

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-224
DA Number	DA2021/0199
LGA	Northern Beaches Council
Proposed Development	Demolition works and construction of a community centre with associated car parking and landscaping
Street Address	Lot B DP 402309, Lot 1 DP 595298, Lot 7 DP 455967, Lot 6 DP 8561, Lot 5 DP 8561, Lot 4 DP 654321, Lot 6 DP 737137, and Lot 8 DP 455967, 4 Jacksons Road, Warriewood. Lot 3 DP 8561, Lot 2 DP 8561, Lot 1 DP 8561, and Lot 15 DP 26902, 2 Jacksons Road, Warriewood.
Applicant/Owner	Northern Beaches Council Northern Beaches Council
Date of DA lodgement	29/03/2021
Number of Submissions	1
Recommendation	Approval - subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Crown DA and over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Pittwater Local Environmental Plan 2104 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • Pittwater 21 Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Architectural Plans; • Attachment 2: Civil and Stormwater Plans • Attachment 3: Landscape report and Plans • Attachment 4: Draft conditions of consent.
Clause 4.6 requests	N/A
Summary of key submissions	Design detail
Report prepared by	Danielle Deegan, Director DM Planning <i>(independent planning consultant)</i>
Report date	18 August 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The proposal is to demolish the existing community centre buildings and to construct a new community facility with associated car parking and landscaping.

The proposal will provide a community benefit in the form of various sized halls, meeting rooms, amenities, and gardens areas for community use. The proposal will also provide a public building that is capable of acting as a natural disaster Evacuation and Recovery Centre, facilitating the provision of essential support and services to the community during times of crisis.

While the proposal involves the removal of 30 prescribed trees this is offset by the planting of 63 native canopy trees of appropriate species and densities.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Pittwater Local Environment Plan 2014, Pittwater Development Control Plan 2014, the Sportsground Reserve Plan of Management and the relevant codes and policies of Council. In consideration of the proposal and the merit consideration the development is:

- 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 of the relevant EPI's
- Consistent with the objects specified in Section 1.3 of the Environmental Planning and Assessment Act 1979
- Consistent with the Plan of Management for Sportsgrounds (former Pittwater Council)

The public exhibition of the proposed development resulted in one submission, raising concerns with design details. The issues raised in the submission has been addressed in the "Public Notification" section of this report.

The proposal is a Community Facility and has a capital investment value of more than \$5 million. Northern Beaches Council is the applicant and owner of the land. Consequently, the proposal is regionally significant development pursuant to clause 20 and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 and the Sydney North Planning Panel is the consent authority for the proposal pursuant to section 4.5(b) of the Environmental Planning and Assessment Act 1979.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises demolition works and construction of a community centre with associated car parking and landscaping.

Specifically, the proposed development comprises:

- Demolition of existing structures.
- Tree removal comprising of thirty (30) prescribed trees, nine (9) exempt species, and five (5) trees in poor health.
- Construction of new single-level community facility, including building identification signage.
- Parking for 78 vehicles.
- Landscaping and associated works.
- Signage comprising of a 1.48m (h) x 2.7m (w) building identification sign on the eastern elevation of the amenities building.
- Consolidation of the Boondah Reserve site into one (1) lot.

The existing vehicular access from Boondah Road is to be retained.

Figures 1 and 2 below assist in the identification of the proposed building footprint within the site.



Figure 1: Site Map (Boondah Reserve outlined in blue and site of works outlined in red)

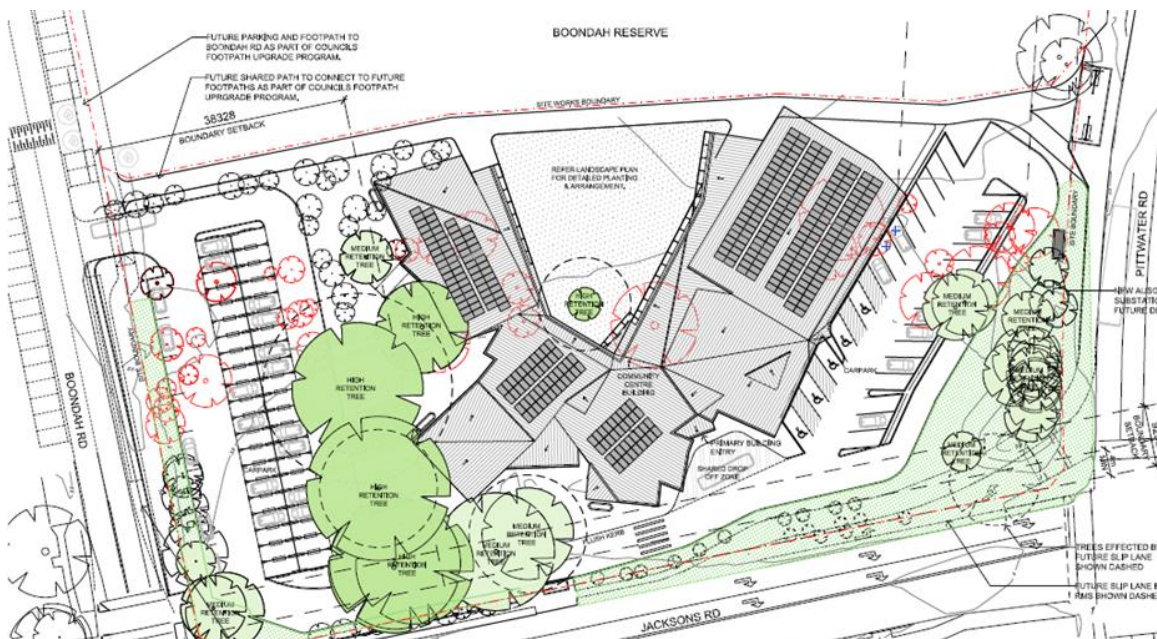


Figure 2 – Site Plan extract showing the proposed works within the site (source: Terroir Architects)

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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan –B3.6 Potentially Contaminated Land
 Pittwater 21 Development Control Plan – B3.11 Flood Prone Land
 Pittwater 21 Development Control Plan – B4 Natural Environment
 Pittwater 21 Development Control Plan – B6 Access and Parking
 Pittwater 21 Development Control Plan – B8 Site Works Management
 Pittwater 21 Development Control Plan – C5 and C6 Design Criteria
 Pittwater 21 Development Control Plan – D16 Warriewood Valley Locality

SITE DESCRIPTION

Property Description:	Lot B DP 402309, 4 Jacksons Road WARRIEWOOD Lot 1 DP 595298, 4 Jacksons Road WARRIEWOOD Lot 7 DP 455967, 4 Jacksons Road WARRIEWOOD Lot 6 DP 8561, 4 Jacksons Road WARRIEWOOD Lot 5 DP 8561, 4 Jacksons Road WARRIEWOOD Lot 4 DP 654321, 4 Jacksons Road WARRIEWOOD Lot 6 DP 737137, 4 Jacksons Road WARRIEWOOD Lot 8 DP 455967, 4 Jacksons Road WARRIEWOOD Lot 3 DP 8561, 2 Jacksons Road WARRIEWOOD Lot 2 DP 8561, 2 Jacksons Road WARRIEWOOD Lot 1 DP 8561, 2 Jacksons Road WARRIEWOOD Lot 15 DP 26902, 2 Jacksons Road WARRIEWOOD
Detailed Site Description:	<p>The site is located on the corner of Jacksons Road and Pittwater Road, Warriewood. The site includes the wider Boondah Reserve, with an overall area of approximately 6.09ha. The location of the proposed works is a smaller area of 9,888m² located at the southern end of the reserve.</p> <p>Other frontages and boundary interfaces include Pittwater Road to the east, Boondah Road and playing fields to the west, industrial land to the north, and residential properties on the opposite side of Jacksons Road.</p> <p>Presently on the site are two (2) community buildings known as the Nelson Heather Centre and the Meals on Wheels Building. The buildings are used for community-based activities, including community groups and clubs, events, and exhibitions. There is an at-grade car park for approximately 53 vehicles and substantial landscaping, including pedestrian paths and established trees.</p> <p>Vehicular access to the site is via Boondah Road.</p>

	<p>The site is predominantly flat with a slight fall from the south-east to north-west of approximately 1m. There is a raised mound on the eastern boundary providing a buffer between the buildings and Pittwater Road.</p> <p>There are a number of large trees on the site.</p> <p>The site is Crown land under the care and management of the Northern Beaches Council.</p>
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Figure 3 – Location Plan extract showing the proposed works within the site (source: Terroir Architects)

SITE HISTORY

Pre-DA Lodgement Meeting:

On 31 March 2020, a Pre-DA lodgement meeting (PLM2020/0049) was held with Council officers to discuss key issues associated with the proposed development of the site.

Community consultation prior to lodgement of DA:

In February/March 2019, Council undertook Stage 1 community consultation. The engagement was targeted at the key user groups of the existing community centre.

Between 28 August and 27 September 2020, Council undertook Stage 2 consultation. This included public exhibition of the concept plans and 3D imagery. Feedback was sought via Council's 'Your Say' engagement platform. 3,500 notification letters were sent to residences in Warriewood Valley. An email notification was sent to the local schools including Narrabeen High School, Narrabeen Public School and Mater Maria Catholic College.

The public exhibition was also promoted to the current users of the existing Nelson Heather Centre through email updates. The project was also included in Council's e-newsletters to reach the broader community.

In response, Council received 166 submissions, including 118 written responses. The applicant advises that the comprehensive feedback from the community consultation has informed the final design response.

HISTORY OF THE SUBJECT APPLICATION

The current application was lodged with Council on 29 March 2021. During the assessment of the application, Council's internal Water Management referral body raised concerns with the proposed method of stormwater treatment. In response, the applicant submitted additional information on 6 May 2021 to address the concerns raised.

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 the Community Participation Plan.. The exhibition period was between 2 April and 24 April 2021.

As a result of the public exhibition process council is in receipt of one (1) submission from:

Name:	Address:
Warriewood Residents Association raising the following concerns	25 Utingu Place BAYVIEW NSW 2104

The following issues were raised:

- **The entry canopy does not provide adequate cover**

Concern has been raised that there is no roof over the shared drop off zone to provide shelter from sun and rain for passengers. Many users of the facility will require assisted transport to and from the main entry and therefore cover is an issue of amenity and safety.

Comment: This issue is noted. Passengers will be required to walk a short distance (approximately 5m) from the drop off zone to the covered entry. This is assessed as reasonable and no design changes are recommended.

- **Safety issues with the shared corridor to the toilets**

Concern has been raised that the corridor that leads to the female amenities is shared with rooms that are frequented by both men and women.

Comment: It is noted that the corridor to the female amenities also provides access to the family amenities and the equal access amenities. Access to the male amenities is separate. This arrangement is assessed as reasonable.

- **A food service hatch is requested between the main hall and the kitchen**

Comment: The inclusion of a food service hatch does not require development consent. This matter has not been given determining weight.

- **Indigenous artwork or feature requested**

Comment: Council's Public Art Policy requires public art to 'Recognise and celebrate Aboriginal stories and heritage through art in public spaces'. A condition has been recommended to refer to this policy for compliance.

- **Outdoor seating requested in the northern garden**

Comment: The landscape plans shows raised timber platforms, timber garden benches and flexible furniture in the central, northern courtyard. This issue is therefore considered to be resolved.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Support subject to conditions The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Acid Sulphate)	<p>Support subject to conditions Acid Sulfate Soils have been found 2.5 m below ground surface, depth of excavation not yet determined.</p> <p>Environmental Health are satisfied that the site can be made suitable for the proposal and recommend an Acid Sulfate Management Plan be implemented to prevent any environmental harm.</p>
Environmental Health (Contaminated Lands)	<p>Support subject to conditions Environmental Health are satisfied that the site can be made suitable for the intended use. Recommendations in the contamination report are to be followed.</p>
Environmental Health (Industrial)	<p>Support Environmental Health support the proposal with regard to noise emissions, according with Noise Policy for Industry guidelines for residential amenity.</p>
Landscape Officer	<p>Support subject to conditions The development application is for the demolition of existing Nelson Heather Community Centre and the construction of a new Warriewood Valley Community Centre, located at the intersection of Pittwater Road and Jacksons Road, Warriewood, including demolition of existing structures, tree removal, single level community facility expanded into the existing Reserve, parking, landscape and associated works and consolidation of Boondah Reserve into a single lot.</p> <p>Landscape Referral has assessed the application against the following relevant policies and controls:</p> <ul style="list-style-type: none"> • Pittwater Local Environment Plan, zone SP2 Infrastructure and zone RE1 Public Recreation • Pittwater Public Space and Recreation Strategy 2014 • Boondah Road Sports Courts Plan of Management 2018 • Pittwater Development Control Plan, clauses B4.22 reservation of Trees and Bushland Vegetation, C6.2 Natural Environment and Landscaping, C6.4 Pedestrian and Cyclist Network, and D16 Warriewood Valley Locality <p>The proposal includes expansion of the new Warriewood Valley Community Centre upon Boondah Reserve currently containing carparking, gardens and recreational open space area, and the assessment of this impact is discussed in the Parks and Reserves Referral.</p> <p>Landscape Plans and an Arboricultural Impact Assessment are provided with the development application.</p> <p>The landscape proposal enhances and complements the natural environment and surrounding landscape character, reinstating elements</p>

Internal Referral Body	Comments
	<p>of the natural environment, and reduces the visual bulk and scale of development, and tree canopy cover is increased. The landscape scheme for the proposed central courtyard provides a community space connected to the adjacent recreational open space.</p> <p>The landscape proposal is acceptable subject to minor changes and additions in the selection of species as well as detailed design documents for construction certificate approval. It is noted that the batter transition between the development site and Boondah Reserve shown in the Stormwater Plans at 1 in 4 grade will present increased maintenance activity and the slope shall be flattened to a manageable 1 in 6 slope.</p> <p>A total of thirty (30) prescribed existing trees under the Pittwater 21 DCP are required to be removed, and a further nine (9) exempt species are required to be removed to facilitate the proposed development works, and a further five (5) trees are recommended for removal due to poor health and condition. Significant existing trees are retained including large canopy native trees not impacted by development works. A Project Arborist shall be engaged to provide supervision and certification of development works in proximity to existing trees to be retained including any excavation works and alterations to the natural ground levels.</p>
NECC (Bushland and Biodiversity)	<p>Support subject to conditions</p> <p>Council's Biodiversity referrals team have assessed the Development Application (DA) for compliance against applicable biodiversity related legislation and controls, including:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.3 Flora and Fauna Habitat Enhancement Category 2 Land • Pittwater 21 DCP cl. B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land • Pittwater 21 DCP cl. B4.6 Wildlife Corridors • Pittwater 21 DCP cl. B4.13 Freshwater Wetlands (non-Endangered Ecological Communities) • Pittwater 21 DCP cl. B4.14 Development in the Vicinity of Wetlands • Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest. <p>The DA seeks consent for the demolition of the existing and construction of a new Warriewood Valley Community Centre. It is noted that the submitted plans include tree removals required to facilitate a proposed slip lane that does not form part of the current DA; as such, impacts associated with the slip lane have not been considered in this assessment.</p> <p>A Biodiversity Impact Assessment (BIA) has been submitted with the DA (ACS Environmental, December 2020) and provides details of biodiversity values within the site, likely impacts, and the proposal's compliance with relevant biodiversity legislation and controls. The report concludes that proposed vegetation removal does not exceed 0.25 ha and that the proposal therefore does not trigger entry into the NSW Biodiversity Offset Scheme (BOS) or requirement for a Biodiversity Development Assessment Report (BDAR). The Biodiversity referrals team have assumed that vegetation removal for the proposed slip lane has not been considered in the consulting ecologist's assessment of overall native vegetation loss.</p> <p>No threatened entities listed under the Biodiversity Conservation Act 2016 were identified on the site of proposed works. As such, the BIA concludes that no threatened flora, fauna or ecological communities will be impacted by the proposal.</p>

Internal Referral Body	Comments
	<p>The Arborist Report submitted with the DA (Earthscape Horticultural Services, 4 February 2021) identifies a total of thirty (30) prescribed trees proposed for removal, with a further nine (9) exempt trees to be removed to facilitate the development, and five (5) trees recommended for removal due to poor health and condition. Replacement planting has been proposed and is detailed in the original Landscape Plans (Aspect Studios, 12 December 2020), which provide for planting of appropriate species and densities to mitigate the loss of native vegetation as a result of the proposed development. It is noted that the Landscape referral body have provided detailed conditions to remove potentially overly-vigorous/invasive species (e.g. Tuckeroos) from the Landscape Plan, however amended Landscape Plans (Aspect Studios, 20 April 2021) have subsequently been submitted to address these conditions. The amended Landscape Plans are supported and are to be implemented.</p> <p>Based on the submitted plans and documentation, the Biodiversity referrals team are satisfied that the proposed development complies with applicable biodiversity legislation and planning controls, subject to recommended conditions of consent.</p>
NECC (Coast and Catchments)	<p>Support subject to conditions</p> <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><u>Coastal Management Act 2016</u> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><u>State Environmental Planning Policy (Coastal Management) 2018</u> The subject land has been included on the ' Proximity to Coastal Wetlands' map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SJB Planning (NSW) Pty. Ltd. dated February 2021, the DA satisfies requirements under clauses 11 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><u>Pittwater LEP 2014 and Pittwater 21 DCP</u></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p>Support subject to conditions</p> <p>The stormwater management plan details the provision of on site stormwater detention in above ground storages (2 no) located in the carparking areas.</p>

Internal Referral Body	Comments
	<p>A review of the submitted DRAINS model and report has demonstrated the post development discharges from the site are less than the pre developed site discharges.</p> <p>The normally required frontage works are listed in councils capital works programs. These works include the provision of kerb and gutter in Boondah Road and roundabout upgrade works (Jacksons Road).</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>Support subject to conditions</p> <p>The proposed development is for the demolition of an existing community centre and the construction of a new community centre. The site is identified as flood affected however the ground levels are located above the 1% AEP flood event. The proposed floor levels of the community centre are located above the Flood Planning Level applicable for the site. However there is a residual risk for the community centre associated with events larger than the 1% AEP event and up to the Probable Maximum Flood event. Conditions are included to ensure that an Operational Flood Emergency Response Plan is prepared to manage this operational risk.</p>
NECC (Water Management)	<p>Support subject to conditions</p> <p>Revised comments 05/05/21 The stormwater plan has been revised. Conditions apply.</p> <p>Initial comments 15/04/21 Council does not support the inclusion of proprietary filters in the stormwater treatment train for a number of reasons:</p> <ol style="list-style-type: none"> 1. We don't currently have this type of asset, so management would require additional capacity in terms of systems/knowledge etc. 2. They are a very high-cost item to maintain because they must be maintained by the manufacturer and it's not possible to seek other providers in a competitive procurement process. For instance, the Filterra device uses an engineered filter media that is only available through Ocean Protect. 3. It would not be possible to use our own staff to maintain the devices. 4. Drainage from the area is poor due to the lack of fall to discharge points, and these filter devices automatically go into bypass if they are submerged at all. <p>The solution also makes use of 14 Enviropods (pit inserts to capture gross pollutants). This is an excessive number to maintain and the size of the site warrants a CDS unit. Enviropods that are not maintained/cleaned create a blockage and contribute to localised flooding.</p> <p>While the reports discuss rainwater tanks, they are not shown on the engineering plans. The plans MUST include the tanks and show how reuse will be achieved, because when details are left off DA approved plans, they are not built.</p> <p>Please refer to the stormwater team's advice relating to drainage. If a pipe is required, it may be difficult to discharge to the creek above the waterline, resulting in a submerged pipe in a tidal section of the creek that is very susceptible to sediment accumulation.</p> <p>I question the need to include OSD, as it will do little to prevent flooding given the position of the site in the floodplain, and usually at this point in the catchment, it is preferable to remove water as quickly as possible to reduce held water when the upper catchment flows arrive.</p> <p>With the removal of the OSD, you have clear options for placement of bio-swales to treat stormwater. Consideration should be given to a bio-swale along the boundary of the site with the playing field (if Parks and</p>

Internal Referral Body	Comments
	<p>Reserve are agreeable). A grassed swale would possibly need to be three metres wide, with graded banks that don't present a risk so close to the cycle path, and water should not be retained to over 300mm depth as a fence is not suitable on the floodplain. The best bet is to use as much roof water as possible to minimise the runoff that needs to be dealt with.</p>
<p>Parks, reserves, beaches, foreshore</p>	<p>Support The development application is for the demolition of existing Nelson Heather Community Centre and the construction of a new Warriewood Valley Community Centre, located at the intersection of Pittwater Road and Jacksons Road, Warriewood, including demolition of existing structures, tree removal, single level community facility expanded into the existing Reserve, parking, landscape and associated works and consolidation of Boondah Reserve into a single lot.</p> <p>Parks Referral has assessed the application against the following relevant policies and controls:</p> <ul style="list-style-type: none"> • Pittwater Local Environment Plan, zone RE1 Public Recreation • Pittwater Development Control Plan, clauses B.8 Site Management Works, C6.4 Pedestrian and Cyclist Network, and D16 Warriewood Valley Locality <p>The proposal satisfies Pittwater LEP zone RE1 Public Recreation, with the provision of ancillary development for public use to meet the needs of the community and provide passive and active public open spaces resources across Boondah Reserve. The proposed Community Centre encroaches upon the land zoned RE1 Public Recreation with the loss of two (2) grass Netball courts, yet the proposal provides a recreational open space landscape setting within the land occupied by the Community Centre, which is zoned SP2 Infrastructure. This interaction of open space is beneficial for the public as the Community Centre provides inclusive and connected spaces for passive recreational use.</p> <p>The loss of the two (2) existing Netball grass courts is effectively offset by the availability of the recently completed of four (4) new Netball courts within 3 Boondah Road, and this loss of recreational open space is offset by the landscaped central courtyard proposed to the northern side of the proposed community facility that is connected to the Boondah Reserve.</p> <p>The proposed hours of operation of the Community Centre are 7.00am to 12.00 midnight Monday to Sunday, thus providing inclusive and equitable access for recreational users of Boondah Reserve to this facility.</p> <p>It is noted that the batter transition between the development site and Boondah Reserve shown in the Stormwater Plans at 1 in 4 grade will present increased maintenance activity for Council maintenance staff and the slope shall be flattened to a manageable 1 in 6 slope.</p> <p>Sediment fence and traps along the alignment shown on the Sediment & Erosion Control Plan are supported during construction to protect Council's public assets.</p>
<p>Property Management and Commercial</p>	<p>Support The proposal is for the demolition of an existing community centre and the construction of a new one. Property have no objections to the proposal as submitted.</p>
<p>Road Reserve</p>	<p>Support The redevelopment of this site impacts existing road infrastructure, however, the requirements for various road and footpath improvements have been incorporated into Council's capital works programs. As such, the required road infrastructure is not included in this development.</p>

Internal Referral Body	Comments
Strategic and Place Planning (Urban Design)	<p>Support The proposal has responded appropriately to the Urban Design Comments identified in the Pre-Lodgement Meeting:</p> <ol style="list-style-type: none"> 1. Generally the proposal is a low scale and low impact development despite the big rooms and spaces it has to accommodate. The dark colour scheme and strong forms in a cluster format - designed to retain existing trees and vistas is a sensitive and fitting approach. <u>Response:</u> The current proposal maintains the initial concept of low scale and low impact development. 2. The encroachment of the site past the existing community centre site boundary allows the 'courtyard' / 'open arms' scheme to be possible and in a way 'blurs' the boundary to the sports field is a good outcome but will be subjected to Parks and Reserves team's feedback. <u>Response:</u> The proposal maintain the 'courtyard' / 'open arms' concept resulting in a good outcome. 3. Parks and Reserves team's comment on keeping more existing trees could be balanced by reducing car parking requirement would be a good compromise as public transport is available near-by. <u>Response:</u> Additional existing trees have been retained. 4. The possibility of extending the eastern carpark to provide a drop off and pick up point to the B-line bus stop at Pittwater Road especially for peak hours should be explored. <u>Response:</u> The car park layout has provided for a drop-off/ pick-up area near the B-line stop. 5. Future development of the design to let more natural light into the entry lobby through the roof should be explored. <u>Response:</u> The proposal has incorporated high level windows in the roof design to allow more natural light to filter into the entry lobby.
Strategic and Place Planning (S94 Warriewood Valley)	<p>Support The provisions of Environmental Planning and Assessment Act 1997 (the Act) facilitates a consent authority to levy development contributions where an adopted development contributions plan applies to the land (in this case, the Warriewood Valley Contributions Plan applies) and the development the subject of this development application.</p> <p>The proposed development is to construct the Warriewood Valley Community Facility, an identified infrastructure item listed under the Warriewood Valley Contributions Plan and its construction is specifically funded by development contributions. This development is specifically exempted from being levied under the Warriewood Valley Contributions Plan as it is infrastructure under the same.</p>
Traffic Engineer	<p>Support subject to conditions</p> <p><u>Access Assessment:</u> The development proposes a total of 78 visitor parking spaces, with access to Boondah Road, a local access road. It will therefore require a Category 2 driveway under AS 2890.1 (2004), being a combined entry and exit width of 6.0 to 9.0 metres. In response, a 6.0 metre driveway has been provided for the carpark. This is deemed satisfactory for the proposed development.</p> <p><u>Parking provision:</u> The proposed development provides parking for 78 vehicles on site, with additional offsite parking provided within a reasonable walking distance of the site that can augment demand if required for some user groups.</p>

Internal Referral Body	Comments
	<p>Limited bicycle parking is proposed in the traffic report, however as the site is within the Warriewood Valley area and is connected via a significant Active Transport Network to the broader catchment area a minimum of 10 bicycle parking spaces are to be provided, with 2 spaces suitable for E-Bike charging.</p> <p><u>Publicly Available Electric Vehicle charging infrastructure:</u> The proposed development provides 2 Electric vehicle charging spaces in the eastern carpark area, however consideration should be given to an additional 2 spaces in the western car park area.</p> <p><u>Proximity to Public Transport:</u> The proposed development is located at the Warriewood B-Line hub and as such is suitably serviced by Public Transport Services.</p> <p><u>Car Park Design:</u> The proposed car park is to be a 10km/h Shared zone in line with best practice and signposted as such. The layout complies with the requirements of AS 2890.1, 2890.2, and 2890.6.</p>
Waste Officer (Council Land)	Support subject to conditions

External Referral Body	Comments
Ausgrid	Ausgrid has no objection to this development application. Advice has been provided relating to work near overhead powerlines and special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath.
Transport NSW (Traffic generating development)	TfNSW has reviewed the submitted information and raises no objections to the proposed development subject to conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal has been reviewed by Council’s Environmental Health Officer – Contaminated Lands and no concerns have been raised. Contaminated Lands and no concerns have been raised.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 'Matters for Consideration'	Comments
	<p>Clauses 54 and 109 of the EP&A Regulation 2000 provide that Council may request additional information and consider the number of days taken in this assessment of the development application. Additional information was requested on 18 February 2020 and provided on 4 March 2020.</p> <p>Clause 92 of the EP&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>Clauses 93 and/or 94 of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&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>
<p>Section 4.15 (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>	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>In summary, it is found that the development will not have any negative or detrimental impacts on the fragile coastal ecology of the site or on the coastal processes that the site is susceptible to.</p> <p>(ii) Social Impact</p> <p>The proposed development will have a beneficial social impact on the greater Northern Beaches community by providing an upgraded community facility that can provide space for numerous community groups, public amenities and community function halls. It is not anticipated that the development will have any adverse social impacts.</p> <p>(iii) Economic Impact</p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The land is owned by Northern Beaches Council and is dedicated for the purpose of Community Facilities and Public Recreation. Northern Beaches Council is the Crown Land Manager of the land.

Under section 3.21 of the *Crown Land Management Act 2016*, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the *Local Government Act 1993*.

Section 35 of the Local Government Act 1993 identifies that Community land is required to be used and managed in accordance with:

- The plan of management applying to the land;
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- Division 2 of the Local Government Act 1993.

The generic Plan of Management (POM) for Sportsgrounds was adopted by the former Pittwater Council in July 1998 and provides the future direction and policy for the planning, management and development of all sportsgrounds within the former Pittwater Council LGA, now part of Northern Beaches Council.

Section 1.3 of the POM lists and maps the sportsgrounds to which the POM applies. Boondah Reserve, Narrabeen is listed as one of the sportsgrounds to which the POM applies. However, it is noted that Figure 1 of the POM shows that the POM does not apply to the south-eastern corner of the Boondah Reserve block i.e., the land on the corner of Pittwater Road and Jacksons Road – refer to the map extract in Figure 4 below:

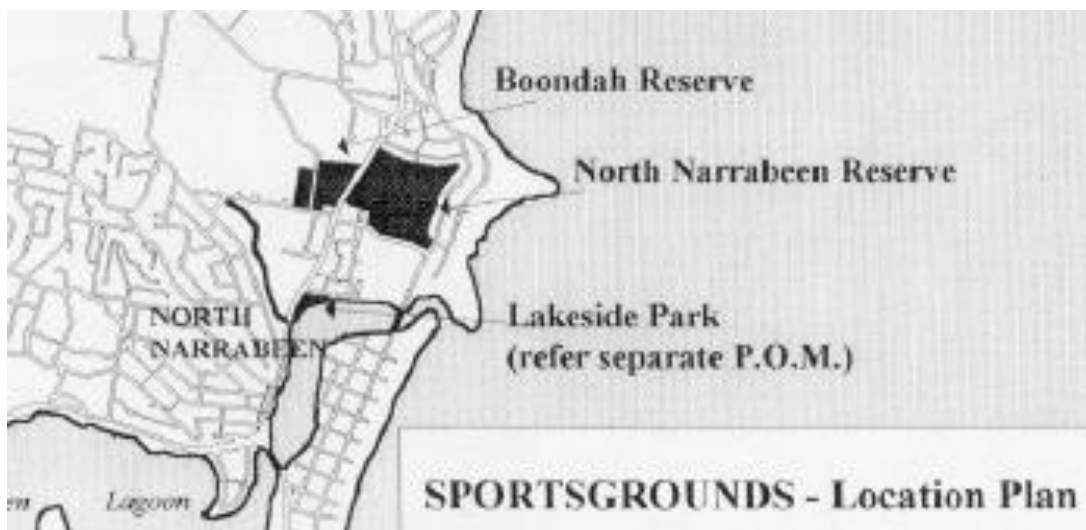


Figure 4. Extract of Figure 1 location plan from the Pittwater Sportsground Plan of Management

Notwithstanding this, given the existing community facility and associated car parking area appears to be located partially within and partially outside of the area to which the POM applies, the provisions of the POM have been considered below.

The objectives for Sportsgrounds under the POM are to achieve:

- better overall management of sportsgrounds.
- more efficient use of sportsgrounds as a resource for the community.
- improved opportunities across the recreation spectrum.
- financial assistance towards capital improvements and cost recovery.

The POM is very focussed on sportsgrounds and therefore the sportsground use of the northern portion of Boondah Reserve East as opposed to the existing community facility use on the southern part of the site.

Notwithstanding this, it is considered that the demolition of the existing community facility and construction of a new multi-purpose community facility on the site will improve opportunities across the southern portion of the site include passive recreational pursuits.

It is acknowledged that parts of the proposed building will encroach further to the north into Boondah Reserve, when compared with the existing community facility, resulting in the loss of two existing grass netball courts. This loss is offset by the provision of recreational open space landscape setting

within the land occupied by the Community Centre, which is zoned SP2 Infrastructure. This interaction of open space is beneficial for the public as the Community Centre provides inclusive and connected spaces for passive recreational use.

Council's Parks, Reserves and Foreshores have advised that:

“The loss of the two (2) existing Netball grass courts is effectively offset by the availability of the recently completed of four (4) new Netball courts within 3 Boondah Road, and this loss of recreational open space is offset by the landscaped central courtyard proposed to the northern side of the proposed community facility that is connected to the Boondah Reserve.”

Section 2.3 of the POM identifies the Council's objectives in relation to sportsgrounds are:

- *To provide a network of sportsgrounds which offer a wide range of appropriate sporting opportunities within Pittwater.*
- *To provide and maintain high quality sportsgrounds within the limitations of budgetary constraints.*
- *To improve the functionality of existing sportsgrounds.*
- *To provide further opportunities for informal, unorganised and passive recreation for the local community.*
- *To be responsive to the changing recreational and sporting needs and preferences of the community.*
- *To ensure that opportunities for the use of sportsgrounds are made on an equitable basis.*
- *To encourage and facilitate joint or multiple use of sportsgrounds and associated facilities, where the usage is appropriate to and complements Council's LEP and does not render fields unplayable.*
- *To provide the safest possible environment for the public use of sportsgrounds and their associated facilities.*
- *To improve linkages with other open space areas and community facilities, such as schools and shops.*
- *To take a consistent approach to the overall management (including lease arrangements) and maintenance of sportsgrounds and associated facilities.*
- *To provide appropriate access to sportsgrounds for people with disabilities*
- *To provide information on sportsgrounds and sporting groups within Pittwater.*
- *To better facilitate the allocation of sportsgrounds and associated facilities.*
- *To implement a contribution system which recognises the need for sporting groups to assist with improvements to sportsgrounds.*
- *To permit community and special events to be held on sportsgrounds, provided the Reserve Booking process is followed and approval conditions adhered to.*

It is evident from the above that the objectives of the POM are focussed on sportsgrounds, however the proposal will provide improved linkages and connections between open space and the proposed community facility with the provision of the shared footpath across Boondah Reserve and the orientation of the community facility across the playing fields to the north. The provision of the new and improved community facility will also respond to the recreational needs of the local community with larger multi-purpose spaces suitable for bingo, dancing and other recreational pursuits.

The proposal is consistent with the POM.

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) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In this regard, a Preliminary Site Investigation report has been submitted with the application. The report prepared by Douglas Partners concludes that the site is suitable for the proposed development, subject to a number of recommendations.

The Site Investigation identifies that no remediation is required and a Remediation Action Plan (RAP) has not been prepared.

Accordingly, the land is considered to be suitable for the development subject to conditions.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any DA (or an application for modification of consent) for any 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 5m of an overhead power line;*
- *Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.*

The proposal was referred to Ausgrid. Ausgrid has no objection to this development application.

Clause 101

The site has frontage to Pittwater Road, which is a Classified Road. Under clause 101 of SEPP Infrastructure, the consent authority must be satisfied of the following matters:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*

Comment: Satisfied. Vehicular access to the site is obtained from Boondah Road.

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

Comment: The Traffic Impact Assessment report by Traffix consultants concludes that the proposal will result in a negligible change to traffic conditions on Pittwater Road. This report has been reviewed by Council's Traffic engineers who raise no objections to the proposal.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment: The proposed community facility and associated uses is not a type that is sensitive to traffic noise or vehicle emissions.

Clause 104

Clause 104 and Schedule 3 of SEPP Infrastructure require the referral of certain development to NSW Roads and Maritime Services for comment. Comments received from RMS are detailed above and they raise no objections to the proposal.

State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone.

The site of the proposed works is located outside of the area to which the Coastal Management SEPP applies. However, the northern edge of the development is within the vicinity of Coastal Wetlands.

Clause 11 – Development on land in proximity to coastal wetlands or littoral rainforest

Clause 11 of the SEPP identifies that development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless *the consent authority is satisfied that the proposed development will not significantly impact on –*

- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment: The proposal will have no biophysical, hydrological or ecological impacts.

The proposed works are located approximately 115m to the south of the land identified on the Coastal Management SEPP maps as being a coastal wetland, which correlates with Narrabeen Creek.

The proposed development is supported by a Flora and Fauna Report and a Hydrological report which identify the proposed works will not have an adverse impact on the coastal wetland.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Clause 15 identifies that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

As identified above, the Flora and Fauna Report and Hydrological report identifies that the proposed works will not have an adverse impact on the coastal wetland. Accordingly, the proposal is consistent with the objectives of the SEPP.

Council's Natural Environment Unit officers have considered the likely impacts on drainage regimes and find the proposal acceptable.

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

Clause 13 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the advertisement of advertising structure:

- a) Is consistent with the objectives of this policy as set out in clause 3(1) (a);
- b) Has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impact; and
- c) Satisfies any other relevant requirement of this Policy.

The application describes the signage as "business identification signs". The proposed development seeks consent for a sign, comprising of a 1.48m (h) x 2.7m (w) building identification sign on the eastern elevation of the amenities building.

The proposed sign has been assessed using the assessment criteria in Schedule 1 below and overall, the proposed sign location and size is compatible with the desired amenity and visual character of the area. The potential impacts are considered to be acceptable and consistent with the requirement of the SEPP.

Control	Proposal	Compliance
1 Character of the Area		
Is the proposal compatible with the character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed building identification signage is appropriate for a community facility and is compatible with the surrounding character of signage on the Pittwater and Jackson Road frontages The proposed sign is classified as a 'building identification sign' and is not advertising. The proposal is not located near surrounding advertisements.	Yes
2 Special Areas		
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 proposal is consistent with the visual characteristics of the site. It is located on the southern side of the building to be visible when approaching the site from the east.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No important views are impacted by the proposed signage.	Yes

Control	Proposal	Compliance
4 Streetscape, Setting or Landscape		
<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposal has been specifically designed to be of a comparable scale, form and proportion to the wall on which it is to be installed.</p> <p>The proposal will contribute to the visual amenity of the site and surrounding streetscape. The proposal will provide interest to an otherwise bare wall, activate the site frontage and be informative to the local community.</p> <p>The site does not contain existing advertising.</p> <p>The proposed signage does not protrude beyond the walls on which it is to be installed.</p> <p>The proposed low vegetation will not obscure the signage and therefore will not trigger the need for ongoing vegetation management.</p>	Yes
5 Site and building		
<p>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?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed sign is compatible with the scale and proportion of the building on which it is to be located.</p> <p>The signage is located close to the main entry to the building and visible from the Pittwater and Jackson Road intersection. This is important to the function and features of the building.</p> <p>The signage is compatible with the innovative design of the building.</p>	Yes
6 Associated Devices and Logos with Advertisements and Advertising Structures		
<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>No. Details of signage will be provided at the Construction Certificate stage.</p>	Yes
7 Illumination		
<p>Would illumination result in unacceptable glare?</p>	<p>There is no illumination of the signage proposed at this stage.</p>	Yes
8 Safety		
<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The proposed sign will not be illuminated and is setback from the road. The sign is unlikely to be a risk to drivers, pedestrians or cyclists.</p> <p>The proposed sign is to be setback approximately 10m from the street and will not obscure sightlines from public areas.</p>	Yes

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

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

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid Sulfate Soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Zoning and Permissibility

As shown in the extract of the Land Zoning Map in Figure 5 below, the site is zoned part RE1 Public Recreation and part SP2 Infrastructure (Community Facility) under PLEP 2014.

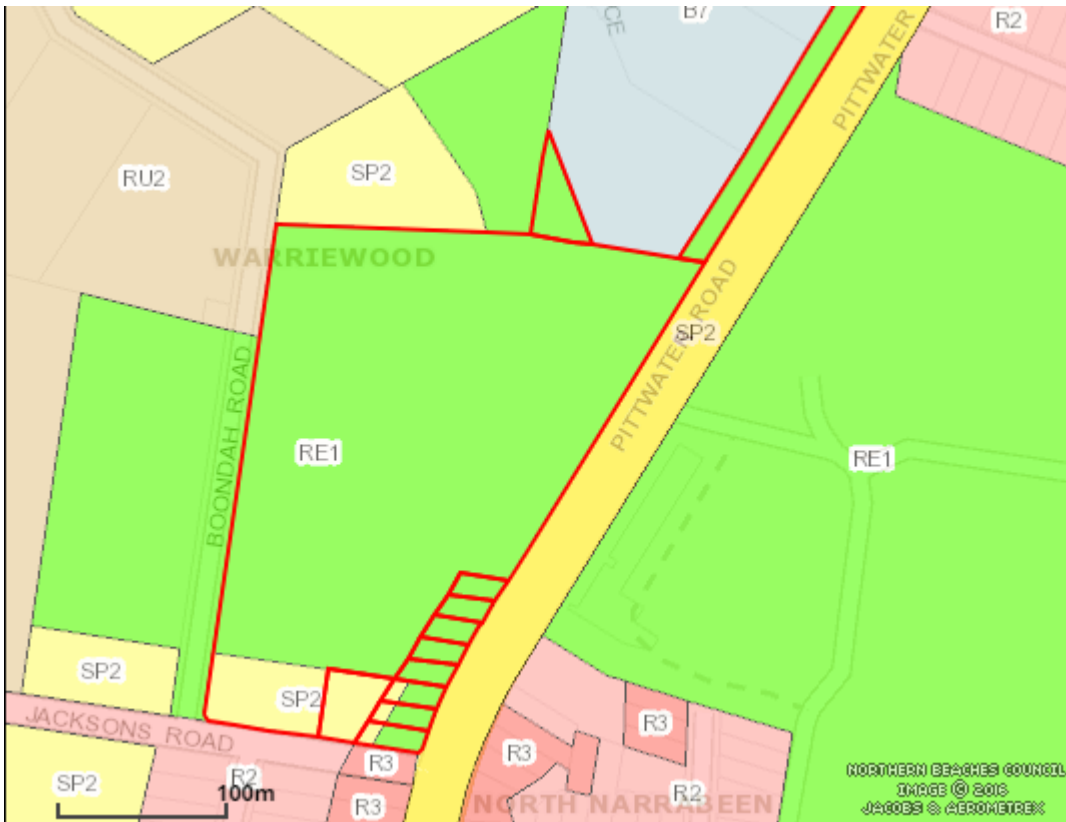


Figure 5. Extract of PLEP 2014 Zoning Map

The proposal falls within the definition of a “community facility” defined in PLEP as follows:

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Community facilities are permissible in both zones.

Zone SP2 Infrastructure – Community Facilities Zone

The objectives of the SP2 zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Comment: The proposal involves construction of infrastructure being a community facility. The design and scale of the proposed development is compatible with the existing site and will not detract from the surrounding area.

Zone RE1 Public Recreation Zone

The objectives of the RE1 zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To allow development that does not substantially diminish public use of, or access to, public open space resources.
- To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

Comment: The proposed community facility is compatible with the recreational setting, oriented towards the playing fields and providing opportunities for interaction between the two uses.

The design protects trees of high retention value across the site and includes a comprehensive landscaping scheme. The proposal enhances the public use of the site, with the facility including a large, landscaped garden accessible to the public and public amenities.

The proposed community facility is consistent with the objectives of both the SP2 Infrastructure zone and the RE1 Public Recreation zone.

Height of Buildings

Clause 4.3 of PLEP 2014 establishes an 8.5m maximum building height for the site. The proposal complies with this control with a maximum building height of 6.865m to the ridge of the building at its highest point.

Warriewood Valley Release Area

The site is located within the Southern Buffer Area of the Warriewood Valley Release Area. Clause 6.1 requires that development within the locality be in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review Addendum Report. The reports are the major strategic studies that were completed as part of the review into undeveloped land in the Warriewood Valley locality in 2013 and 2014.

Clause 6.1 requires that there be no adverse impacts on waterways and creek line corridors. The proposed development is supported by a Flora and Fauna Report and a Hydrological report which identify the proposed works will not have an adverse impact on the coastal wetland.

Council's Natural Environment Unit also find that there will be no unacceptable impacts on the coastal wetland.

Acid Sulfate Soils

Clause 7.1 seeks to minimise the impacts of Acid Sulfate Soils to the environment. Classes of acid sulphate soils have been applied to land throughout the LGA and mapped on the Acid Sulfate Soils Map. The site is located within a Class 3 Acid Sulphate Soils zone.

Clause 7.1 identifies that development consent is required for works of more than 1m below the natural ground surface level and works that are likely to lower the water table by more than 1m below the natural ground surface.

The proposed works involve some minor excavation to a maximum depth of 0.3m in the south-eastern corner of the site. The remainder of the site will require fill to achieve the finished floor level at 4.1m. The geotechnical report identifies the approximate height of ground water across the site and concludes that the works are not expected to extend below the ground water table.

Council's Environmental Investigations officers note that Acid Sulfate Soils have been found 2.5m below ground surface, with depth of excavation not yet determined.

A recommended condition of consent will require the preparation of an Acid Sulfate Soil Management Plan prior to the issue of the construction certificate.

Earthworks

Clause 7.2 requires consent for earthworks and identifies matters for consideration to ensure development involving earthworks will not have a detrimental impact on environmental functions and processes, neighbouring development, heritage, or features of surrounding land.

Minor excavation works are proposed to facilitate the construction of the proposed community facility.

The proposed removal of existing structures, trees, and vegetation on the site is not likely to result in any adverse natural or built environmental impact.

The Geotechnical Report prepared by JK Geotechnics provides an assessment of the structural integrity of the site and concludes that the site is considered suitable for the proposed excavation works, subject to the inclusion of the recommendations contained in the report.

The proposal is consistent with the provisions of Clause 7.2.

Flood planning

Clause 7.3 aims to minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and avoid significant adverse impacts on flood behaviour and the environment.

Clause 7.3 requires the consent authority to be satisfied of the following prior to granting consent for development:

- a) *is compatible with the flood hazard of the land, and*
- b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- c) *incorporates appropriate measures to manage risk to life from flood, and*

- d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is identified as flood affected however the ground levels are located above the 1% AEP flood event. The proposed floor levels of the community centre are located above the Flood Planning Level applicable for the site. However there is a residual risk for the community centre associated with events larger than the 1% AEP event and up to the Probable Maximum Flood event.

A recommended condition of consent will require the preparation of an Operational Flood Emergency Response Plan is prepared to manage this operational risk.

Biodiversity Protection

Clause 7.6 seeks to protect, maintain and improve the diversity and condition of native vegetation and habitat and applies to the site.

The biodiversity protection has been addressed in the Flora and Fauna Survey and Biodiversity Impact Assessment (BIA) prepared by ACS Environmental Pty Ltd.

The BIA concludes that proposed vegetation removal does not exceed 0.25 ha and that the proposal therefore does not trigger entry into the NSW Biodiversity Offset Scheme (BOS) or requirement for a Biodiversity Development Assessment Report (BDAR). The Biodiversity referrals team have assumed that vegetation removal for the proposed slip lane has not been considered in the consulting ecologist's assessment of overall native vegetation loss.

The Arborist Report submitted with the DA (Earthscape Horticultural Services) identifies a total of thirty (30) prescribed trees proposed for removal, with a further nine (9) exempt trees to be removed to facilitate the development, and five (5) trees recommended for removal due to poor health and condition. Replacement planting has been proposed and is detailed in the amended Landscape Plans (Aspect Studios, 20 April 2021), which provide for planting of appropriate species and densities to mitigate the loss of native vegetation as a result of the proposed development.

Council's Biodiversity referrals team are satisfied that the proposed development complies with applicable biodiversity legislation and planning controls, subject to recommended conditions of consent.

PITTWATER 21 DEVELOPMENT CONTROL PLAN

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	N/A	N/A
B3.6 Warriewood Valley Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.13 Freshwater Wetlands (non Endangered Ecological Communities)	Yes	Yes
B4.14 Development in the Vicinity of Wetlands	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	Yes	Yes
C2.15 Car/Vehicle/Boat Wash Bays	Yes	Yes
C2.21 Food Premises Design Standards	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.8 Waste and Recycling Facilities	Yes	Yes
C5.9 Signage	Yes	Yes
C5.11 Third Party Signage	Yes	Yes
C5.14 Car/Vehicle/Boat Wash Bays	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.19 Food Premises Design Standards	Yes	Yes
C5.20 Liquor Licensing Applications	N/A	N/A
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Section 1.3 of the EPA Act, 1979 contains the relevant provisions for the assessment of biodiversity issues for all applications. The matters for consideration under section 1.3 include a range of matters that must be considered and Council is required to adopt a conservative approach in its determination of the biodiversity value.

The proposal has been reviewed by officers in Council's Environment and Climate Change Team who have raised no objections subject to conditions included in the recommendation of this report. The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention through Environmental Design.

7.12 CONTRIBUTIONS

No contribution is payable under the Northern Beaches Section 7.12 Contributions Plan 2019 because the proposal is for public infrastructure and Council is the applicant (clause 2.5 of Northern Beaches Section 7.12 Contribution Plan 2019).

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;
- Pittwater Local Environment Plan 2014;
- Pittwater 21 Development Control Plan 2014; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 4.15 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.

The proposed development has been sited on the location of the existing buildings and therefore minimises potential impacts with regards to existing flora and fauna, drainage and visual impacts. The building is single storey and below the 8.5m building height limit. The proposed materials and finishes comprise of colours drawn from the natural environment which assist in blending the building into the landscape.

The proposal will provide a community benefit in the form of various size halls, meeting rooms, amenities and gardens areas for community use. The proposal will also provide a public building that is capable of acting as a natural disaster Evacuation and Recovery Centre, facilitating the provision of essential support and services to the community during times of crisis.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Pittwater Local Environment Plan 2014, Pittwater Development Control Plan 2014, the Sportsground Reserve Plan of Management and the relevant

codes and policies of Council. In consideration of the proposal and the merit consideration the development the proposal is:

- 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 of the relevant EPI's
- Consistent with the objects specified in Section 1.3 of the Environmental Planning and Assessment Act 1979

The proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Sydney North Planning Panel, as the consent authority, grant Development Consent to Development Application No. DA2021/0199 for demolition works and construction of a community centre with associated carparking and landscaping at 2-4 Jacksons Rd, Warriewood, subject to the conditions attached to this report.

CONDITIONS

Attachment 4