other advertisers?	There are no advertising signs in the vicinity of the proposal therefore there is no impact on the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As noted above, the signage is low key and subservient to the overall building. The scale, proportion and form of the signage is compatible with the streetscape and does not detract from the surrounding setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will assist in providing visual interest along the Fisher Road and Kingsway frontages. This is particularly important given the prominence of the elevated car park wall and the need to appropriately identify the use and entry points to the facility.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is currently limited signage on the site. The proposal involves a coordinated suite of signage that is simple, clear and uncluttered. It will not result in excessive signage.	YES
Does the proposal screen unsightliness?	The signage is not intended to screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	As noted above, the signage has been designed as an integral part of the building and its surrounds. The different forms of signs, their location and design are appropriate to the intended message and their relationship to the building and landscape.	YES
Does the proposal respect important features of the site or building, or both?	As noted above, the signage is subservient to the building and does not impact on important architectural or landscape features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The building itself is innovative and the signage has been designed as a compatible component of the overall facility.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral	Some of the signs will be backlit. In these instances, lighting will be integrated into the sign design.	YES

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
part of the signage or structure on which it is to be displayed?		
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	As noted above, some of the signs will be backlit but the level of illumination will be modest and will not result in unacceptable glare.	YES
Can the intensity of the illumination be adjusted, if necessary?	The signs have the potential to be adjusted if necessary.	YES
Is the illumination subject to a curfew?	The signs will be required to be turned off when the facility is closed in accordance with recommended conditions.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Because of the nature of the signage, it is not expected that the signs will impact on road, pedestrian or bicyclist safety. In particular, the signs will remain static and will not create glare.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not impact on sightlines from public areas.	YES

As noted above, Roads and Maritime Services were consulted regarding the proposed signage. No response was received in relation to this matter.

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## **SEPP (Infrastructure) 2007**

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any comments received from the electricity supply authority in relation to a development application for development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.

### Comment:

As discussed in Section 12, the application was referred to Ausgrid who did not raise any objection to the proposal subject to conditions.

### Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity
		(Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Parking	200 or more motor vehicles	50 or more motor vehicles
Tourist facilities, recreation facilities, showgrounds or sportsgrounds	200 or more motor vehicles	50 or more motor vehicles

Comment:

As discussed in Section 12, the application was referred to the RMS who did not raise any objection to the proposal subject to conditions.

**Warringah Local Environmental Plan 2011**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

Principal Development Standards

There are no maximum height or floorspace ratio controls applying to the site under the Warringah LEP 2011.

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
5.9 Preservation of trees or vegetation	Yes (See discussion below)
5.9AA Trees or vegetation not prescribed by development control plan	N/A
5.10 Heritage conservation	Yes (See discussion below)
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

**Zone RE1 Public Recreation**

Proposed Use	Permitted or Prohibited
Community Facility and Car Park	Permitted with consent

The underlying objectives of the RE1 Public Recreation zone

- ***To enable land to be used for public open space or recreational purposes.***

The proposal provides for the use of the land for indoor sporting and community activities and is therefore consistent with this objective.

- ***To provide a range of recreational settings and activities and compatible land uses.***

The proposal will enable the provision of a range of recreational activities to help meet the needs of youth in Warringah, as well as other compatible uses including community and support activities. It is therefore consistent with this objective.

- ***To protect and enhance the natural environment for recreational purposes.***

The site is currently used as a car park and although extensively treed, is within a built up urban area and is not a natural environment. Therefore this objective is not relevant.

- ***To protect, manage and restore public land that is ecological, scientific, cultural or aesthetic value.***

The land at present does not have ecological, scientific, cultural or aesthetic value. Although there are a large number of trees on the site, for the most part these trees have been planted and are not remnant vegetation. As such, they are not considered to have significant ecological value. The opportunity to redevelop the site for a major community facility will enhance the cultural value of the site and the benefits of this are considered to outweigh the impact on the ecological value of the site through tree loss.

- ***To prevent development that could destroy, damage or otherwise have an adverse effect on those values.***

Refer comment above.

## **Clause 5.9 Preservation of Trees**

This clause requires Council's consent to the removal of trees. The objective of the clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

The proposed development will require the removal of 192 trees on Council land in and adjoining the site. This includes 21 trees recommended for removal due to their observed low Safe Useful Life Expectancy (SULE) rating.

An Arborist Report prepared by Eco-Logical accompanying the development application indicates that most of the existing trees on the site appear to have been planted 20 to 25 years ago. A few mature specimens occur, particularly in the south-east portion of the site but no over-mature specimens (containing hollows) or having heritage significance occur on the site.

The most common tree species observed on the site are *Eucalyptus grandis* (Flooded Gum) and *Eucalyptus microcorys* (Tallowwood) which are native to the Sydney Basin but not the Warringah LGA.



The proposed development does retain some trees and proposes planting of new trees as part of the overall landscape plan for the site. The SEE also indicates that Council has agreed to a tree planting offset scheme involving the replanting of approximately 200 trees through the reallocation of funds from the PCYC project fund to the Parks Minor Renewals fund.

The nature and scale of the proposal mean that significant tree removal is unavoidable. It is considered that the very significant community benefits arising from the proposal outweigh the loss of the trees.

## 5.10 Heritage

Clause 5.10(5) states that the consent authority may require a heritage management document to assess the extent to which the carrying out of the proposed development would affect the heritage significance of heritage items in the vicinity.

The site is in the vicinity of the following heritage items, which are listed within Schedule 5 of Warringah Local Environmental Plan (WLEP) 2011:

- Item I42 - Dee Why Fire Station, 38 Fisher Road;
- Item 43 - Pacific Lodge (Salvation Army), 15 - 23 Fisher Road
- Item I50 - Dee Why Public Library, Pittwater Road.

A Heritage Impact Statement has been prepared by Clive Lucas, Stapleton & Partners on behalf of the applicant. The assessment finds that the proposal has minimal impact on the significance of nearby heritage items. Council's Heritage Advisor has agreed with this conclusion, noting as follows:

*There is no line of sight from the proposed building and the heritage listed Fire Station, Pacific Lodge nor the Dee Why Library. As a result, it is agreed that there will be no impact upon the heritage significance of these heritage items as a result of this development.*

*However, the Civic Centre building is within the sightline of the proposed development and, while not listed in Council's LEP as a heritage item, is recognized by the architectural and heritage industry as an important example of late 20th century public architecture. Therefore, it is important to consider the impact of this new building on the heritage significance of the Civic Centre.*

*It is considered that this proposed new community building will add to the existing Civic Precinct located along Civic Drive. The Library and Civic Centre were innovative examples of modern architecture in the late 1960's/early 1970's and this new building has the potential to be an innovative example of 21st century public architecture.*

*As a community/public facility, it will add to the civic uses within the Civic Precinct. It is also acknowledged that the new building proposes to use metal roofing and blocks as part of its fabric, and these materials will relate to the brutalist architectural style of the Civic Centre.*

Having considered the findings of the Heritage Impact Statement and the advice of Council's Heritage Advisor, it is concluded that the proposal will not adversely impact on heritage items in the vicinity of the proposed development.

## Warringah Development Control Plan 2011

### Built Form Controls

None of the Built Form controls in Part B of the WDCP are applicable to the development.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Private Property Tree Management	No	No
E2 Prescribed Vegetation	N/A	N/A
E6 Retaining unique environmental features	No	No
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

An assessment of the key issues relating to the proposed development is provided below.

#### **C2 Traffic, Access and Safety**

A number of submissions raised concern regarding the potential for the facility to increase traffic congestion in the area and adversely impact on traffic safety. Council's Traffic Engineer also raised a number of concerns regarding the impact of the proposal on nearby intersections. As such, an assessment of the proposal against the objectives of the clause is provided below.

- ***To minimise traffic hazards***

Comment

The proposal provides for vehicle access to the site from Civic Drive which is an existing minor street. The access to the car park will be off Civic Drive and will be designed in accordance with the relevant Australian Standards. Road works are proposed to improve the intersection of Civic Drive and the Kingsway. Pedestrian paths are proposed around the development and will be separated from vehicular access.

While the two traffic impact assessments undertaken for the project did not identify any significant adverse impacts on surrounding intersections, Council's Traffic Engineer noted that the Level of Service (LoS) of the right turn from the Kingsway to Fisher Road will deteriorate from LoS E to LoS F as a result of the development. To address this potential hazard, the Traffic Engineer has recommended that a concrete island be constructed on the Kingsway to physically ban the right turn from the Kingsway to Fisher Road. In addition, Council's Traffic Engineer has recommended changes to the pedestrian crossing on the western side of the roundabout at Civic Drive to avoid potential pedestrian/vehicular conflict. Conditions to address these concerns have been included to this report.

Subject to the recommendation of Council's Traffic Engineer, it is considered that potential traffic hazards associated with the development have been minimised.

- ***To minimise vehicles queuing on public roads***

Comment

As discussed above, in general queuing at intersections is not expected to be significantly affected by the proposed development.

In terms of queuing associated with entry and exit from the car park, Council's Traffic Engineer has raised concern that the parking design does not provide adequate queuing area at the car park entry within the building and clear of the footpath on Civic Drive. Additional queuing length within the building is recommended to prevent vehicles queuing and blocking Civic Drive. A condition to this effect is recommended.

- ***To minimise the number of vehicle crossings in a street***

Comment

There will be no change to the number of vehicle crossings as a result of the development.

- ***To minimise traffic, pedestrian and cyclist conflict***

Comment

As noted above, Council's Traffic Engineer has recommended a condition regarding the location and treatment of the pedestrian crossing on Civic Drive. Subject to this condition, it is considered that adequate attention has been given in the design to separating traffic from

pedestrian/cyclist movements. 2.5m wide shared pedestrian/cyclist paths have been provided around the development together with a pedestrian crossing across Civic Drive.

- ***To minimise interference with public transport facilities***

The proposed development will not impact on public transport facilities.

- ***To minimise the loss of “on street” kerbside parking***

No loss of “on street” kerbside parking is proposed as part of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP with respect to traffic, access and safety.

### **C3 Parking**

An assessment of the proposed car park in relation to the provisions in C3 of the WDCP is provided below.

The objectives of C3 are:

- ***To provide adequate off street carparking.***

#### Comment

The number of car parking spaces provided on the site is to increase from the existing 130 to a total of 348 spaces. This is to meet the needs of a range of groups, including PCYC users, commuters, Dee Why town centre workers, shoppers and others. This is consistent with the PoM for the site.

Appendix 1 to Warringah DCP 2011 states that parking rates for community facilities are to be calculated based on comparisons with similar developments. TTW was unable to draw on similar developments within the Warringah LGA for the purposes of calculating demand for car parking. Therefore it based parking demand on the different uses within the building together with an estimated demand for around 200 commuter spaces. While it was noted that parking demand for the commuters and PCYC generally occur at different times of the day, because there are periods where the demand overlaps, it was necessary to add car spaces for building users and commuters together in determining the overall demand.

As noted elsewhere in the report, Council's Traffic Engineer has raised concern that the introduction of pay parking will result in long stay parkers moving into surrounding streets. The preparation of a Parking Management Plan is recommended to address users of the facility and fee structure for the pay parking that is balanced having regard to the potential displacement of existing long stay parking to adjacent residential streets.

In summary, it is considered that subject to imposition of a condition requiring the preparation of a Parking Management Plan, the proposal provides for adequate off street car parking to meet the various user needs having regard to the broader objectives in the PoM and Dee Why Town Centre as well as the need to ensure traffic impacts are appropriately addressed.

- ***To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.***

#### Comment

A significant portion of the car park is located above ground, resulting in a large expanse of high wall along both the Kingsway and Fisher Road frontages. Council engaged GM Urban Design and Architecture (GMUDA) to undertake an independent urban design review of the proposed development, including an assessment of the above ground car parking. GMU concluded that the car park resulted in large areas of continuous blank walls along both the Kingsway and Fisher Road frontages causing a lack of activation and visual interest. It also found that the building's bulk was exacerbated by the need for above ground parking and was critical of the perforated concrete blocks proposed for the car park wall construction. GMU recommended that the proposal be redesigned to lower the car park thereby reducing the extent of inactive frontage and exposed car park structure.

In response, the applicant's architects, FJMT, have advised as follows:

*The extent and bulk of the carpark has been carefully considered to maximise the activation and visual interest both from the streetscape and within the development itself. The carpark has been submerged into the ground as much as possible with consideration given to the following parameters;*

- *carparking allocation is as per the commitment outlined in the Plan of Management.*
- *Accessible on-grade access to the PCYC level has been provided from the Civic orientated entry as this is considered to have the higher use and will directly link to the future Council Dee Why Hub Masterplan. The carpark forms the extent of the podium and is revealed as the natural topography of the site falls down to the Fisher Road and Kingsway junction.*
- *The facade of the carpark is envisaged as a 'landscaped podium'. Originally, a network of stainless steel wires were proposed as the podium base, however there was a concern that this would not deliver a finished facade at the completion of construction. The alternative ventilated block facade proposed delivers a finished product which references the Dee Why locale.*

*The facade blockwork will have an integral custom pigmentation of two hues to enable variation and visual expression. Furthermore, the custom blockwork module provides ventilation in the form of circular holes which vary in scale. The varying holes have been setout to address required ventilation requirements to the carpark, minimisation of climbing, safety through passive circulation and 'through viewing' and visual interest. This variation of pattern, together with the colouring, custom sizing and the landscaped layering introduces a sculptural quality to the facade to maximise visual interest as much as possible.*

*The extent of the facade block work has been further reviewed as illustrated in the revised DA Elevations. The block work height is determined by the required height of the Terrace balustrade. Retention of through visibility has been ensured by maximising the open hole diameter within the balustrade extent. The hole will be in filled with glazing to ensure safety parameters are met.*

While it is acknowledged that lowering the car park further into the ground would reduce the visual impact of the building, this would not appear feasible without affecting the viability of

the project. It is considered that the proposed treatment of the walls, including their materiality and landscaping, will help to mitigate the visual impact and provide for interest and activation.

- ***To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.***

#### Comment

Refer to discussion above.

Having regard to the above assessment, it is concluded that the proposed car park will provide adequate parking consistent with the relevant objectives and requirements of Clause C2 of WDCP. The proposed design treatment of the above ground car parking elements will help mitigate the impact of the large expanses of walls and add to the visual interest and activation along the Kingsway and Fisher Road frontages. It is therefore considered that the proposed development meets the requirements of Clause C3.

### **D3 Noise**

The WDCP requires that noise emissions from developments do not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors. It requires that noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the *NSW Industrial Noise Policy* at the receiving boundary of residential and other noise sensitive land uses.

#### Comment

An Acoustic Assessment of the proposed development has been carried out by Acoustic Studio and accompanies the development application. The assessment has predicted noise impacts at the most sensitive boundary positions, taking into account distance attenuation, building reflections and directivity. The calculations show that all the relevant criteria (as provided for in the Warringah Council DCP and EPA NSW Industrial Noise Policy) for noise emissions will be met. In addition, the  $L_{Amax}$  sound level generated by activities/events in each space is expected to comply with the NSW Industrial Noise Policy sleep arousal criterion. Potential noise generating events from the facility, including competition sports events, live music etc will be restricted to a 10pm curfew and subject to a noise management plan in tandem with an event management plan. Further, use of the outdoor terrace will not be permitted after 10pm.

The Preliminary Operational Management Plan accompanying the DA indicates that a Final Operational Management Plan is to be developed which will be accompanied by a Noise Management Plan and Security Management Plan. It will also include guidelines to manage vehicular and pedestrian movements, noise, general activity and clean up functions, in particular from the 10pm to midnight timeframe.

The assessment concludes that the proposed facility will have no adverse noise impact at the nearest residential receivers or any other receiver subject to implementation of the recommendations in the report.



Council's Environmental Health and Protection unit has recommended conditions requiring that:

- sound levels not exceed 5dB(A) above background noise levels along the site boundaries
- the implementation of the development shall not adversely affect the amenity or interfere unreasonably with the comfort of people outside the premises by reason of noise, fumes, waste products and the like.

Notwithstanding the measures proposed, it is considered that the requested hours of operation, being 6am to 12 midnight seven days a week, are excessive given the predominantly residential neighbourhood surrounding the site and the potential for noise to be generated from persons leaving the facility late at night. There would appear to be no specific rationale for the facility to remain open to midnight during week nights. The 6am opening time on a Sunday is also considered inappropriate.

It is therefore proposed that the hours be restricted as follows:

**PCYC Facility**

6am to 10pm	Monday to Thursday
6am to 12 midnight	Friday to Saturday
7am to 10pm	Sundays and Public Holidays

**Car park**

5.30am to 10.30pm	Monday to Thursday
5.30am to 12.30am	Friday to Saturday
6.30am to 10.30pm	Sundays and Public Holidays

It is further considered that these hours should be subject to a 2 year trial to enable an assessment of the ongoing management performance of the facility and its impacts on neighbourhood amenity. During this period a Complaints Register should be kept by Council and at the end of the two year trial Council should conduct a review of the level of compliance with the Operational Management Plan. The above hours should only be made permanent if Council is satisfied that the facility has demonstrated good management performance and compliance with the Operational Management Plan.

Conditions to this effect are included should the application be approved.

**D6 Access to Sunlight**

The WDCP requires that at least 50% of the required area of private open space of adjoining dwellings is to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. It also requires that development not result in unreasonable overshadowing of public open space.

Comment

The building does not result in significant overshadowing impacts to the apartments to the south. No overshadowing occurs after 12pm ensuring that all principal living room windows are provided with direct solar access for at least three hours a day. This exceeds the requirements of the Warringah DCP as well as the PoM that requires that at least 70% of apartments receive a minimum of two hours direct sunlight to at least 50% of principal living room windows between 9am to 3pm in mid-winter.

No overshadowing of public open space will occur.

Having regard to the above assessment, it is concluded that the development is consistent with the relevant objectives and requirements of Clause D6 of WDCP.

## **D7 Views**

The objectives of D7 are:

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

### Comment

There are no significant landmarks or important views in the vicinity of the proposed development. The main impact on views will be the loss of the existing tree canopy which is considered reasonable having regard to the very significant community benefits arising from the proposal and the replacement landscaping proposed. In addition, the building design is innovative and will provide an iconic architectural feature in the landscape. It is therefore considered that the impact on views is reasonable and the proposed development will enhance the appearance of the urban environment in this location.

## **D8 Privacy**

The objectives of D8 are:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

### Comment

The development proposal has sought to minimise privacy impacts through:

- Providing glazed facades on the eastern and western elevations of the building where the potential for overlooking is minimal. The closest apartments to the east are located approximately 23 metres from the proposed building, contain minimal windows on their western elevation and are partly screened by existing trees. Dwellings to the west are located approximately 40 metres from the outdoor terrace balcony and no privacy impacts are expected.
- Providing very limited glazing along the northern and southern elevations. Along the south, glazing is only being provided to the entry doors and along the north, glazing is to be provided to the entry doors and a small entry airlock adjacent to the multipurpose community room on the north west side of the building.
- Landscaping along the southern edge of the terrace to mitigate the potential for overlooking of the adjoining apartments to the south.

- Retaining trees and new tree planting along the site's boundaries in general.

It is considered that these measures will ensure that privacy impacts on neighbours are minimised.

Potential noise impacts have been discussed under D3 Noise.

Having regard to the above, it is concluded that the development is consistent with the relevant objectives and requirements of Clause D8 of WDCP, subject to the recommended conditions under D3 regarding noise management.

## **D9 Building Bulk**

The objectives of D9 are:

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The requirements of D9 are as follows:

- *Side and rear setbacks are to be progressively increased as wall height increases.*
- *Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
- *On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:*
  - *The amount of fill is not to exceed one metre in depth.*
  - *Fill is not to spread beyond the footprint of the building.*
  - *Excavation of the landform is to be minimised.*
- *Building height and scale needs to relate to topography and site conditions.*
- *Orientate development to address the street.*
- *Use colour, materials and surface treatment to reduce building bulk.*
- *Landscape plantings are to be provided to reduce the visual bulk of new building and works. Articulate walls to reduce building mass.*

As noted elsewhere in the report, Council engaged GM Urban Design and Architecture to provide an independent urban design assessment of the project. The report raised a number of concerns with the building design and bulk, most notably:

- Inadequate setbacks, particularly along Fisher Road where the setback to the car park podium will necessitate the removal of a large number of trees, and the setback between the building and the apartments to the south which is considered insufficient to mitigate the bulk of the development for residents with balconies and living rooms looking onto the facility.
- The large areas of continuous blank walls along both the Kingsway and Fisher Road which result in lack of activation and visual interest with only block work screening to mitigate impacts.
- The height and building footprint is excessive due to the car park layout and exposure above ground level, with the car park structure pushing the courts and main roof far higher than would be necessary if the car parking was recessed further into the ground.
- The location of the main pedestrian from Civic Drive is located at the rear of the site and has little sense of address to the primary movement spring through the Civic centre site.
- The materials intended to realise the architectural form are not of the quality of the design itself. The use of perforated concrete blocks and the proposed metal deck roofing are not considered to be materials of sufficient visual quality to realise the overall architectural intent.

- Loss of tree cover and landscape buffer to adjacent development and streets exacerbates the impact of the blank car park walls and increases the visibility of the bulk of the building.

The GMU report recommends that the proposal be redesigned to lower the car parking into the ground to reduce the building bulk and other associated impacts, the materials be reconsidered to ensure they deliver design excellence and the main entry to be relocated away from the adjacent residential development to the south and lowered to avoid privacy and acoustic impacts.

With respect to building bulk, FJMT has responded to the concerns raised by GMUDA as follows:

*The bulk of proposed development is the resultant of the nature of the functions within both the courts and the carpark.*

*The PCYC courts accommodate netball, basketball and volleyball facilities with associated run-off and spectator seating areas to the court northern and southern edges. The internal volume of the courts is determined by the minimum height of 8.3 meters governed by Netball Australia. Further allowances have been provided to the internal volume to ensure integration of lighting, mechanical equipment and court facilities such as, uplifting basketball backboard storage. To address this building volume, the roof profile directly reflect the functions within, reducing in volume from the maximum volume over the courts gradually down through the foyer to the multi-purpose rooms.*

*Consideration has been given to the roof to ensure a high quality of finish which responds to the volume in varying scale. The holistic nature of the roof sheeting simplifies the form sheeting undulates to express and conceal the inner facade. The sheeting is run horizontal across the length of the volume, tapering and angling panels to emphasis the shape of the form. A secondary scale is introduced with the standing seam profile which provides further articulation. Currently, the high quality Kingspan Kingzip material is being considered as an applicable product which meets the roof forms complex geometry. Other materials of a similar quality are being considered however due to the demands on the sheeting flexibility, there is only a limited selection. A light metallic colour tone is proposed to enhance the 'floating' and light nature of the roof, reducing the perception of the building volume.*

*The partly submerged nature of the carpark does impact on the building bulk however ... this is a resultant of the podium Civic address entry level and the considerable fall across the site. Budget limitations have also impacted on the feasible extent of excavation as there is significant sandstone extents below the shallow topsoil. The sculptural quality of the ventilated blockwork facade intends to enhance visual interest to the podium extent, also providing a clear delineation between the two key functions of the site, the carpark and the PCYC.*

*Overall, the roof is within the requirements of the maximum height limitations as established in the Plan of Management for the site.*

As noted elsewhere in the report, the applicant has advised that the project would not be viable if the car park were required to be lowered further into the ground. Significantly reducing the scale of the car park to enable a level to be removed is also not feasible given the commitments in the Plan of Management, Dee Why Town Centre Masterplan and Council's Section 94 Contributions Plan to the construction of a major public car park on the site.

On balance, it is considered that the bulk and scale of the building is satisfactory for the following reasons:

- The building height of 17.5 metres is within the 20 metre maximum stipulated in the Plan of Management
- The architectural design provides an innovative and visually interesting response to the site's constraints and the functional requirements of the facility
- Impacts on the streetscape and surrounding land uses have been mitigated through appropriate design treatment, including materiality, landscaping, roof modulation, window placement and building articulation

In relation to setbacks, the key boundary interface is that between the proposed building and the apartments to the south. A minimum setback of 4.5 metres has been provided between the building and the boundary, providing for an overall distance of 9 metres between the two buildings. As noted above, privacy and solar access issues are considered to have been adequately addressed through the building design to ensure the continued appropriate use and enjoyment of these apartments by residents. In addition, above the podium the PCYC roof is setback further from the boundary, and together with the outdoor terrace, helps to provide greater separation between the built forms.

Other apartments and dwellings along the other boundaries are considered to be sufficiently distant that their continued use and enjoyment will not be significantly impacted by the development.

An assessment of the impact of the car park structure on the streetscape has been provided in C3 above. The assessment indicates that the proposed treatment of the car park walls is sufficient to mitigate their visual impact and provide for interest and activation.

In summary, it is considered that the proposal represents good design and innovative architecture and will enhance the urban environment. The visual impact of the building will be positive. Its distinctive and innovative architectural design will result in it being an important landmark element and will help reinforce the civic nature of this precinct. It is therefore considered that the proposal meets the objectives of this provision.

## **D10 Building Colours and Materials**

The objective of D10 is to ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.

### Comment

It is considered that the proposed colours and materials of the building are compatible with the surrounding area. It is also considered that the quality of the proposed materials is of a standard commensurate with the architectural standard of the development.

The development is considered to be consistent with the provisions of D10.

## **D11 Roofs**

The objectives of D11 are:

- *To encourage innovative design solutions to improve the urban environment*

- *Roofs are to be designed to complement the local skyline*
- *Roofs are to be designed to conceal plant and equipment.*

#### Comment

The roof of the building is the most striking feature of the development and will be an iconic element in the local skyline. Its undulating form has been designed to accommodate the functions within, whereby the volume is maximised over the multi-purpose courts gradually reducing down over the foyer to the multi-purpose rooms.

All plant and equipment are concealed within the roof form. The only interventions in the roof are a series of turbine roof ventilators that provide the building with natural ventilation. Skylights will be provided in the form of glazed and translucent sheets.

The development is considered to be consistent with the provisions of D11.

### **D12 Glare and Reflection**

The objectives of D12 are:

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

#### Comment

A Reflectivity Report has been prepared by Windtech on behalf of the applicant which provides an analysis of the effect of potential solar glare from the proposed development. The results of the analysis indicate that the proposed development generally benefits from overshadowing from the various surrounding buildings and trees during the early morning and late afternoon, which are the times when solar glare is most prevalent. Adverse glare is therefore not expected to impact on drivers and pedestrians using surrounding roads. However, to limit the effect of possible reflected solar glare to neighbouring buildings, the report recommends all facades including glazing should have a maximum normal specular reflectance of visible light of 20%. Conformance with the recommendation in the report is included as a condition should the application be approved.

Additionally, to ensure the development does not result in unreasonable impacts from artificial illumination, the development will be conditioned to comply with the relevant Australian Standard relating to the obtrusive effects of lighting.

### **D20 Safety and Security**

The objective of D20 is to ensure that development maintains and enhances the security and safety of the community. For larger developments, D20 requires the preparation of a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' (CPTED) principles.

A CPTED report has been prepared and accompanies the development application. CPTED provides four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:



- a. Surveillance;
- b. Access control;
- c. Territorial reinforcement; and
- d. Space management.

## 1. Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Would be offenders are often deterred from committing crime in areas with high levels of surveillance.

### Comment to Principle 1:

The development proposal provides for adequate surveillance through the following:

- clear sightlines between public and functional spaces, as well as wide and open internal and external pathways and circulation areas
- external lighting and CCTV cameras
- holes in the car park walls which will allow viewing through to the street
- carpark egress stairs which are open and allow clear surveillance
- the outdoor terrace from which people will be able to look out to the street
- glazing along the eastern façade of multi-purpose courts allowing for surveillance across Civic Drive

## 2. Access control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

### Comment to Principle 2:

The development includes physical barriers which are used to attract, channel or restrict the movement of people to the main entrances to the building along Civic Drive and the Kingsway. The landscaping and pathways have been designed to direct the movement of people to the entries and public spaces.

Access to the facility and car park will be limited to operation hours.

Access to the outdoor terrace is only possible through the multi-purpose rooms and will be linked with room usage.

## 3. Territorial reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

### Comment to Principle 3:

It is considered that the high quality design and community focus of the building will ensure a strong sense of community ownership of the facility. The frequency of use of the facility and the level of activity occurring within and around the building will generally act as a deterrent to criminal activity as will the presence of the NSW Police.

#### **4. Space management**

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

##### Comment to Principle 4:

A range of measures to ensure appropriate maintenance of the facility to a high standard are identified in the Preliminary Operational Management Plan. This includes timely removal of any graffiti, waste management, general upkeep of the facility and surrounding public domain and the like. It is considered that the high quality design and nature of the facility will enhance the presentation and management of this space.

Having regard to the above assessment, it is concluded that the development is consistent with the principles of Crime Prevention through Environmental Design.

#### **D23 Signs**

The objectives of D23 are:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

A detailed assessment of the proposed signage has been provided earlier in the report in relation to SEPP 64 – Advertising and Signage. The assessment indicates that the signage is appropriate and consistent with the provisions under SEPP 64. Similarly, it is considered that the proposed signage is consistent with the objectives of the Warringah DCP Part D23.

#### **E1 Private Property Tree Management and E6 Retaining unique environmental features**

The objectives of E1 are:

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community.*
- *To preserve and enhance the area's amenity.*

The objective of E6 is to conserve those parts of land which distinguish it from its surroundings, including remnant bushland and trees.

##### Comment

As noted elsewhere in the report, the proposal involves the loss of a significant number of trees. An assessment of the impact of tree removal has been provided in the discussion relating to clause 5.9 of the Warringah LEP. The assessment concludes that on balance the tree removal is reasonable and therefore non-compliance with this control is justified.

## **14. POLICY CONTROLS**

### **Warringah Section 94A Development Contribution Plan**

Clause 6 of the Warringah 94A Contributions Plan exempts development applications from the payment of the section 94A levy for public purposes as proposed by Council involving the use of land classified as community under the Local Government Act. The payment of section 94A contributions in relation to this development is therefore not required.

## **15. CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

As the original notification letter sent to adjoining owners did not include a reference to Part Lot 100 DP 1041823 in the description of the subject land, the development application will be renotified. A supplementary report will be provided to the JRPP following renotification detailing any additional submissions received and providing an assessment of issues.

## RECOMMENDATION

THAT the Joint Regional Planning Panel grant Development Consent to Development Application No. DA2014/0344 for demolition of the existing car parking and construction of a multi-purpose community facility (Police and Citizens Youth Club) including car parking, landscaping and signage on land at Lot 1 DP 1193308, 38-48 Kingsway, and Lot 100 DP 1041823, 725 Pittwater Road Dee Why, subject to the conditions printed below:

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other conditions of consent) with the following:

##### a) Approved Plans

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 11	28.03.2014	Francis-Jones Morehen Thorp
DA 12	28.03.2014	Francis-Jones Morehen Thorp
DA 13	28.03.2014	Francis-Jones Morehen Thorp
DA 14	28.03.2014	Francis-Jones Morehen Thorp
DA 21	05.06.2014	Francis-Jones Morehen Thorp
DA 22	05.06.2014	Francis-Jones Morehen Thorp
DA 23	05.06.2014	Francis-Jones Morehen Thorp
DA 24	05.06.2014	Francis-Jones Morehen Thorp
DA 25	28.03.2014	Francis-Jones Morehen Thorp
DA 31	05.06.2014	Francis-Jones Morehen Thorp
DA 41	05.06.2014	Francis-Jones Morehen Thorp
DA 51	28.03.2014	Francis-Jones Morehen Thorp
DA 52	28.03.2014	Francis-Jones Morehen Thorp
DA 54	28.03.2014	Francis-Jones Morehen Thorp
DA 61	28.03.2014	Francis-Jones Morehen Thorp
DA 63	28.03.2014	Francis-Jones Morehen Thorp
DA 92	28.03.2014	Francis-Jones Morehen Thorp
DA 93	28.03.2014	Francis-Jones Morehen Thorp
DA 94	28.03.2014	Francis-Jones Morehen Thorp
DA 95	28.03.2014	Francis-Jones Morehen Thorp
DA 96	28.03.2014	Francis-Jones Morehen Thorp

<b>Reports/Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Investigation	23 April 2013	JK Geotechnics
Arborist Report	12 February 2014	Eco Logical Australia
Statement on Provision of Site Stormwater Drainage	21 March 2014	Warren Smith & Partners
Section J Assessment	26 March 2014	Medland Metropolis
Preliminary Contamination Screening and Acid Sulfate Soil Assessment	1 May 2013	Environmental Investigation Services
Parking and Traffic Report	25 March 2014	Taylor Thomson Whitting
Acoustic Assessment	24 March 2014	Acoustic Studio
Signage Concept Strategy	28 March 2014	Francis-Jones Morehen Thorp
Solar Light Reflectivity Analysis	25 March 2014	Windtech
Tree Construction Impact Statement	12 February 2014	Eco Logical Australia
Access Report	13 March 2014	Accessibility Solutions
Lighting Report	6 March 2014	Medland Metropolis
CPTED Report	24 March 2014	Francis-Jones Morehen Thorp

<b>Civil Infrastructure Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C30	25.03.14	Taylor Thomson Whitting
C31	28.02.14	Taylor Thomson Whitting

- b) Any plans and/or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including demolition or excavation) shall be undertaken prior to the release of the Construction Certificate.

**Reason:** To ensure the work is carried out in accordance with the determination of the JRPP and approved plans. (DACPLB01)

## 2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

<b>External Department, Authority or Service</b>	<b>E-Services Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	15.04.2014
Transport Roads & Maritime Services	RTA Referral Response	02.05.2014
NSW Police Force	Northern Beaches Police Referral Response	Undated (received 04.06.2014)

(**Note:** For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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:
  - i. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - ii. 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
  - iii. 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.

- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - i. protect and support the adjoining premises from possible damage from the excavation, and
  - ii. where necessary, underpin the adjoining premises to prevent any such damage.
  - iii. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - iv. the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** Legislative Requirement (DACPLB09)

### 4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00pm inclusive Monday to Friday

8.00am to 1.00pm inclusive on Saturday

No work on Sundays and Public Holidays

Demolition and excavation works are restricted to:  
8.00am to 5.00pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i. Building/s that are to be erected
  - ii. Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii. Building/s that are to be demolished
  - iv. For any work/s that is to be carried out
  - v. For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the

development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **5. Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

### **6. Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the kerb inlet pit in The Kingsway and is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage – Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

### **7. Utilities Services**

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

(a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and

(b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.



**Reason:** To ensure that services have been provided as required by this consent. (DACENC15)

## **8. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Safety. (DACENC19)

## **9. On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Warren Smith & Partners Pty Ltd, drawing number 4440000 C-201 Issue B, C202 Issue B, C203 Issue B, C-204 Issue B, C-205 Issue B, C-206 Issue B and C-207 Issue B, dated 21.03.2014.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- (a) A high level overflow is to be provided to OSD Tank 2 to achieve a minimum 300mm freeboard to the Foyer Level of FFL 33.50 AHD.
- (b) All upstream flows from the existing carpark adjacent to the southern entry to the building are to be diverted around the OSD system.
- (c) A long section of the outlet pipe between the junction pit at the north western corner of the site to the existing Council pit in the Kingsway.
- (d) Council's existing stormwater pits and pipes including their positions, the lengths of pipe and the number of pits to be removed, up to the junction pit in the Kingsway from the existing carpark, are to be detailed on the drawing.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

**Reason:** To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC20)

## 10. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

## 11. Submission of Engineering Plans for Civil Works within the Site

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the following list of works which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

- (a) The provision of one vehicle crossing 7 metres wide at the boundary and 9 metres wide at the kerb alignment with Civic Drive in accordance with Warringah Council Drawing No. A4-3330/1 Normal and specifications.
- (b) The provision of one layback 9 metres wide in accordance with Warringah Council Drawing No. A4- 2276/B and specifications.
- (c) The sight distance for the above crossing is to be in accordance with Section 3.2.4 of AS/NZS2890.1:2004 with no landscaping other than ground covers are to be provided within the sight lines of the driveway.
- (d) The provision of a footpath 2.5 metres wide with a minimum crossfall of 2% and maximum of 4% along the Civic Dr frontage and southern boundary from the proposed entry to the building to the corner of Civic Dr.
- (e) The provision of pedestrian ramps on both sides of the western side of the existing roundabout on Civic Dr to provide a pedestrian link to the existing footpath in this location. The pedestrian ramps are to be in accordance with Warringah Council Drawing No. A4 7284.
- (f) The provision of a kerb, gutter and asphalt adjustment to the northern side of the existing car parking area to the west of the roundabout to provide the drop off area to the proposed building.
- (g) Adjustment to the existing planter beds and driveway within the existing car park to permit one way clock wise vehicular access to the drop off area to the proposed building.
- (h) The provision of a street lighting design for Civic Drive and the proposed drop off zone to meet the increase in pedestrian traffic in accordance with the relevant Australian and New Zealand Standard.
- (i) The provision of a pedestrian ramp on the north western side of the existing roundabout on Civic Dr to provide a pedestrian link to the existing footpath in this location. The pedestrian ramps are to be in accordance with Warringah Council Drawing No. A4 7284.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with Council's specification for engineering works.  
(DACENCPC1)

## **12. Submission of Engineering Plans for Civil Works within the Road Reserve**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the following list of works which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

- (a) Reconstruction of the kerb and gutter with associated regrading of the crossfall to 3% [half road and beyond if necessary] of the southern side of the Kingsway to alleviate the scrapping at the intersection with Civic Drive. The pavement shall be designed for full depth AC to minimise traffic disruption.
- (b) Reconstruction of the kerb & gutter and associated pavement to the frontages of the Kingsway and Fisher Road to 150mm high kerb.
- (c) The provision of a concrete footpath 2.5 metres wide minimum along the Kingsway and Fisher Road frontages with a minimum cross fall of 2% to the kerb. The path design is to include all line marking and associated sign posting.
- (d) The provision of pedestrian ramps on both sides of the intersection of the Kingsway with Fisher Rd and on the western side of the intersection of Kingsway with Civic Drive.
- (e) The provision of a bus parking bay on the Fisher Rd frontage. The bus bay must include a cross fall of 2% toward the new kerb alignment. Approval from all public utility service authorities for the proposal must be submitted with the design. This may require the dedication of a portion of the site as road reserve to accommodate the relocation of the services if required by the public service authority.
- (f) The provision of a bicycle path extension 2.5 metres wide between the south eastern corner of the Kingsway and Fisher Road to the south eastern corner of the intersection of Regent St and Fisher Road.
- (g) The provision of a refuge island and associated blister islands on Kingsway at the intersection with Fisher Road to prevent the right turn movement from Kingsway. The island is to be designed to permit a bicycle path to cross at this point. Any adjustment to line marking and signposting is to be included in the design.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with Council's specification for engineering works.  
(DACENCPC3)

## **13. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*

- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 – 2009\* Design for access and mobility - General requirements for access – New building work\*\*
- (m) AS 1428.2 – 1992\*, Design for access and mobility - Enhanced and additional requirements – Buildings and facilities\*\*

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm).  
<[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm)>

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

**Reason:** To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

#### **14. Proposed Pedestrian Crossing Design Requirements**

The proposed pedestrian crossing near Civic Drive is to be set back at least one car length from the exit of the roundabout and clear of vehicles reversing from the adjacent angle car parking bays. The crossing is to be 3.6m wide and is to be line marked and signposted in accordance with the Roads and Maritime Service standards for pedestrian crossings.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Pedestrian Safety (DACTRCPC1)

#### **15. Proposed Pedestrian Crossing Lighting**

The proposed pedestrian crossing near Civic Drive is to be provided with adequate lighting in accordance with the Australian Standards at the applicant's cost.

#### **16. Parking Management Plan**

A Parking Management Plan is to be submitted for Council's consideration and approval. The plan shall cover the following matters: Users of the facility, fee structure for the pay parking that is balanced having regard to potential displacement of existing long stay parking to adjacent residential streets.

**Reason:** To manage car parking in order to minimise the displacement of car parking to surrounding streets.

#### **17. Install a concrete island on Kingsway to ban the right turn**

The applicant is to submit a plan for a concrete island on Kingsway (that provides for pedestrians) to physically ban the right turn from the Kingsway to Fisher Road. The plan is to be submitted for Council's consideration and approval via the Warringah Traffic Committee. Construction of the concrete island, subject to the approval of the Traffic Committee is to be installed at the applicant's expense.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To reduce vehicular conflicts (DACTRCPC2)

#### **18. Amendment to entry access driveway from Civic Drive**

The proposed entry access driveway from Civic Drive is to be amended to provide for at least 2 vehicles to stand clear of Civic Drive. The design is also to ensure that pedestrians on Civic Drive are not obstructed by queued vehicles. In this regard consideration should be given to moving the proposed footpath back to its current position along the kerb on Civic Drive and the proposed landscaping move to the west of the footpath.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Traffic and Pedestrian Safety (DACTRDPC1)

#### **19. Proposed access road to be constructed as a standard driveway**

The entry and exit from Civic Drive is to be constructed as a driveway with a 9m gutter crossing along the Civic Drive kerb line and a minimum width of 7m at the property boundary.

**Reason:** To minimise pedestrian and vehicular conflict (DACTRDPC2)

#### **20. Final Operational Management Plan**

The Preliminary Operational Management Plan accompanying this Development Application has not been approved by this consent.

A Final Operational Management Plan must be prepared to address all operational and management procedures to be employed within the PCYC and the car park to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the operations within the building, car park and the surrounding public domain.

The plan must include but not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise management; behaviour of patrons, security management; and handling complaints. It must also address management measures specific to the holding of PCYC events and private functions, including responsible service of alcohol during private functions and behaviour of patrons.

The plan must be submitted to and approved by Council prior to the Construction Certificate being issued.

**Reason:** To protect the amenity of surrounding residential premises (DACPLB10)

#### **21. Outdoor Area Management Plan**

An Outdoor Area Management Plan must be prepared and submitted with the Construction Certificate to the Principal Certifying Authority that adequately addresses the following issues:

- (a) Hours of use of terrace,
- (b) Acceptable behaviour of patrons on terraces,
- (c) Management of improper behaviour of patrons on terraces,
- (d) Control of Noise and Smoke emissions from terraces,

- (e) Regular review of the Management Plan and Amendment if required
- (f) Contact details, name and phone number, of person to be contacted in case of complaint. Such person and number to be available at all times the club is open.

The Outdoor Area Management Plan to be enforced by the club at all times and a current copy to be submitted to Council and available to the public upon request from the club.

**Reason:** To protect local amenity (DACHPCPCC2)

## **22. Design, construction and fit out of food premises (prior to issue of CC)**

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises’. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with the Australian Food Standards Code (DACHPCPCC1)

## **23. Project Ecologist**

A Project Ecologist is to be employed during of the habitat tree removal (Figure 1) to ensure fauna protection measures are carried out consistent with Table 1 of the Flora and Fauna Assessment and Biodiversity Management Plan 36-48 Kingsway, Dee Why (Ecological Australia 7 March 2014).

**Reason:** To ensure bushland management. (DACNEC07)

## **24. Construction Management Program**

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) Estimated volumes of waste and excavated material and method of disposal;
- (h) Evidence that waste and excavated material has been appropriately disposed of is to be provided to the Certifying Authority prior to the issue of Occupation Certificate;
- (i) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (j) The location and operation of any on site crane.

**Reason:** To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

## **25. Dilapidation survey**

A photographic survey of the adjoining properties to the south (being the apartments at 25 Fisher Road) detailing the physical condition of the properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Certifier prior to the issue of a Construction Certificate.

This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

**Reason:** Proper management of records (DACPLCPCC1)

## **26. Street Tree Planting Program**

To compensate for removal of all trees from site, a Landscaping Plan including street tree plantings, is to be submitted to the Tree Management Officer for approval. The approved plan shall be implemented following completion of works.

**Reason:** Maintain and enhance street tree assets (DACHPCPCC1)

## **27. Protection of Public Trees**

A Tree Protection Plan is to be prepared for trees in the public area adjacent to the southern boundary of the site. The plan should be prepared in accordance with AS4970 - 2009 Protection of trees on development sites.

**Reason:** To ensure protection of public trees (DACHPCPCC2)

## **28. External Colours and Materials**

All glazing and other reflective materials used on the façade must have a maximum normal specular reflectivity of visible light of 20% to avoid adverse solar glare to occupants of neighbouring buildings.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 29. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

### 30. Notification of the food premises

The proprietor of a food business must notify the NSW Food Authority of the details of the business prior to commencement of trading.

Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee in accordance with Warringah Council's Fees and Charges applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

**Reason:** To ensure compliance with the Australian Food Standards Code. (DACHPDPC1)

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 31. Progress Certification (Road & Subdivision)

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
  - (b) Laying of stormwater pipes and construction of pits
  - (c) Sub-grade trimmed and compacted \*\*
  - (d) Base-course laid and compacted \*\*
  - (e) Kerb and gutter construction
  - (f) Pavement
  - (g) Landscaping and vegetation
  - (h) Clean-up of site, and of adjoining Council roadway and drainage system.
- (\*\*To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.



**Reason:** To ensure compliance of civil works with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)). (DACENE02)

### **32. Stormwater Pipeline Construction**

Where connection to Council's nearest stormwater drainage system is required, being the inlet pit at the corner of Kingsway and Fisher Road, the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance of drainage works with Council's specification for engineering works. (DACENE03)

### **33. Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

### **34. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

**Reason:** Public Safety. (DACENE09)

### **35. Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

**Reason:** To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

### **36. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

**Reason:** Public Safety. (DACENE11)

### **37. Construction Management**

As part of the proposed method of construction vehicle access to and from the site during excavation and building works the applicant is to consider and apply for a work zone adjacent to the site frontage in Kingsway or Fisher Road. The provision of a work zone will require approval from Warringah Traffic Committee. Applications for work zones are available on Councils Web Site and should be lodged at least 4 weeks prior to work commencing.

**Reason:** To provide construction vehicle access and reduce vehicular conflicts (DACTREDW2)

### **38. Requirement to Notify About New Contamination**

Any new information revealed during excavation works that has the potential to alter previous conclusions about contamination shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

**Reason:** To protect the environment (DACHPEDW4)

## **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **39. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

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

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

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

### **40. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for onsite storm water detention as to user is to be submitted.

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

**Reason:** To identify encumbrances on land. (DACENF02)

#### **41. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands.

Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

**Reason:** To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

#### **42. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

**Note:** The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard AS/NZS 3500.3 - 2003 - Plumbing and drainage – Stormwater drainage
- (b) Australian/New Zealand Standard AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

**Reason:** To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

#### **43. On-Site Stormwater Detention Compliance Certification**

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

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

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

#### **44. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

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

**Reason:** To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

#### **45. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

**Reason:** To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

#### **46. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

**Reason:** To identify encumbrances on land. (DACENF14)

#### **47. Certification of Road Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed road works including the kerb, gutter, footpath, bus bay and associated road works have been constructed in accordance with this consent and the approved Construction Certificate plans. Work as Executed data certified by a registered surveyor prepared in accordance with Council's requirements shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

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

**Reason:** To ensure compliance of road works with Council's specification for engineering works. (DACENFPOC2)

#### **48. Road Widening Dedication**

The proposed bus bay on Fisher Road may require the relocation of public utility services within the site to ensure that they are located within the road reserve.

Where required to facilitate the location of the services, the dedication to Council of a strip of land a minimum of 2.5 metres wide and variable to enable the widening of the road reserve in order to permit the construction of the proposed bus bay, associated footpath alignment

and public utility service relocation along the Fisher Road frontage. All affected services are to be relocated in accordance with respective service authority requirements. Documentation of the approval for the relocated services from each public service authority is to be provided prior to dedication of the land.

The dedication is to be registered with the 'Land and Property Information NSW' prior to release of the Occupation Certificate. The original documentation for the dedication is to be submitted to Council for authorisation. All costs associated with the dedication are to be borne by the developer/applicant.

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

**Reason:** To facilitate the construction of the bus bay and ensure the new footpath and associated public utility services are located within the road reserve. (DACENFPOC3)

#### **49. Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

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

**Reason:** To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

#### **50. Submission of a signage plan for the proposed bus bay on Fisher Road**

The applicant is to submit a signage plan for the proposed 35m indented bus bay on Fisher Road. The plan will need to take into account changes to existing parking controls. The signposting of the bay with 'No Parking, Authorised vehicles excepted' will require the approval of the Warringah Traffic Committee.

**Reason:** Compliance with Traffic Regulation (DACTRFPOC1)

#### **51. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

#### **52. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

### 53. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

**Reason:** Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

## ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### 54. Trial Hours of Operation

The hours of operation of the facility are to be subject to a two year trial from the date of commencement of operation of the facility. The trial hours of operation are to be restricted to:

#### PCYC Facility

6am to 10pm	Monday to Thursday
6am to 12 midnight	Friday to Saturday
7am to 10pm	Sundays and Public Holidays

#### Car park

5.30am to 10.30pm	Monday to Thursday
5.30am to 12.30am	Friday to Saturday
6.30am to 10.30pm	Sundays and Public Holidays

During the trial period a Complaints Register should be kept by Council and at the end of the two year trial Council should conduct a review of the level of compliance with the Final Operational Plan of Management.

At the end of the two year trial period, an application may be lodged to continue the hours of operation on a permanent basis. Council's consideration of whether the hours of operation should be made permanent should be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, submissions received following notification of the review and any views expressed by the Police.

**Reason:** To ensure that amenity of the surrounding locality is maintained. (DACPLG08)

#### **55. Noise Impact on Surrounding Area**

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

**Reason:** To ensure compliance with acceptable levels of noise established under best practice guidelines. (DACHPBOC1)

#### **56. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

**Reason:** To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997. (DACHPBOC2)

#### **57. Hours of Illumination**

Illumination of signage at the subject premises shall only be permitted during opening hours of the facility. Signs must not flash, move or be constructed of neon materials.

**Reason:** To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

#### **58. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

**Reason:** To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)