

SUBJECT: N0281/17 - 1 A CURRAWONG BEACH, CURRAWONG BEACH NSW 21081 B CURRAWONG BEACH, CURRAWONG BEACH NSW 2108 Renovation of three (3) cabins, games room and the construction of a path and retaining wall

Determination Level: Manager - Development Assessment

SUMMARY OF RECOMMENDATION: CONSENT WITH CONDITIONS

REPORT PREPARED BY: Angela Manahan

APPLICATION SUBMITTED ON: 7 July 2017

APPLICATION SUBMITTED BY: ATT: GINA HAY / ANITA ROYLE
PROPERTY MANAGEMENT AND COMMERCIAL
NORTHERN BEACHES COUNCIL
PO BOX 882
MONA VALE NSW 1660

OWNER(S): NSW GOVERNMENT – MINISTER ADMINISTERING
THE CROWNS LANDS ACT 1989

1.0 SITE DETAILS

The Currawong Beach site comprises five lots, being Lot 10 of Deposited Plan 1092275, Lot 1 of Deposited Plan 337208, Lot 4 of Deposited Plan 978424, Lot 1 of Deposited Plan 166328, and Lot 7316 of Deposited Plan 169919. The site is known as 1a and 1b Currawong Beach, Currawong Beach. The combined sites are irregular in shape and have a total area of 19.7 hectares, with approximately 4 hectares being built up. The site is located on the upper western foreshores of Pittwater waterway. Great Mackerel Beach is located to the north of the site, and Ku-ring-gai National Park is located to the west and south of the site. The site is only accessible by water, with no vehicle access available. The Currawong Beach site comprises a sandy beach and foreshore area to the east, with a flat grassed area from the beach which extends to the north-west, and leads to bushland to the west. The bushland slopes upwards from east to west. The site is currently occupied by several buildings consisting of a local heritage listed farm house ("Midholme"), Conference Centre, caretaker's cottage, Manager's cottage, nine (9) holiday cabins and associated ancillary development including a games room, tennis court, volleyball court and a nine (9) hole golf course. The site is identified as being within a heritage conservation area. The site was inspected on 04 August 2017.

2.0 PROPOSAL IN DETAIL

The Applicant seeks consent for the following works:

- Alterations and additions to three (3) cabins and the Games Room involving:
 - Kookaburra Cabin
 - New bathroom addition to the south, comprising Shower, WC and two (2) basins;
 - Internal alterations to the Kitchen;
 - Deletion of existing Bathroom and internal walls to create a larger Bedroom;

- New highlight window on the western elevation of the Bedroom;
- Extension of the eastern deck to the east.
- Goanna Cabin
 - New highlight window on the western elevation of the Bedroom;
 - New window on the eastern elevation;
 - Internal alterations to the Kitchen;
 - New Bathroom addition to the north, comprising WC, Shower and Basin;
 - Deletion of existing Shower Room and relocation of internal wall to create an additional Bedroom;
 - New timber deck to the north of the cabin with access stairs;
- Blue Tongue Cabin
 - New Bedroom addition to the south;
 - Internal alterations to the Kitchen;
 - New Bathroom addition to the west, comprising a Shower cubicle, WC and Basin;
 - Upgrade of stormwater drainage system;
 - New bbq to the south of the Bathroom addition;
 - New covered deck to the west;
 - Extension of the eastern deck to the south and east;
- Games Room
 - New double doors on the northern elevation;
 - New internal shelving;
 - Upgrade of stormwater drainage system and construction of a new retaining wall to the west of cabin;
 - New outdoor bbq to the north of the cabin;
 - Maintenance of the sandstone fireplace;
 - Maintenance of the eastern paved entrance stairs;
- Construction of a 1.8m wide concrete foot path;
- Replacement of the existing retaining wall to the east of the "Goanna" cabin.

The estimated cost of the proposed works is \$837,281.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- Heritage Act 1977
- Rural Fires Act 1997
- Water Management Act 2000
- State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Map – Class 2, Class 3 and Class 5
 - Biodiversity Map
 - Foreshore Building Line Map
 - Geotechnical Hazard Map
 - Height of Buildings Map – 8.5m
 - Heritage Map – Currawong Workers' Holiday Camp (State Significance)
"Midholme" (house) (Local Significance)
Currawong Heritage Conservation Area
 - Lot Size Map – 200,000m²
- Draft Pittwater Local Environmental Plan 2014 Housekeeping Amendments (Amendment 9)

- Pittwater 21 Development Control Plan (P21 DCP)
 - Upper Western Foreshores Locality
 - Waterways Locality
 - Geotechnical Risk Management Policy for Pittwater
 - Coastline Risk Management Policy for Development in Pittwater
 - Estuarine Risk Management Policy for Development in Pittwater.

P21 DCP identifies the land as being the following:

- Bushfire Prone;
- Landslip Prone;
- Subject to Tidal Inundation;
- Estuarine Hazard;
- Containing Heritage items and within a Heritage Conservation Area;
- Containing Saltmarsh and Foreshore vegetation other than Mangroves;
- Land adjacent to Estuarine Wetlands;
- Flora and Fauna Category 1 and 2 Area.

The site is zoned SP1 - Special Activities and E2 - Environmental conservation under the provisions of the PLEP 2014. The proposed works are located on the portion of land zoned SP1. The purpose shown on the Land Zoning Map on the SP1 zone is for an Ecotourist Facility, Camping Ground and Function Centre. The proposed development, being the upgrading of three (3) existing cabins and the games room, is considered to fall under the definition of an Ecotourist Facility and is permissible with consent pursuant to the land use table in Part 2 of PLEP 2014. The proposed retaining wall and pathway are considered to be ancillary to the proposed development and are also permitted with development consent.

Variation to development standards:

The application of Clause 4.6 or SEPP 1 is not required.

4.0 BACKGROUND

07 July 2017

Development Application N0281/17 was lodged with Council. The application was notified to the adjoining property owners in accordance with Council's policy. The application was internally referred to Council's Development Engineer, Natural Environment Officer, Environmental Health Officer, Reserves and Recreation Department, and Strategic Planning Department for comments and/or recommendation. The application was externally referred to NSW Rural Fire Service, NSW Office of Environment and Heritage (Heritage Division), NSW Department of Primary Industries - Water and NSW Planning & Environment (SEPP 71). The site was inspected on 04/08/2017.

06 September 2017

Additional information was requested on behalf of NSW Rural Fire Service.

26 September 2017

Additional information was received in the form of a letter from the Applicant's Bushfire Consultant to address the additional information requested by NSW RFS.

5.0 NOTIFICATION

The application was notified to eight (8) adjoining property owners for a period of thirty-one (31) days from 12 July through to 24 August 2017 in accordance with Council's Notification Policy. During this time, one (1) submission was received.

This submission raised concerns with regard to the Bushfire Risk Assessment Report, including insufficient information being provided within the report.

A response was also received from NSW National Parks & Wildlife Service, who manages land which shares a common boundary with the subject site, being the National Park. The letter recommends several conditions of consent to be imposed in relation to the National Park. The letter also notes that this does not provide approval for the development under s57 of the *Heritage Act 1977*, in which the Office of Environment and Heritage – Heritage Office is the approval authority. Should the application be approved, the recommended conditions shall be endorsed.

6.0 ISSUES

- 5.10 Heritage conservation
- 5.13 Eco-tourist facilities
- 7.1 Acid sulfate soils
- 7.8 Limited development on foreshore area
- Schedule 5 Environmental heritage
- A1.7 Considerations before consent is granted
- B3.2 Bushfire Hazard
- C5.1 Landscaping
- C5.5 Accessibility
- D13.3 Building colours and materials
- D13.6 Side and rear building line
- D13.14 Currawong

7.0 COMPLIANCE TABLE

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone SP1 Special Activities		See Section 3.0.	Y	Y	Y
Zone E2 Environmental Conservation		No works are proposed on the E2 zoned portion of the site.	-	-	-
4.3 Height of buildings		<u>Maximum height –</u> Goanna Cabin - 4.8m Blue Tongue Cabin - 4.55m Kookaburra Cabin - 4.6m Games Room - 3.65m	Y	Y	Y

Control	Standard	Proposal	T	O	N
4.6 Exceptions to development standards			-	-	-
5.5 Development within the coastal zone			Y	Y	Y
5.10 Heritage conservation		See discussion in Section 8.0.	Y	Y	Y
5.13 Eco-tourist facilities		See discussion in Section 8.0.	Y	Y	Y
7.1 Acid sulfate soils		See discussion in Section 8.0.	Y	Y	Y
7.2 Earthworks		<i>The proposed development works require minor earthworks only and when carried out in line with the requirements of the Consulting geotechnical engineer, the works meet the control requirements.</i>	Y	Y	Y
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards		<i>The proposed works have been assessed against the geotechnical hazard assessment criteria and has been demonstrated to meet the requirements of the control. All works are to be undertaken as required by the finding of the Geotechnical hazard assessment report</i>	Y	Y	Y
7.8 Limited development on foreshore area		See discussion in Section 8.0.	Y	Y	Y
7.10 Essential services					
Schedule 5 Environmental heritage		See discussion in Section 8.0.	Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted		See discussion in Section 8.0.	Y	Y	Y
A4.13 Upper Western Foreshores Locality			Y	Y	Y
A4.15 Waterways Locality			Y	Y	Y
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014		See Clause 5.10 for comment.	Y	Y	Y
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites		See Clause 5.10 for comment.	Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.2 Bushfire Hazard		See discussion in Section 8.0.	Y	Y	N
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B3.9 Estuarine Hazard - Business, Light Industrial and Other Development			Y	Y	Y
B4.1 Flora and Fauna Conservation Category 1 Land		See discussion in Section 8.0.	Y	Y	Y
B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor			Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land			Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor			Y	Y	Y
B4.6 Wildlife Corridors			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.16 Seagrass Conservation			Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential		<i>Upgrade of the stormwater collection is to incorporate a primary treatment screening device on either the inlet line to storage tanks or the discharge line from the tank overflow and any stormwater collection pits that discharge to Pittwater.</i>	Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.11 Stormwater Discharge into Waterways and Coastal Areas			Y	Y	Y
B5.13 Development on Waterfront Land		<i>The development is on waterfront land and has addressed the issues as part of the application. Site management plan to address works within 40 metres of the Mean High Tide Mark, access from the beachfront, and any other mitigation of impacts strategies.</i>	Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C5.1 Landscaping		See discussion in Section 8.0.	Y	Y	Y
C5.2 Safety and Security			Y	Y	Y
C5.4 View Sharing			Y	Y	Y
C5.5 Accessibility		See discussion in Section 8.0.	N	Y	Y
C5.7 Energy and Water Conservation			Y	Y	Y
C5.8 Waste and Recycling Facilities		No changes proposed to the existing waste and recycling facilities.	Y	Y	Y
C5.10 Protection of Residential Amenity		The proposed works are located in excess of 300m from the nearest	Y	Y	Y

Control	Standard	Proposal	T	O	N
		residential properties, as such the proposed development shall not have an adverse impact upon the adjoining residential development.			
C5.15 Undergrounding of Utility Services			Y	Y	Y
C5.16 Building Facades			Y	Y	Y
C5.17 Pollution control					
D13.1 Character as viewed from a public place			Y	Y	Y
D13.2 Scenic protection – General			Y	Y	Y
D13.3 Building colours and materials		See discussion in Section 8.0.	N	Y	Y
D13.5 Front building line			-	-	-
D13.6 Side and rear building line		See discussion in Section 8.0.	-	-	-
D13.10 Fences – General		No fencing is proposed.	-	-	-
D13.11 Fences - Flora and Fauna Conservation Areas		No fencing is proposed.	Y	Y	Y
D13.14 Currawong		See discussion in Section 8.0.	N	Y	Y
D13.16 Stormwater overflow			Y	Y	Y
D13.17 Parking management			Y	Y	Y
D13.18 Site disturbance			Y	Y	Y
D15.1 Character as viewed from a public place			Y	Y	Y
D15.2 Scenic protection – General			Y	Y	Y
D15.3 Building colours and materials		See clause D13.3.	N	Y	Y
State Environmental Planning Policies and other					
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			Y	Y	Y
SEPP 71		NSW Planning & Environment raised no objection to the proposed development. The application has been assessed pursuant to the aims and objectives of SEPP 71 Coastal Protection. The proposed development will retain and enhance foreshore access for the general public, and will not result in any view loss from the public domain. The proposal is considered to be in fitting with the surrounding area and the locality. The proposed works satisfy the matters for consideration under Clause 8 of SEPP 71.	Y	Y	Y

8.0 DISCUSSION OF ISSUES

- **5.10 Heritage conservation of PLEP 2014**
- **Schedule 5 Environmental heritage of PLEP 2014**

Schedule 5 of PLEP 2014 identifies that the subject site contains locally and State listed Heritage items, as follows:

- Currawong Worker’s Holiday Camp – State Listed item which relates to the camp across the entire site;
- “Midholme” (house) – locally listed item, being the existing farmhouse which is located on Lot 10 of DP 752017;

The site is also identified as a Heritage Conservation Area.

The application was internally referred to Council’s Strategic Planning Unit, who subsequently referred the application to Council’s External Heritage Consultant. The following comments and recommendations were provided by Council’s Strategic Planner.

Application no.	N0281/17
Address	1A and 1B Currawong Beach, Currawong Beach
Planner	Angela Manahan
Applicant	Northern Beaches Council – Property Commercial
Details of proposal	Renovation of three cabins, games room, new pathway and retaining wall.
Reason for referral	<p>Referred to heritage as the site:</p> <ul style="list-style-type: none"> • Contains the locally listed item known as ‘Midholme’ (house) (SHI 2270040) • Contains the state listed item known as Currawong Worker’s Holiday Camp (SHR 01784) • Is included in the Currawong Heritage Conservation Area (C2) (SHI 2270410)
Item(s) of significance	<p>Midholme is significant because:</p> <p><i>Midholme, 1a Currawong Beach, built c1910 as a remote farm house, has historic and aesthetic significance as a good example of vernacular cottage house typical of the early Pittwater development.</i></p> <p>The camp is significant because:</p> <p><i>Currawong is of State historical significance as an intact remaining example of a mid-twentieth century, union-organised workers’ holiday camp in NSW, designed for workers ‘to get away from crowded industrial areas and enjoy places normally frequented by richer people’ (Sydney Morning Herald 30/12/1947, p3). The establishment of the holiday camp was a response to the social and work place reforms taking place in NSW in the post World War II period, following the introduction of annual leave in 1944 and the 40-hour week in 1947. Currawong is then a physical symbol of the social reform movements of mid-twentieth century Australia, and more specifically celebrates the increased leisure time legislated for workers at that time. Its significance is enhanced by the fact that the camp was established by the NSW Labor Council (now known as Unions NSW), the peak representative body of unions in NSW.</i></p>

	<p>The conservation area is significant because:</p> <p><i>The Currawong Heritage Conservation Area is an important cultural landscape for the people of Australia, and is part of the social history of NSW and the region.</i></p> <p><i>The property has maintained the curtilage of the original land grant (rare in Australia today) and was occupied continuously as a farm from the 1840s through to 1942 when it was the oldest surviving farm in the district. Little changed from that time and it is a rare example of an early farm settlement in the Pittwater region. The extant farmhouse, Midholme, is believed to be an example of the early use of Australian manufactured asbestos cement sheeting.</i></p>
Statement of Effects	<p>A Heritage Impact Statement was included with the application. It indicates it is to be read in conjunction with the Conservation Management Plan (CMP) prepared in February 2015 by Graham Brookes and Associates.</p>
Site inspection	<p>A prelodgement was held on site with Karen Buckingham (Principal Planner – Strategic) and comments received from Council’s external heritage advisor Bob Moore.</p> <p>A site visit was undertaken by Brendan Gavin (Strategic Planner) with the assessment officer.</p> <p>The plans have also been previously referred to the NSW Office of Environment and Heritage. They made a number of recommendations in terms of design options which have been adopted into the proposal.</p>
Assessment	<p>The Site</p> <p>Currawong Worker’s Holiday Camp is a state listed heritage site located on the western foreshores of Pittwater. It is accessible only by water and provides a number of simple low scale cabins for holiday accommodation with associated recreational facilities and a conference centre. The site also contains an individual item that is a locally listed building known as Midholme. This building is the original homestead on the property constructed after it was awarded in a colonial land grant. In addition, the entire site sits within the Currawong Heritage Conservation Area (C2) which is locally listed.</p> <p>Most of the site itself is heavily vegetated and steep while the land closest to Pittwater is relatively flat and cleared. A number of simple cabins run up the site along a rough worn track leading to the conference centre constructed in the mid 1990s at the top. To the north along the cleared front of the site sit the manager and caretaker cottages, worksheds, tennis court, Midholme, windmill and the golf course.</p> <p>Background</p> <p>The site was originally awarded in a land grant to dairy farmers who cleared the site and constructed Midholme. The site continued to be used as a dairy farm until the site was transferred to the NSW Labour Council during WW2.</p> <p>The Labour Council intended to use the site to provide low cost tourist accommodation for workers and set about constructing the cabins and</p>

facilities. Construction on the site was slow given the post WW2 material and labour shortages and a vastly smaller number of buildings were built than originally planned for. The most recent works on site include the Manager's cottage, the caretaker's cottage and the conference centre.

Currawong was purchased by the State government and became a state park with the former Pittwater Council (now Northern Beaches Council) appointed as the trust manager. The former Council also previously undertook renovations to Midholme and this proposal is not considered to affect its significance.

Discussions regarding the use and upgrade of Currawong have been held over a number of years. Input from various Council departments, including Heritage, have been incorporated into the design. The proposal has also been referred to the NSW Office of Heritage a number of times.

Proposal

The proposal seeks to undertake repairs and upgrades to a number of buildings and sites across the camp. This is to rectify previous maintenance backlogs and ensure the site can continue to welcome visitors in line with the site's heritage listing as a low cost and simple tourist facility. Works proposed are intended to ensure that the three cabins and the games room are fit and safe while sympathetically improving them in line with modern demands of visitors.

The changes to the three cottages are summarised below

- New deck extensions
- New bathrooms
- Internal modifications
- New kitchens
- New bathrooms extensions, deletion of existing
- Removal of separate water closets
- New fireplaces and chimneys
- New windows
- Addition of second bedroom to 'Blue Tongue' cabin
- Removal of asbestos and replacement with fibre cement panels with timber battens.

It is noted that the games room is in particularly poor condition and is currently closed as it is unsafe. Significant damage can be observed to the floor and rear wall. This is likely to have been caused by poor water drainage to the rear of the site. It is proposed to upgrade the building to act as a fire shelter in the event of a bushfire and to undertake other works to the building. This includes;

- New doors to northern elevation
- Internal fitout including laundry facilities
- New bbq
- Fire protection
- Repair/replacement of sandstone base
- New stormwater drainage and retaining wall
- Repair/replacement of damaged materials

	<p>The proposal was referred again to Council's external heritage advisor for final comments. The heritage advisor noted that there is a contention between the need to conserve the cabins but also to make them accessible and renovate them to ensure their survival. The advisor commented <i>'The works are also modest enough but will change the places (the cabins). In the face of this is the very tangible reality that without the use to supported them, the structures will not last'</i>.</p> <p>The advisor noted that the proposed works to the Games Room are not of concern.</p> <p>The advisor recommended that the works be approved, however that it be subject to a number of recommendations.</p> <p><i>'I would suggest therefore that to meet the concerns I have expressed above, the answer can only be that they are properly <u>recorded</u> as they are, before the proposed works.</i></p> <p><i>An interpretation program also has to be developed to ensure that the cabins to be improved are understood - for what they have been in the past, and how that is now shaping their future and management by Council.</i></p> <p><i>The aim has to be that their heritage significance - which is more complicated than what may be apparent on face value - is properly understood.'</i></p> <p>In this regards it is recommended that a condition of consent be imposed on the proposal for the heritage archival of the cabins before work be undertaken. This should be done in accordance with the Heritage Council of NSW's guidelines (2006). These records of each cabin should then be displayed within their respective cabin so that visitors can understand and appreciate the cabins as they were, and as they are to be in the future.</p> <p>The advisor also noted that one cabin on site should be retained in its original form when future works are proposed to the site.</p>
<p>Conclusion</p>	<p>Given the need to preserve the site and its heritage values as well as the need to ensure the ongoing viability of the site, the work is supported subject to conditions. The conditions are as follows:</p> <p>Heritage archival photography of each cabin is to be undertaken in accordance with the NSW Heritage Office's 'Photographic Recording of Heritage Items Using Film or Digital Capture' (2006). A copy of the records of each cabin should be submitted to Council for record purposes and placed in their respective cabins in line with interpretation study, to ensure visitors can understand and appreciate the cabins as they were, and as they are to be in the future.</p> <p>An interpretation strategy for the cabins and the site is to be developed in accordance the NSW Heritage Office's 'Heritage Interpretation Policy' (2005).</p> <p>Any future works to the cabins on site should retain one cabin in its existing</p>

	form, complete with separate water closet as noted in the conservation management plan by Graham Brooks and Associates (Feb 2015).
Assessing Officer	Brendan Gavin – Strategic Planner Karen Buckingham – Principal Strategic Planner Robert Moore – External Heritage Advisor

Pursuant to s57 and s58 of the *Heritage Act 1977*, as the associated works are in relation to the cabins located within the Holiday Camp which is listed on the State Heritage Register, approval is required from the Office of Environment and Heritage – Heritage Office. The application is also classified as integrated development, pursuant to s91 of the Act. The Application was referred to OEH – Heritage Office and an initial response was received on 25 July 2017. On 17 October 2017 a follow-up email was sent to the relevant Heritage Officer of OEH to advise that one (1) submission had been received in relation to the application which raised concerns regarding bushfire hazard of the site.

A response was received from OEH on 17 January 2018 which provided general terms of approval. The general terms require an approval from the Delegate of the Heritage Council of NSW under s60 of the Heritage Act 1977 prior to the commencement of any works, with additional information to be provided at this stage. The terms also require some modifications to the proposal. Should the application be approved, conditions of consent shall be applied to impose the recommended conditions within the general terms of approval.

- **5.13 Eco-tourist facilities of PLEP 2014**

The proposed alterations and additions are considered to be minor in nature. The proposal shall have minimal impact upon the natural environment, with vegetation enhanced where possible. As discussed within the assessment report, the proposal is said to conserve the heritage significance of the site, and the built form will remain of minimal bulk and scale. The proposal is not considered to result in any adverse visual impacts, and the natural setting of the site shall be maintained. Waste generation during construction and operation shall be managed appropriately through conditions of consent and ongoing management plans. As such the proposed development is considered to be consistent with clause 5.13, which aims to provide sensitively designed and managed eco-tourist facilities with minimal environmental impact, and to maintain the environmental and cultural values of the land.

- **7.1 Acid sulfate soils of PLEP 2014**

The site is identified as class 2, 3 and 5 on the Acid Sulfate Soils Map. In accordance with the requirements of Clause 7.1 no excavation lower than 1m should occur in the class 2/3 soils without having a management plan in place. As such a condition of consent is recommended for a preliminary assessment to be undertaken to confirm whether the class 2/3 soils exist in the area of the proposed works and whether a management plan is required.

- **7.8 Limited development on foreshore area of PLEP 2014**

The proposed concrete path shall be located within the foreshore area and as such clause 7.8 of PLEP 2014 is applicable. All other works are located outwith the foreshore area.

Clause 7.8 limits development within the foreshore area and aims to ensure that development shall not impact upon the amenity of the area and that continuous public access along the foreshore is maintained. Pursuant to clause 7.8(2), waterway access stairs are permitted within the foreshore

area provided the development is consistent with the objectives of clause 7.8. While the proposed pathway is technically not stairs, the purpose of the pathway is to provide pedestrian access from the waterway to and through the site. Clause 7.8 aims to ensure that continuous public access is provided along the foreshore and to the waterway. Furthermore, in deciding whether to grant consent to the proposed development, Council must consider the extent to which the following is encouraged by the proposed development:

- Continuous public access to and along the foreshore through the proposed development,
- Public access to link with existing open space, and
- Public access is located above mean high water mark.

The proposed pathway is to provide stable public access along the foreshore, and to and through the site to ensure a greater level of accessibility throughout the site. In view of the aims and objectives of clause 7.8, it is considered in this instance that the proposed pathway is consistent with the development identified as “waterway access stairs” as the path shall provide access from the waterway to the site. The proposed path is located at natural ground level and shall not result in an unreasonable visual impact as viewed from the waterway. The path shall upgrade the existing access path and be extended to the water to provide full access to within the site. As such Council can be satisfied that the proposed pathway is consistent with clause 7.8, and the proposed development is supported.

- **A1.7 Considerations before consent is granted of P21 DCP**

The application proposes works within 40m of the waterway and the application was initially referred to NSW Department of Primary Industries - Water. The DPI – Water provided a response on 8 September 2017 advising that as the Applicant is a public authority (being Northern Beaches Council), under clause 38 of the *Water Management (General) Regulation 2011*, the proposed development is exempt from s91E(1) of the *Water Management Act 2000*, and no controlled activity approval is required.

- **B1.4 Aboriginal Heritage Significance of P21 DCP**

Council’s Natural Environment Unit provided the following comments in relation to the aboriginal heritage significance of the site:

Registered 'rock engraving' sites are known to occur within the proposed APZ zone. The Aboriginal Heritage Office, Northern beaches Council must be contacted and a site investigation relating to the location, condition and requirements for protection must be carried out prior to any works for the DA and prior to any further APZ hazard reduction management is undertaken (hazard burns have already been carried out in the understory for the proposed APZ) .

- **B3.2 Bushfire Hazard of P21 DCP**

The application was referred to NSW Rural Fire Service pursuant to Section 100B of the *Rural Fires Act 1997*. NSW RFS provided a response on 28 August 2017 advising that a proper assessment could not be carried out as further information was required with regards to the upslope gradient, demonstration that the refuge building has an appropriate capacity for the number of occupants on site, and demonstration that the provision of a 10,000 litre water supply is adequate for the number of buildings and occupants on the site.

Additional information was submitted by the Applicant on 26 September 2017, which was subsequently forwarded onto NSW RFS for review and consideration.

NSW RFS provided a response on 8 November 2017, advising that the development is authorised subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the area around the primary refuge (games room) and caretakers dwelling (overflow refuge) shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:
 - North, east and south: Inner Protection Area (IPA) for a distance of 60 metres; and,
 - West: IPA for a distance of 55 metres.
2. At the commencement of building works, and in perpetuity, the area around each accommodation cabin shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:
 - North, east and south: Inner Protection Area (IPA) for a distance of 25 metres; and,
 - West: IPA for a distance of 17 metres.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Changes to electricity or gas services shall comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'. This shall provide for the closure of the facility on days of extreme or catastrophic fire danger rating or where directed by the NSW RFS District Office.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The proposed refuge (games room) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. New construction to cabins shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. The caretakers dwelling shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

NSW RFS also provided the following advice with regards to the specified conditions:

Larger Asset Protection Zones have been required than those set out in the submitted bush fire report as the findings of that report were not able to be verified by the NSW RFS. The NSW RFS has therefore undertaken an independent assessment to verify the overall outcome for the proposal.

Should the application be approved, the recommendations of NSW RFS shall be imposed in the development consent.

- **Natural Environment**

- **B4.1 Flora and Fauna Conservation Category 1 Land of P21 DCP**
- **B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor of P21 DCP**
- **B4.3 Flora and Fauna Habitat Enhancement Category 2 Land of P21 DCP**
- **B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor of P21 DCP**
- **B4.6 Wildlife Corridors of P21 DCP**
- **C5.1 Landscaping of P21 DCP**

Council's Natural Environment Officer provided the following comments with regards to the proposed development;

Council's natural environment, biodiversity section raise no objections to the proposal subject to conditions. The proposed works are considered to have minor impacts including the management of bushfire Asset Protection Zones which are largely already present.

Further to the above comments, the following advice was also provided from Council's Natural Environment Officer;

The rural fire services referral response stipulates bushfire Asset Protection Zone (APZ) requirements associated with the proposal. The bushfire report submitted with the application indicates that the required APZ management is largely in areas with an existing APZ. Conditions have been applied such that the APZ management is undertaken by appropriately qualified personnel (e.g. bush regeneration contractors). A single tree (tree 29) is proposed to be removed and minor pruning of other trees may be required. All tree removal and pruning is to be supervised by a qualified arborist.

Council's Senior Landscape Architect advised that the proposal was supported subject to the following recommended condition:

Protection of Existing Vegetation

Existing vegetation in the near vicinity of the proposed footpath and new retaining wall shall be protected as follows:

- i) vegetation protection shall be in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4*
- ii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained.*
- iii) no tree roots greater than 50mm diameter are to be cut from protected trees and vegetation unless authorised by a qualified Arborist minimum AQF Level 5 on site*
- iv) all structures are to bridge tree roots greater than 50mm diameter unless directed a qualified Arborist minimum AQF Level 5 on site*
- v) should either or both iii) and iv) occur during site establishment and construction works, details shall be submitted by the Arborist to the Certifying Authority.*

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing environmental amenity.

- **C5.5 Accessibility of P21 DCP**

The proposed renovations of the cabins and games room do not involve making the buildings accessible in accordance with the current Australian Standard AS1428-2009.1 (*Design for access and mobility – General requirements for access – New building work*) and the BCA. However, the subject site and existing buildings are listed Heritage items (both locally listed and State listed) and an area of heritage conservation. As such the extent of alterations and additions permitted to the existing buildings is limited. It is considered that modifications to the existing cabins in order to upgrade the accessibility of the cabins to achieve compliance with the current standards may detrimentally impact upon the integrity of the heritage value of the cabins and the site. In view of the heritage significance of the site, compliance with Australian Standard AS1428-2009.1 in this instance is not considered warranted and a variation to clause C5.5 is supported. Notwithstanding the above, it should be noted that any future development of the site should aim to upgrade the accessibility of the accommodation on site while retaining the heritage value of the site. The proposed concrete footpath shall assist in providing an accessible path throughout the site.

- **D13.3 Building colours and materials of P21 DCP**

The proposed development seeks to maintain the existing colour scheme of the cabins which is inconsistent with clause D13.3, which requires dark and earthy tones. In view of the heritage

significance of the existing buildings, maintenance of the existing colour scheme is supported in this instance.

- **D13.6 Side and rear building line of P21 DCP**

No side and rear building line is specified in clause D13.6 for land zoned SP1 or E2 and as such the proposed building lines shall be assessed on merit. The proposed alterations and additions are modest and shall not attribute to excessive bulk and scale. The subject buildings are setback in excess of 16m from the southern boundary, 300m from the western boundary and 275m from the northern boundary, with good spatial separation from the adjoining land. The proposed development shall remain integrated with the natural environment and the proposed setbacks are supported on merit.

- **D13.14 Currawong of P21 DCP**

Clause D13.14 stipulates a series of controls specific to Currawong. An assessment of the controls is addressed below:

A proponent for future development of Currawong should have regard for the proponent's report and the Minister's Part 3A decision.

Control D13.14 reflects the decision of the Minister for Planning and the Director General of the Department of Planning regarding an application under Part 3A of the Act, submitted by Eco Villages Australia Pty Ltd, for refurbishment of the existing cabins and farmhouse, construction of 24 new permanent residences, subdivision of the existing and new development, creation of lots for private open space, and dedication of land to the National Park and for public access. The proposal was deemed a "project" applicable to Part 3A of the Act. The project application was referred to an Independent Hearing and Assessment Panel to assist the Minister in the determination of the application.

In consideration of the heritage impacts of the proponent's proposal, the Panel recommended that any new development of alterations and additions to the existing cabins should be single storey, low in height, bulk and scale and be of a size befitting holiday camp accommodation (rather than permanent residential development, such as a dwelling). Furthermore, the Panel determined that any proposal should be safe from hazards, including geotechnical, bushfire and coastal hazards, and should not result in any significant environmental impacts with regards to the provision of sewer services and stormwater management. The Panel also recommended consistency with the Statement of Significance, regarding the heritage value of the site. The development was found to be grossly inconsistent with the relevant planning controls and policies, and would have a detrimental impact upon the Heritage significance of the site. Ultimately, the Department recommended that the proposed Project Application be refused consent in accordance with the IHAP recommendation.

The proposed development is minor alterations and additions which shall maintain the low scale nature of the existing cabins. As discussed below, the proposal is not considered to result in any adverse impacts upon stormwater or sewerage and the application (and advice from NSW RFS) has demonstrated that the proposal can be constructed to be safe from hazards. As such the proposal is considered to have regard for the Minister's Part 3A decision and is appropriate.

Development must not exceed the existing building footprints.

The proposed development involves the upgrading of three (3) existing cabins which includes minor additions to facilitate internal bathroom facilities, internal reconfiguration and additional outdoor recreation space. As such the existing building footprints of the cabins will be increased. The

alterations to the Games Room do not involve any increase to the existing building footprint. While the proposed development does involve an increase to the existing building footprints, the proposed additions are modest and it is considered that the development will remain of low-scale, integrated with the landscape, and shall respect the heritage value of the site. As such the proposed works and minor increase to the building footprints is considered appropriate.

Development must be located in an area that is not subject to hazard or is designed, located and constructed so as to be safe from the impact of any hazard. (See Part B Hazards).

The site is identified as being bush fire prone, landslip prone and subject to estuarine hazard. The application was supported by a geotechnical risk management report and was referred to NSW RFS. NSW RFS support the application subject to recommended conditions of consent. Council's Development Engineer raised no objection to the proposed development with regards to the geotechnical hazard risk and estuarine hazard risk, and it is considered that the proposed development can be constructed to be safe from hazards.

The appearance of Currawong from Pittwater must be maintained, with no additional buildings visible from the waterway.

The subject application does not seek approval for any additional buildings, with alterations and additions proposed to existing cabins and the games room only. It is considered that the proposal shall not result in any adverse visual impacts as viewed from the Waterway, and the overall visual appearance of Currawong from Pittwater will be maintained.

Development must be secondary to the existing vegetation and screened by vegetation.

In response to bushfire requirements requiring an APZ surrounding the cabins and games room, the proposed development shall require the removal of one (1) tree and may require tree pruning. However, the existing vegetation and landscaping on site shall be largely retained to screen the development and ensure that the proposal remains within a landscaped setting, with the built form secondary to vegetation.

Adequate servicing provision is to be made for water, sewerage, drainage, transport, traffic, and parking.

Essential services will be maintained at the subject site, and the proposed development shall not result in any detrimental impacts upon the existing infrastructure. The wastewater system was upgraded in 2014 and Council's Environmental Health Officer advised that the current system has the capacity to manage the proposed alterations and additions. The stormwater management of the site shall be upgraded as part of the subject application.

Adequate provision is to be made for access, rescue and evacuation in the event of an emergency.

There shall be no change to the existing access arrangements at the subject site, which involves access via the waterway. The NSW RFS conditions require a Bushfire Emergency Management and Evacuation Plan to be prepared and implemented at the site.

Stormwater quality and quantity discharged from the site shall be no worse than the existing pre-development condition and improvements are provided by implementation of best practice water sensitive urban design principles.

Council's Development Engineer raised no objection to the proposed stormwater management of the site, which shall be upgraded as part of the subject application.

No fences are to be erected on the site.

No fencing is proposed.

The proposed development is considered to be consistent with the outcomes and intent of clause D13.14, and is supported in this instance.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal is considered to be consistent with the relevant statutory controls and policy objectives. The proposed renovations to the cabins and Games Room, the retaining wall and concrete footpath is not considered to result in any unreasonable impacts upon the subject site and is an appropriate response to upgrade the existing facilities while being sympathetic to the heritage significance of the site and existing buildings. The proposed development is consistent with the requirements of clause D13.14 of P21 DCP which provides detailed criteria which relates specifically to the Currawong site. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0281/17 for renovation of three (3) cabins, games room and the construction of a path and retaining wall at 1A Currawong Beach, Currawong subject to the conditions of consent.

Report prepared by

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PRINCIPAL PLANNER