



Independent Review of Proposed Amendment to Warringah LEP 2011

Warringah Golf Club, North Manly

Northern Beaches Council

13 September 2023

→ **The Power of Commitment**



Project name		Planning Proposal Assessment – Warringah Golf Course					
Document title		Independent Review of Proposed Amendment to Warringah LEP 2011 Warringah Golf Club, North Manly					
Project number		12616308					
File name		12616308 - Planning Proposal Assessment _ Independent Review of Planning Proposal.docx					
Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
S4	1	R Barclay	S Lawer		S Lawer		13/09/23

GHD Pty Ltd | ABN 39 008 488 373

133 Castlereagh Street, Level 15

Sydney, New South Wales 2000, Australia

T +61 2 9239 7100 | **F** +61 2 9475 0725 | **E** sydmail@ghd.com | **ghd.com**

© GHD 2023

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Executive Summary

GHD have been engaged by Northern Beaches Council's Strategic and Place Planning Team ('Council') to assess a Planning Proposal (the 'Proposal') for land at part of Lot 2742 in Deposited Plan 752038, known as the Warringah Recreation Centre site (the 'WRC Site'). The Proposal (Appendix A) has been prepared by MG Planning on behalf of the Council's Property Commercial & Tourist Assets Division, Northern Beaches Council.

The Proposal seeks to amend the *Warringah Local Environmental Plan 2011* (the 'LEP') to make permissible the additional land use of a 'registered club' under Schedule 1 of the LEP, pursuant to Clause 2.5 of the LEP.

A Development Application for a golf club, community tennis facilities and associated parking has been lodged. The proposed LEP amendment will enable the lodgement of a Development Application for the use of the golf club (if approved) as a 'registered club'.

GHD's engagement involved the following:

- Review and objectively assess the application and Planning Proposal.
- Undertake a peer review of the technical studies submitted with the application.
- Consider comments received from internal staff referrals, adjoining property owners and independent parties as part of Council's non-statutory notification period.

Based on the information presented with the Proposal, it is recommended that Council support the progression of the Proposal for a Gateway determination from the NSW Department of Planning and Environment under section 3.34(1) of the *Environmental Planning and Assessment Act 1979*.

In addition to the above it is noted that any future ecological assessment submitted in support of the development application (DA) should address additional matters.

Contents

1. Introduction	1
1.1 Purpose of this report	1
1.2 Scope and limitations	1
1.3 Assumptions	1
1.4 Subject site	2
1.5 Site context	3
1.6 Current planning provisions	3
1.7 Proposal	5
2. Planning Proposal Assessment	6
2.1 Part 1 - Objectives and intended outcomes	6
2.1.1 Proposal objectives	6
2.2 Part 2 – Explanation of provisions	6
2.3 Part 3 – Justification	7
2.3.1 Section A – Need for the Planning Proposal	7
2.3.2 Section B – Relationship to Strategic Planning Framework	8
2.3.3 Section C – Environmental, Social and Economic Impact	14
2.3.4 Section D – Infrastructure (Local, State and Commonwealth)	23
2.3.5 Section E – State and Commonwealth Interests	23
2.4 Part 4 – Maps	23
2.5 Part 5 – Community Consultation	23
2.6 Part 6 – Project Timeline	26
3. Recommendations	27

Table index

Table 1.1	List of reports and technical studies	2
Table 1.2	LEP Provisions	4
Table 2.1	Greater Sydney Region Plan Assessment	9
Table 2.2	North District Plan Assessment	10
Table 2.3	Response to public submissions	24
Table 2.4	Timeline	26

Figure index

Figure 1.1	The Site	2
Figure 1.2	Current development on site	3
Figure 1.3	Zoning Map	4
Figure 2.1	Table 5- DPPOM	13

Appendices

Appendix A	Planning Proposal
Appendix B	AHIMS Search
Appendix C	State Environmental Planning Policies
Appendix D	Ministerial Directions

1. Introduction

GHD have been engaged by Northern Beaches Council's Strategic and Place Planning Team ('Council') to assess a Planning Proposal (the 'Proposal') for land at part of Lot 2742 in Deposited Plan 752038, the Warringah Recreation Centre site (the 'WRC site'). The Planning Proposal has been prepared by MG Planning on behalf of the Council's Property Commercial & Tourist Assets Division of Council (Property- NBC).

The Proposal seeks to amend *Warringah Local Environmental Plan 2011* (the 'LEP') to make permissible the additional land use of a 'registered club' under Schedule 1 of the LEP, pursuant to Clause 2.5 of the LEP.

A Development Application (DA) for a golf club, community tennis facilities and associated parking has been lodged. The proposed LEP amendment will enable the lodgement of a Development Application for the use of the golf club (if approved) as a 'registered club'. GHD's engagement involves an assessment of the following matters:

- Review and objectively assess the Proposal application.
- Undertake a peer review of the technical studies submitted with the application.
- Consider comments received from internal staff referrals, and the submissions received as part of Council's non-statutory notification period.

1.1 Purpose of this report

This report describes the site, the Proposal and provides an assessment of the relevant planning provisions and principal development issues applicable to the Proposal.

1.2 Scope and limitations

This report has been prepared by GHD for Northern Beaches Council and may only be used and relied on by Northern Beaches Council for the purpose agreed between GHD and Northern Beaches Council as set out in Section 1 of this report.

GHD otherwise disclaims responsibility to any person other than Northern Beaches Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer Section 1.3 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

1.3 Assumptions

This report is based on information contained in the planning proposal document and technical studies detailed in Table 1.1.

Table 1.1 List of reports and technical studies

Title	Author	Date
Planning Proposal Warringah Recreation Centre	MG Planning	May 2023
Flora and Fauna Constraints Assessment Report	Narla Environment	December 2020
Waste Classification	Alliance Geotechnical	December 2020
Flooding Report	Stellen	October 2022
Stormwater Management Plan	Stellen	October 2022
Acid Sulphate Assessment	Ideal Geotech	November 2022
Acid Sulphate Management Plan	Ideal Geotech	November 2022
Planning Proposal Submission Form	-	May 2023

1.4 Subject site

The WRC site is part of Lot 2742 DP 752038. It has an area of 10,224.6 sqm and a primary frontage of approximately 80m to Kentwell Road and 120 m to Pittwater Road, as shown in Figure 1.1. Vehicular access is provided by two driveways on Kentwell Road. The land is currently developed with six (6) tennis courts, two (2) futsal courts, three (3) squash courts, and a clubhouse with refreshments, pro shop, and facilities (refer Figure 1.2). The site is enclosed by vegetation to the northern, eastern, and western boundaries. The Proposal relates to an area of approximately 2,700 m² in size.

The site is located within District Park which consists of Nolan, Passmore, Millers and David Thomas Reserves as well as the Warringah Golf Course. The park is the subject of the District Park Plan of Management and is currently classified as community land under the *Local Government Act 1993*. The park is located between the suburbs of Manly Vale and North Manly.



Figure 1.1 The Site



Figure 1.2 Current development on site

1.5 Site context

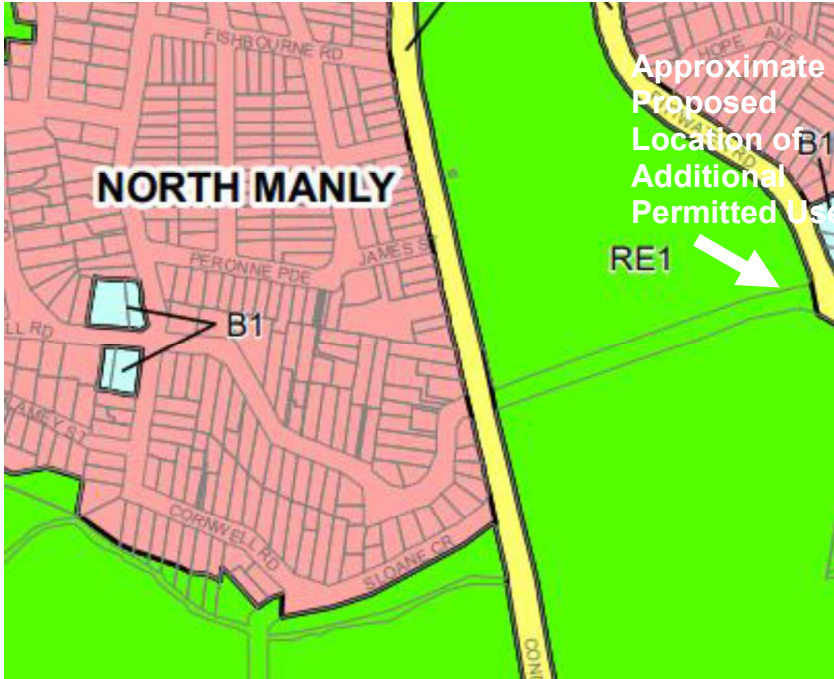
The subject site is located in the Northern Beaches Local Government Area (LGA) approximately 3 km north-west of Manly, 800 m southeast of Warringah mall, and 17 km northeast of the Sydney Central Business District.

The site is bounded by the Brookvale Creek to the west, Pittwater Road to the east, Kentwell Road to the south and the adjacent golf course to the north. The golf course extends to the south of Kentwell Road along with Nolan Reserve. There is a service station and mixed-use development immediately opposite the site on the eastern side of Pittwater Road with residential development located further to the east and north.

1.6 Current planning provisions

Pursuant to the LEP, the site is subject to the following provisions.

Table 1.2 LEP Provisions

Clause	Relevance
Zone	<p>The site is zoned RE1 Public Recreation as seen in Figure 1.3.</p>  <p>Figure 1.3 Zoning Map</p>
4.1 Minimum Subdivision Lot Size	The site is not identified as having a minimum lot size.
4.3 Height of Buildings	The site is not subject to a maximum building height.
4.4 Floor Space Ratio	The site is not subject to a floor space ratio.
5.2 Classification and reclassification of public land	Clause 25 of the <i>Local Government Act 1993</i> (The LG Act) requires that all public land must be classified. Clause 26 of the LG Act states that there are two classifications for public land- "community" and "operational". District Park is currently classified as community land. The Planning Proposal does not seek to reclassify the site from community to operational.
5.10 Heritage Conservation	<p>This clause relates to development applications, but the Planning Proposal should meet the objectives of the clause and consider all existing and potential heritage at the site.</p> <p>The E-spatial viewer does not reveal any State Heritage items on the site. There are no locally listed items on the site.</p> <p>An AHIMS search was undertaken on 14 August 2023, which did not reveal any Aboriginal sites or places recorded in or near the site. Four (4) Aboriginal sites are recorded to the west of Condamine Street (Appendix B). Any development approval can provide standard conditions of consent in relation to unexpected finds procedures.</p>
6.3 Flood planning	The site is identified by Council's Flood Risk Precinct Maps as being affected by flooding. A flooding report was submitted with the application. A technical peer review of the flooding report was undertaken and is provided at Section 2.3.3.2.4 of this report.
6.1 Acid Sulfate Soils	The site is identified as containing Class 2 and Class 5 Acid Sulfate Soils (ASS). A Waste Classification, Acid Sulfate Soil Assessment, and Management Plan were submitted with the application. A technical peer review of these documents was undertaken and is provided at Section 2.3.3.2.7 this report.
6.2 Earthworks	The development application (DA) will assess this matter where any earthworks are proposed.
6.4 Development on Sloping Land	The site is identified as being on Landslide Risk land. Any DA lodged over the site will require an assessment of this matter.

1.7 Proposal

Development Application No. DA2022/2081 (the 'Development Application') was lodged on 14 February 2023, seeking approval for the construction of a two (2) storey clubhouse including a pro-shop, garden lounge, meeting rooms, Council rooms (commercial office/meeting space), dining and function rooms, a licensed sports bar, terrace area, loading/servicing areas and nine (9) car parking spaces.

The Proposal seeks to amend the LEP by including a Schedule 1 Additional Permitted Use for a 'registered club' on the site. A registered club is defined under the LEP as follows:

*"**registered club** means a club that holds a club licence under the Liquor Act 2007".*

The District Park Plan of Management (DPPOM) contemplates the future relocation of the golf club to the District Park. The use as a registered club is permissible under the DPPOM therefore no reclassification of the land is required, nor are any changes to the DPPOM.

2. Planning Proposal Assessment

An assessment of the Proposal has been undertaken below against the Local Environmental Plan Making Guideline (the 'Guideline'), dated August 2023 prepared by the NSW Department of Planning, Industry and Environment (now DPE).

2.1 Part 1 - Objectives and intended outcomes

2.1.1 Proposal objectives

As identified by the proponent, the objective and intended outcome of the Proposal are as follows:

"The objective of this Planning Proposal is to facilitate the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre.

The intended outcome is to enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements".

2.2 Part 2 – Explanation of provisions

The Proposal seeks to amend the LEP to include site specific additional use provisions, in clause 19, which is reproduced as follows:

"19 Use of certain land in Zone RE1

(1) This clause applies to the following land—

(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as "Area 19A" on the Additional Permitted Uses Map,

(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19B" on that map,

(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as "Area 19C" on that map,

(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19D" on that map.

(2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)".

Pursuant to clause 2.5 of the LEP the following provisions are to be introduced to Schedule 1 Additional Permitted Uses (Clause 19(1)):

e) land at 292 Condamine Street North Manly 2100, being part of Lot 2742 DP752038, shown as "Area 19E" on that map..

The introduction of this provision will enable the lodgement of a DA for a 'registered club' ancillary to a recreation facility (indoor)', 'recreation facility (major)' or 'recreation facility (outdoor)'.

2.3 Part 3 – Justification

2.3.1 Section A – Need for the Planning Proposal

The Guideline requires that the Proposal demonstrates Strategic Merit. Section 2.3 reviews the Proposal against the applicable Strategic Planning matters for consideration.

2.3.1.1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

The Proposal is not the result of an endorsed Local Strategic Planning Statement (LSPS), strategic study, or report but from negotiations between the Warringah Golf Club, and Council officers to find a more suitable location to relocate the existing club house. The Proposal states that other sites were considered, however the site was chosen based on the following:

- *“The Warringah Recreation Centre is itself an aging structure, which is in need of rejuvenation.*
- *The WRC has existing vehicular access which is important, as Kentwell Rd is the only road frontage for the Warringah Golf Club which is not a classified road, and Transport for NSW will not authorise additional vehicular access onto classified roads where there is an alternative.*
- *While the land is flood prone, it has been determined that a building could be constructed in accordance with Council's planning controls. There are no alternate sites within the golf course which are less flood prone with appropriate vehicular access”.*

A Council resolution was made on 25 February 2020 that provided in-principle agreement to the construction of a new clubhouse on the WRC site, subject to the agreement of appropriate terms

2.3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Proposal identifies that only one other option was considered which included rezoning the site to RE2 Private Recreation.

However, by default, the other options considered were to do nothing, and to lodge a DA. All four options are discussed below:

2.3.1.2.1 Option 1 - Do Nothing

Option 1 involves leaving the site in its current state. The use of a new golf clubhouse as a registered club will not be permissible.

In contrast, the Proponent's vision provides an opportunity to address the demand for a clubhouse in an alternate location (as evidenced in the submissions). In addition, the Proposal utilises the existing carparking and access, and maximises the efficient use of the site proximate to the existing facilities on site.

2.3.1.2.2 Option 2 – Lodge a Development Application

As discussed in Section 1.7, a DA has y been lodged for the construction of a golf clubhouse, however the DA would not permit the operation of the clubhouse as a 'registered club'. Notwithstanding, Property-NBC considers that in order to avoid ambiguity surrounding the permissibility of the use, and to ensure that the club is not limited in its operation, a Planning Proposal to amend the LEP to include the registered club as an additional use is necessary.

2.3.1.2.3 Option 3 – Prepare a Planning Proposal to rezone the site

The Proposal states as follows:

“Rezoning the site from its current RE1 zone to an alternative zone that permits registered clubs (for example, RE2 Private Recreation) would not be appropriate given that the site is located on land owned by Council which is a public reserve”.

2.3.1.2.4 Option 4 – Planning Proposal to allow additional use under Schedule 1 of the LEP

The Planning Proposal as set out in this document is the best means of achieving the objectives and intended outcomes, that will give Property-NBC certainty of the development outcomes expected for the site.

The proposed LEP amendment will permit the additional use whilst maintaining the existing RE1 zoning and providing the community with certainty that this will remain the primary use of the site into the future.

Council owns the WRC site, and therefore has control over Development Applications lodged over the WRC site. The WRC site is not subject to built form controls (maximum building height and floor space ratio). Accordingly, no restrictions to the built form controls are not required as Council has control over future development outcomes.

2.3.2 Section B – Relationship to Strategic Planning Framework

2.3.2.1 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

2.3.2.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan ('The Regional Plan') was released in March 2018. It provides a 40-year vision (to 2056) for the Greater Sydney Region and establishes a 20-year plan to manage growth and change for Greater Sydney. It identifies a vision for Greater Sydney to emerge as a metropolis of three cities comprising the Western Parkland City, the Central River City and the Eastern Harbour City.

The concept of three cities is predicated on the aspiration for its residents to live within 30-minutes of education, facilities, city-scale infrastructure and services and employment opportunities. To achieve this vision, the Greater Sydney Region Plan nominates 10 Directions centred around a framework based on the core themes of liveability, productivity and sustainability. These include:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

Each direction is supported by objectives and indicators that have been developed to guide the implementation of the plan. The overarching vision of the Greater Sydney Region Plan and its associated objectives are to be achieved through collaboration with all tiers of governments, the community, businesses and non-government organisations.

Table 2.1 Greater Sydney Region Plan Assessment

Direction	Objective/s	Proponent Comment	Assessment
A city supported by infrastructure	Objective 4 Infrastructure use is optimised.	Achieving better utilisation of existing assets increases infrastructure capacity to better support communities and has the potential to minimise or avoid the need to fund additional infrastructure. Moving the clubhouse will help to facilitate the redevelopment of recreation facilities on the WRC site, optimising the use of existing Council infrastructure for the benefit of the wider community.	The location of the proposed golf clubhouse at the site is adjacent to Pittwater Road, one of the area's main roads. A northbound bus stop is located on the site's eastern boundary, and a southbound bus stop is located on the opposite side of Pittwater Road. The co-location of the clubhouse on the existing golf club site is a logical placement of the clubhouse, utilising the existing sporting and recreational infrastructure on the site.
A city for people	Objective 6: Services and infrastructure meet communities' changing needs. Objective 7 Communities are healthy, resilient and socially connected.	Services and infrastructure need to be tailored to meet the varying needs of population groups and designed to be intergenerational, multipurpose and co-located. The relocation of the clubhouse and the resulting redevelopment of the WRC as a multipurpose and co-located recreation hub will support surrounding communities to be healthy, resilient and socially connected.	<p>This objective includes the following commentary:</p> <p><i>"Publicly owned land and social housing renewal may provide opportunities to co-locate social infrastructure and provide mixed uses at the heart of neighbourhoods.</i></p> <p><i>Improved health, public transport and accessibility outcomes can be achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed use places co-located with social infrastructure and local services (refer to Objective 7 and Objective 14).</i></p> <p><i>Good accessibility to local services for young people, older people and culturally and linguistically diverse communities is an important way of enabling people to age within their community. This contributes to improved mental and physical health and</i></p> <p>The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this objective. Importantly this objective includes Strategy 6.2:</p> <p><i>"Optimise the use of available public land for social infrastructure".</i></p> <p>The proposal is consistent with this strategy. The proposal achieves the intent of objective 7 for the reasons outlined in relation to Objective 6.</p>
A city of great places	Objective 12: Great places that bring people together.	Nil.	<p>This objective includes the following commentary:</p> <p><i>"Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections".</i></p> <p>The proposal achieves the intent of objective 12 or the reasons outlined in relation to Objective 6.</p>

Direction	Objective/s	Proponent Comment	Assessment
A city in its landscape	Objective 31 Public open space is accessible, protected and enhanced.	The rising demand for open space needs to be met in part by using existing open space assets wisely and sharing them more broadly. The proposal to relocate the clubhouse to the WRC site and in turn redevelop the existing sporting facilities in this location will help Northern Beaches Council meet increasing demand for a range of sporting activities and recreation facilities.	The proposal is consistent with Strategy 31.1, to: <i>“Maximise the use of existing open space and protect, enhance and expand public open space by:</i> – <i>providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow”.</i>

2.3.2.1.2 North District Plan

The North District Plan is intended to guide the implementation of the Greater Sydney Region Plan at a district level, bridging regional and local planning by informing Local Environmental Plans and Planning Proposals.

In particular, the District Plan provides detailed planning priorities which integrate relevant objectives, strategies, and actions in response to identified challenges and opportunities. The planning priorities relate to the key aims of the District Plan, being:

- Infrastructure and Collaboration
- A productive city
- A liveable city
- A sustainable city

Table 2.2 provides an assessment of the proposal against relevant planning priorities of the North District Plan.

Table 2.2 North District Plan Assessment

Planning Priority	Planning Priority Comment	Assessment
Planning Priority N1 - Planning for a city supported by Infrastructure Objective 4- Infrastructure use is optimised	Nil.	This priority includes the following commentary: <i>“Aligning land use and infrastructure planning will maximise the use of existing infrastructure”</i> The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this priority.
Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs	The Planning Proposal will enable the golf clubhouse and WRC recreation facilities to be upgraded to help meet the community's needs now and into the future.	This priority includes the following commentary: <i>“The district is expected to see and 85 per cent proportional increase in the 65-85 age group and a 47 per cent increase in the 65-84 age group is expected by 2036. This means 20 per cent of the District's population will be aged 65 or over in 2036, up from 16 per cent in 2016”.</i> The Proposal has not provided any data in relation to the demographics of the expected users of the club. However, anecdotally, it is expected that the Golf Course and clubhouse would be frequented by an older demographic.
Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities	Social connectivity, as well as access to opportunities for recreational physical activity are essential to improved mental and physical health outcomes. By relocating the golf clubhouse and co-locating it with an upgraded WRC, the Planning Proposal will improve opportunities for recreational activities and social connectivity.	The DPPOM contemplates the future relocation of the golf club to the District Park in Table 5 “combined sports community club building” (Figure 2.1). The Proposal is therefore consistent with the DPPOM The co-location with other sporting facilities and the existing golf course would likely assist with creating socially connected communities given the range of activities available at the site.

Planning Priority	Planning Priority Comment	Assessment
Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage	District Park is one of Warringah's most significant open spaces. The Park is well used and valued by the community. The Planning Proposal will facilitate and enable the golf club and WRC to foster the development of a social and recreational hub that will bring the community together for range of social and recreation purposes.	The addition of the Golf Club will revitalise the site and provide a greater diversity of activities at the site.

The North District is experiencing notable demographic changes which influence the demand for infrastructure, services, and housing. The growth of the ageing population is a significant demographic trend affecting the North District. The North District is expected to see an 85% proportional increase in people aged 85 and over, and a 47% increase in the 65-84 age group by 2036. Of the LGAs across the North District, the Northern Beaches is anticipated to have one of the largest projected increases in the 65-84 age group. The NSW Ageing Strategy 2016–2020, prepared by the NSW Department of Family and Community Services, responds to the opportunities and challenges of the ageing population.

As outlined in Table 2.2, whilst no data has been provided in relation to the demographics of expected club users, anecdotally golf courses and consequently golf clubhouses are valued by older persons.

2.3.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

2.3.2.2.1 Northern Beaches Local Strategic Planning Statement

Towards 2040 is Northern Beaches Council's LSPS which was adopted by Council on 26 March 2020. Within the context of the LSPS, the site is situated within the coastal corridor - a key transport corridor between the centres of Manly and Brookvale.

The LSPS notes that future development and planned infrastructure are to respond to population growth and demographic changes. The Northern Beaches' population is projected to increase by around 39,000 people over the next 20 years. Of this projected growth, the LGA will accommodate a greater proportion of the ageing population relative to Greater Sydney.

The LSPS is supported by a range of planning priorities which aim to deliver on the directions of the Greater Sydney Region Plan and North District Plan. These planning priorities are underscored by a range of principles, with many directly applicable to the subject site.

The relevant Planning Priorities and associated principles are as follows:

- *Sustainability*
 - *Priority 6 High quality open space for recreation.*
- *People*
 - *Priority 11- Community facilities and services that meet changing community needs.*
 - *Priority 12- An inclusive, healthy, safe and socially connected community.*
- *Great Places*
 - *Priority 17- Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes.*
- *Jobs and Skills*
 - *Priority 30 - A diverse night time economy.*

The Planning Proposal supports the Planning Priorities reproduced above, based on the following reasons:

- Through collaboration with the local and State government, the proposal will enable the lodgement of a DA that will allow for the delivery of social infrastructure that will address the changing needs of the community, including those of the ageing population.
- The proposal will redevelop the site for a multifunctional purpose, providing opportunities for social interaction close to transport and a local centre that will accommodate a greater range of compatible uses to that currently permitted.
- The redevelopment of the site will adopt a place-based approach, conserving its local identity and social significance through the adaptive reuse of the site.

The proposal relevantly states as follows:

“The proposed expansion of permitted land uses on the site of the Warringah Recreation Centre will facilitate the development of a new golf clubhouse and allow for the broader upgrade of the WRC for community sports and recreation facilities. The proposal will therefore improve the quality of the WRC for recreation and enable the update of sporting facilities and services on the site tailored to changing community needs. As such, the proposal is considered to be generally consistent with the priorities and actions of the Northern Beaches LSPS”.

In summary, the proposal is consistent with several of the overarching priorities of the LSPS, and on this basis is generally consistent with the LSPS.

2.3.2.3 Community Strategic Plan 2040

The Northern Beaches Community Strategic Plan 2040 (the ‘CSP’) outlines the community-wide priorities and aspirations for the LGA, and provides outcomes, goals and strategies to achieve these visions. The relevant outcome and goals of the CSP are identified as follows:

- *“Outcome – Community and belonging*
 - *Goal 9 - Influence- Our community is inclusive and connected”.*
- *Outcome- Housing , Places and Spaces*
 - *Goal 11 – Influence- Our local centres are vibrant and health, catering for diverse economic and social needs.*
 - *Goal 12 – Influence- Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.*
- *Outcome – Vibrant Local Economy*
 - *Goal 15- Influence- Our centres are sustainable encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities”.*

The Planning Proposal will make permissible the development of a new registered club, which will assist in the support of diverse recreation needs, and facilitate social interaction. Additionally, it will provide employment opportunities. On this basis, the proposal is consistent with the intent of the CSP.

2.3.2.4 District Park Plan of Management

The District Park Plan of Management (DPPOM) vision is reproduced below:

“District Park will enhance its status as an accessible, multi-purpose and high quality regional sporting, recreation and community precinct in a significant natural setting”.

The DPPOM was adopted in September 2015. Relevant objectives are as follows:

- *“present a clear, concise, practical and performance-oriented framework for the management of District Park to Council, park users and the community.*
- *set out how District Park will be used, improved, maintained and managed into the future.*
- *establish a balanced and values-based approach to the management of the Park.*

- provide a flexible framework within which Council can respond to current needs and opportunities, as well as to future directions and pressures as demands on the Park change.
- reflect the values and expectations of the Warringah and wider community and people who will use and enjoy the Park”.

Section 4 “Action Plan” identifies strategies and actions that relate to identified opportunities. These include multiple recommendations for investigations in relation to the provision of sporting and recreational facilities.

The DPPOM contemplates the future relocation of the golf club to the District Park in Table 5 “combined sports community club building” (Figure 2.1):

Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:
Combined sports community club building	Land categorised as Sportsground for the use of the new combined sports club	Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.

Figure 2.1 Table 5- DPPOM

The Proposal is therefore consistent with the DPPOM.

2.3.2.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

2.3.2.5.1 NSW State Plan 2021

The NSW State Plan 2021 sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The current focus of the Government is outlined in five (5) strategies and 32 goals. The proposal is consistent with the following goals:

- “20 -Build liveable centres.
- 24 Make it easier for people to be involved in their communities.
- 25 Increase opportunities for seniors in NSW to fully participate in community life.
- 27 Enhance cultural, creative, sporting and recreation opportunities”.

2.3.2.5.2 NSW State Infrastructure Strategy 2022-2042

The NSW State Infrastructure Strategy 2022-2042 (the Strategy) sets out the NSW Government’s infrastructure vision for the State over the next 20 years. The Strategy aligns with the Greater Sydney Region Plan. The Strategy identifies that to optimise land use where infrastructure capacity exists (Section 10.1),

“The NSW Government is increasingly focused on connecting people with jobs, services and amenity by planning for growth and development around public transport infrastructure, such as passenger rail stations, interchange hubs and freight routes”.

The proposal is consistent with the above given the proposal will facilitate the co-location of the clubhouse with existing community facilities proximate to public transport and the existing local access network.

2.3.2.5.3 Future Transport Strategy

The Future Transport Strategy sets the strategic directions for Transport to achieve world-leading mobility for customers, communities, businesses and our people. It is part of a suite of government strategies, policies and plans that integrate and guide land use and transport planning across NSW. The strategy nominates a number of key priorities. The following priorities are of relevance to the proposal:

- “C1- Connectivity is improved across NSW.
- P1Supporting growth through smarter planning”.

2.3.2.5.4 NSW Ageing Strategy 2016 – 2020

The NSW Ageing Strategy 2016 – 2020 establishes the key priorities to address the needs of the ageing population across NSW. These priorities support the overarching vision for the NSW population to experience the benefits of living longer and having the opportunity to be included in their communities. The priorities and associated objectives are as follows:

- *“Priority 1: Health and Wellbeing – Older people in NSW are encouraged to live active and healthy lives with improved physical and mental wellbeing.*
- *Priority 2: Working and Retiring – Older people in NSW have opportunities to remain in the workforce, are financially secure and independent in retirement, and plan their finances based on their circumstances and needs.*
- *Priority 3: Housing Choices – Older people in NSW live in affordable accessible, adaptable and stable housing.*
- *Priority 4: Getting Around – Older people in NSW travel safely and appropriately to participate in social and economic life and access to services.*
- *Priority 5: Inclusive Communities – Older people in NSW stay connected and contribute to their communities”.*

The Proposal is consistent with the NSW Ageing Strategy 2016 – 2020 in that it will expand the range of permissible uses on part of the site to facilitate the provision of a registered club. As discussed throughout this report, it is understood that the facility is valued by older persons within the community.

2.3.2.6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Proposal has been assessed and is generally consistent with relevant State Environmental Planning Policies in Appendix C.

2.3.2.7 Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

The Proposal has been assessed and is generally consistent with applicable Ministerial Directions as shown in Appendix D.

In summary, the Proposal is generally consistent with the suite of Strategic Planning documents applicable to the site.

2.3.3 Section C – Environmental, Social and Economic Impact

The Guideline requires that the Proposal demonstrates site-specific merit. Section 2.4 reviews the Proposal against the applicable site-specific matters for consideration.

2.3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Proposal states as follows:

*“The Flora and Fauna Constraints Assessment has informed the design of the clubhouse the subject of the current DA. The broader redevelopment of the recreation centre will also seek to avoid impacts on the riparian zone, EEC and any potential threatened species habitat. Any proposed clearing of the EEC or **Calistemon linearifolius (bold added)** requires appropriate assessment in accordance with the requirements of the Biodiversity Conservation Act and the EPBC Act”.*

The Proposal states that the “broader redevelopment of the recreation centre will also seek to avoid impacts on the riparian zone, EEC and any potential threatened species habitat. Any proposed clearing of the EEC or **Calistemon linearifolius (bold added)**, as assessed in the Flora and Fauna Constraints Assessment Report (FFCA) undertaken by Narla Environmental (dated December 2020).

The FFCA report provides an assessment of the biodiversity conditions at the site and the implications for the proposal. The report notes the following:

“5.1 Avoidance of Impacts

5.1.1 Swamp Oak Floodplain Forest Endangered Ecological Community

The vegetation mapped as S_FoW08: Estuarine Swamp Oak Forest within the Subject Site (Figure 3) conforms to the BC Act listed EEC ‘Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions’ and the EPBC listed Coastal Swamp Oak (Casuarina glauca) Forest of South-east Queensland and New South Wales. If proposed works will involve the clearing of the EEC within the Subject Site, an ‘Assessment of Significance’, also known as a ‘5-part test’, will be required in order to determine whether the proposed activity will have a significant impact on the threatened ecological community. An assessment of significance of impact from the proposed works on Matters of National Environmental Significance (MNES) EPBC Act Assessment of Significant Impact Criteria will also be required.

If it is deemed that the proposed works will have a significant impact on this ecological community, further assessment of impacts pursuant to the BC Act (e.g. Biodiversity Development Assessment Report) will be required.

5.1.2 Threatened Flora Callistemon linearifolius

An ‘Assessment of Significance’, also known as a ‘5-part test’, will also be required if proposed works will have any direct or indirect impacts on the potential Callistemon linearifolius within the Subject Site. If it is deemed that the proposed works will have a significant impact on this species, further assessment of impacts pursuant to the BC Act (e.g. Biodiversity Development Assessment Report) will be required.

These requirements can be addressed at the DA stage.

2.3.3.1.1 Council staff comments

Council Biodiversity Planning unit provided the following comments:

“A Development Application (DA) was previously lodged on 14 February 2023 (Council Ref: DA2022/2081) for a Golf and Community Club development of the site. The DA included a Flora and Fauna Constraints Assessment Report (Narla December 2020) which provided an overview of ecological constraints on the subject site and adjoining riparian corridor.

Following assessment, the Biodiversity Planning team recommended refusal of the development application, primarily due to a lack of information. Further information regarding the potential impacts of the development to trees and native vegetation was requested, as well as the need for an assessment of the significance of potential impacts to the Estuarine Swamp Oak Forest Endangered Ecological Community (EEC) (see s7.3 Biodiversity Conservation Act 2016).

The additional information that was requested as part of the development application process is still outstanding, and based on that fact at this stage it cannot be concluded with certainty that significant impacts to the identified Endangered Ecological Community would not occur. This conclusion is based on the development designs as submitted with the February 2023 development application.

With respect to the proposed development of the site for a new clubhouse, community tennis facilities and associated parking, the Biodiversity Planning team will undertake further formal assessment of the application, including the impacts of the proposal on the natural environment. This will include the consideration of the additional information previously requested, a review of the development designs (as amended) and associated impacts, and the inclusion of suitable environmental management and mitigation measures as part of any future consent.

However, irrespective of further assessment of the redevelopment plans for the site, the current Planning Proposal to amend Schedule 1 Additional Permitted Use for a ‘registered club’ on the site does not raise any additional key biodiversity issues or major impact concerns that would warrant rejection”.

In summary, despite the further information requested in relation to the DA, Council’s Biodiversity Planning Unit has no objection to the Proposal.

2.3.3.1.2 GHD peer review

GHD undertook a peer review of the FFCA undertaken by Narla Environmental (dated December 2020). The review notes the following inconsistencies and information gaps between the FFCA and the Proposal:

- The FFCA is focussed on assessing the land directly adjacent to the Warringah Recreation Centre only, stated as the 'subject site' covering an area of approximately 0.34 ha (we note that in Tables 4 and 5 the areas of vegetation communities are given as 0.4 ha and 0.15 ha, totalling 0.55 ha). The Masterplan provided within the Planning Proposal document shows the proposed development as covering a much broader area of the whole Warringah Recreation Centre and areas either side of the 'subject site' assessed by the FFCA. The Planning Proposal defines the 'site' as an area of approximately 1.02 ha on Lot 2742 in Deposited Plan 752038. Therefore, the FFCA does not assess the whole development area and does not provide ecological values, impacts or recommendations for areas beyond the Brookvale Creek riparian corridor immediately adjacent the existing Warringah Recreation Centre. There is no assessment of additional areas of vegetation within the broader proposed development, namely those identified in the Planning Proposal along the northern and eastern boundaries of the existing site, or of areas connected along the Brookvale Creek waterway and riparian corridor to the north and south of the site.
- The Planning Proposal (Table 3, page 14) states that the FFCA was developed 'to assess potential impacts associated with future redevelopment and to recommend appropriate measures to mitigate any potential ecological impacts. The report has identified moderate and high constraints areas where there is potential for ecological impacts. The findings of this assessment have been taken into account during the design of the new golf clubhouse the subject of the current DA (DA2022/2081). The report will also inform the design of the broader WRC redevelopment.' The FFCA does not assess the potential impacts of the future development on the ecological values identified, merely recommends significance of impact assessments to be undertaken. The FFCA does not assess the direct or indirect impacts of the design of the new golf clubhouse or the broader Warringah Recreation Centre redevelopment on the values present or potentially present within and adjacent to the 'subject site'. The FFCA has only identified moderate and high constraints areas within the 'subject site' assessed, which is only a portion of the whole redevelopment site, therefore the potential for ecological impacts on other parts of the redevelopment site are not identified or ruled out. The constraints map provided in the FFCA (Figure 5, page 66) indicates that the high constraint area (red shading) is connected to vegetated areas to the north and east of the 'subject site', which were not assessed in the field. The full extent of this high constraint area should be delineated in order to identify potential impacts from the whole redevelopment (both direct and indirect) and to protect this ecological community appropriately.
- The excerpts Of the Masterplan (Figure 1, page 2) and the architectural drawing (Figure 2, page 4) in the Planning Proposal appear to show some vegetation planting along the riparian corridor and a new footbridge across Brookvale Creek to access the site from the proposed parking area. The potential impacts of these or other activities within the Brookvale Creek riparian corridor have not been assessed within the FFCA. However, the Planning Proposal (Table 4, page 17) states that it 'does not rezone the vegetated area within the site and does not otherwise impact on this area'. Further assessment of the whole development on the ecological communities within the riparian corridor is required in order to identify both direct and indirect impacts to the riparian and waterway ecosystems and their habitat values.
- Other potential information gaps or sources of inaccuracy in the FFCA report include:
 - Desktop searches were undertaken in 2020; the desktop assessment and likelihood of occurrence tables should be updated to account for new data and mapping updates, as well as new status listings and changes of species and communities.
 - The potential presence of the threatened species *Callistemon linearifolius* has not been confirmed within the report, stating that it is awaiting the results of Herbarium specimen confirmation.
 - The patch of threatened ecological community (TEC) listed under the EPBC Act is considered as connected to another patch of the same TEC on the southern side of Kentwell Rd (less than 30 m distance). It does not appear as though the presence of the TEC has been confirmed in this southern patch, in order for these two areas to be joined for the purpose of this assessment. There also appears to be *Casuarina* species present along the northern boundary of the Warringah Recreation Centre tennis courts, which have not been assessed as part of the FFCA and therefore not confirmed whether there are any additional areas of the same TEC within or adjacent to the redevelopment site. The assessment of this TEC does not provide details on how the TEC meets the key diagnostic criteria.
 - Limited assessment of the aquatic habitat values and in-stream habitat features was undertaken.

- The hydrology section (Section 1.4) does not mention the influence of tidal or saline groundwater on the waterway. This is mentioned in the vegetation community and habitat descriptions.
- The Warringah Development Control Plan (DCP) 2011 has waterways and riparian lands mapped along the section of Brookvale Creek, as well as a wildlife corridor mapped to the south of Kentwell Rd, which is not identified in Section 1.8 under the Warringah DCP 2011 heading.
- There is no description of the proposed redevelopment areas, facilities or construction activities included, which would enable an assessment of impacts to ecological values to be undertaken.
- The scope (Section 1.5) of the FFCA includes identification of potential impacts or risks, and recommendations of controls or other actions to protect values and environmental outcomes. An assessment of direct and indirect impacts to ecological values identified at the site has not been included. No recommendations of controls or actions to protect values has been included.
- The Assessment of Significance tests have not been undertaken for the potentially occurring threatened species or ecological community listed under the BC Act.
- A significant impact assessment for the EPBC Act listed threatened ecological community has not been undertaken.

We note that Council's Biodiversity Planning Team has also requested additional information regarding the potential impacts of the development to trees and native vegetation, and an assessment of the significance of potential impacts to the ecological community. Tests of significance of impacts have not been done for any potentially occurring species or communities. The FFCA recommends that this is included within a Flora and Fauna Assessment Report or Biodiversity Development Assessment Report.

The mapped high constraints area (red shading) is categorised as having a low potential for future development without the implementation of impact mitigation strategies. However this area encompasses the EPBC Act listed TEC area, which is likely to require complete avoidance unless an approval is sought for direct impacts within this area. The Masterplan shows a footbridge through this area, therefore more detail on the potential impacts to this area is needed to inform the design footprint, construction methods, and potential approval pathways.

We provide the following recommendations:

- In order to inform the design of the proposed redevelopment, it is recommended that the assessment of ecological constraints be updated to include:
 - The broader redevelopment area.
 - Proposed construction and operation activities.
 - Recent information from available databases and mapping, and updated species and ecological community listings.
 - Assessment of potential impacts and risks to the values and to the future development.
 - Recommendations of avoidance and mitigation measures, and legislative restrictions or approval requirements.

To provide suitable avoidance and protection of the EPBC Act listed TEC, delineation of the entire patch is recommended, including assessment of the connected vegetated areas and assumed patch of TEC south of Kentwell Rd. This will enable assessing the patch against the key diagnostic criteria and condition thresholds, areas of habitat critical to the survival of the TEC, patch definitions, and buffer zone identification and protection. Suitable avoidance and management of the EPBC Act listed TEC is likely to also result in suitable avoidance of the NSW listed ecological community due to the similarity in extent and ecosystem values.

Future assessment to accompany a DA will need to assess the extent of impact associated with the proposed future development of the site to confirm the biodiversity assessment pathway and if the Biodiversity Offsets Scheme is triggered and the requirement for a Biodiversity Development Assessment Report (BDAR). A BDAR, if required, would need to assess direct and prescribed impacts of the proposed development, clearly demonstrate measures taken to avoid and mitigate impacts and identify the quantum of offset required for any residual impacts that cannot be avoided".

In summary, the GHD technical review identifies multiple inconsistencies and information gaps that need to be addressed, however for the purpose of the assessment of the Planning Proposal, these gaps and inconsistencies do not preclude the Proposal from being supported from an ecological perspective. Rather, the review provides details of requirements for the accurate assessment of the DA, that would enable a decision to be made. This aligns with the comments from Council's Biodiversity Planner who has requested further information and is not supportive of the DA at this stage.

2.3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

2.3.3.2.1 Transport

The Proposal outlines the following in relation to traffic:

- *"The site has ready access to the surrounding regional road network with Kentwell Road providing direct vehicle access to Pittwater Road and Condamine Street.*
- *The site is also situated within 400 metres of several bus stops located along Pittwater Road and Condamine Street, servicing 10 bus routes.*
- *Council is currently finalising the site masterplan which anticipates the provision of approximately 124 parking spaces on site. Further, the Traffic Impact Assessment undertaken for the clubhouse DA (PDC Consultants, November 2022) notes that:*
... it is evident that in the vicinity of the site there is an abundance of spare car parking spaces on both a typical weekday and Saturday, noting that the parking demand does not exceed 48% along Kentwell Road and 11% within the bowling club during a typical weekday, while during the weekend, the parking demand did not exceed 84% along Kentwell Road and 29% within the bowling club car park during a typical weekday".

Council staff comments

Council Traffic Engineering Coordinator provided the following comments:

"The Transport Network team has reviewed the proposal for a clubhouse on this land under the relevant Development Application (DA2022/2081) and supported the development subject to conditions, detailed comments regarding the development application and conditions of consent were outlined in the traffic referral comments.

In traffic referral comments concerns were raised regarding the shortfall in parking to support the clubhouse however as was outlined in the development's Traffic Report the required parking was to be provided separately by Council in conjunction with the Warringah Recreation Centre Masterplan. Provided the development proceeds in line with the comments made in those referral comments and subject to Council completing other works identified in the Masterplan for the development of Warringah Recreation Centre, there are no traffic engineering issues associated with the additional permitted use outlined in the planning proposal and hence no objections".

In summary, despite the further information requested in relation to the DA, Council's Traffic Engineering Coordinator has no objection to the Proposal.

2.3.3.2.2 Coast and Catchments

The Proposal outlines the following in relation to riparian impacts:

"Brookvale Creek is located to the west of the existing Warringah Recreation Centre. Brookvale Creek is a Strahler third order stream. Works occurring within 30 metres of the highest bank of the creek would be considered a controlled activity under the Water Management Act 2000 and approval from the NSW Natural Resources Access Regulator is required before commencing the controlled activity. It is noted that the clubhouse DA is 'integrated' and that general terms of approval from the NRAR will be sought as part of the DA determination".

As outlined in Section 2.3.2.5 the site is mapped in the coastal use and coastal environment area. It is unlikely that the additional permitted use will have any impacts on the matters for consideration in this SEPP.

Council staff comments

Councils Catchments team has reviewed the proposal and provided the following comment:

"The Proposal has been assessed in regard to Riparian and Water Management issues and there are no concerns with the Proposal. Riparian and Water Management issues were covered in the referral process for Development Application (DA2022/2081).

There are no other Riparian and Water Management issues identified with the Planning Proposal and hence no objections".

In summary, Council's Catchment team, has no objection to the Proposal.

2.3.3.2.3 Landscaping

Council staff comment

Councils Senior Landscape Architect has reviewed the proposal and provided the following comment:

"It is noted that the applicable District Park Plan of Management recognised this location for relocation of the Warringah Golf Clubhouse.

The proposed location in terms of a landscape setting is considered appropriate as the location is predominantly over area occupied by existing tennis hardcourt.

The proposed location of the Warringah Golf Clubhouse and associated infrastructure works such as stormwater provisions are likely to impact upon the existing stand of Swamp She-Oak trees planted post WW2 that exist between the existing tennis courts and the existing golf course practice green. However it is considered that adequate land area is available for tree replacement to offset any canopy loss, and additionally replacement tree planting along the existing Brookvale Creek riparian watercourse in close proximity provides opportunity to enhance the riparian environment within the golf course as an environmental benefit".

In summary, Council's Senior Landscape Architect has no objection to the Proposal.

2.3.3.2.4 Flooding and Stormwater Management

The Proposal outlines the following in relation to flooding and stormwater management:

"The site is flood affected. An assessment of the Planning Proposal has been undertaken by Stellen Consulting (refer Attachment 3) against the flood controls contained within the following:

- *Warringah Development Control Plan 2011 – E11 Flood Prone Land.*
- *Guidelines for Development on Flood Prone Land (Guidelines for development on flood prone land | Northern Beaches Council (nsw.gov.au)).*
- *Northern Beaches Council Water Management Policy – Flood Risk Management (2017).*
- *Floodplain Development Manual (NSW Government, 2005).*
- *Considering flooding in land use planning guideline (2021).*
- *Ministerial Direction 9.1 – 4.1 Flood Prone Land (2022).*

The report indicates that during the 1% AEP event, the existing District Park Tennis and Squash Centre will be inundated with floodwaters arising from flooding within Brookvale Creek. However, the depth across the site during a 1% AEP event peak is not more than 0.3m and the velocity x depth product is less than 0.3m^{2s-1}. A Flood Planning Level of 300mm freeboard is therefore considered sufficient for the proposed planning for the registered club.

Stellen Consulting concludes as follows:

For any future development which includes a Registered Club use type, compliance with the controls contained within the Warringah DCP E11 ... would mean that the Planning Proposal is consistent with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 and accordingly permissible under Ministerial Section 9.1 Direction 4.1.

Based on the detailed review of the flooding constraints applicable to the site, the Planning Proposal, if carried out in accordance with the recommendations of the attached report, is consistent with the relevant requirements of the policies and guidelines above and is supported by Stellen Consulting.

Stellen Consulting has also prepared a Stormwater Management Plan for the clubhouse DA which includes water sensitive urban design measures to manage runoff water quality and quantity. A copy of the plan is included at Attachment 4".

Council staff comment

Councils Development Engineering and Certification Unit, and Floodplain Planning and Response Unit provided the following comments:

"As Development Engineering assessed the same proposal in the Development application (DA2022/2081), stormwater drainage issues were identified then. There are no other development engineering issues identified with the planning proposal and hence no objections."

The proposal is supported as being compliant with: Part 4.1 of Ministerial Direction 9.1; Chapter 10.0 of the Northern Beaches Council Water Management for Development Policy; and principles of the Floodplain Development Manual 2005.

It is supported that a registered club development at the site can be achieved that is compliant with Clause 5.21 of the Warringah LEP and Part E11 of the Warringah DCP.

The flood referral body has no objections to the proposal".

In summary, neither the Development Engineering Unit nor the Floodplain Planning and Response Unit have any objection to the proposal.

GHD review

GHD undertook a peer review of the Stormwater Management Plan, and Flooding Assessment. The review provides the following findings and conclusions:

- Generally the findings of the flooding assessment are supported, with the exception of the hydraulic hazard for the site which should be updated.
- The assessment against the relevant provisions of the Council LEP and DCP using the "medium flood risk precinct" controls for Business and Industrial land uses is considered appropriate given the intended use of the development for a registered club.
- Consideration should be made as to the potential for flood impacts associated with infill development and raising the floor level of the proposed building to the 1% AEP flood level plus 0.3 m freeboard once plans for the site have been further developed and acceptable flood afflux criteria have been confirmed with Council".

Notwithstanding that the hydraulic hazard for the site which should be updated, and further detail is required at the DA stage, GHD is generally supportive of the flood assessment.

2.3.3.2.5 Noise

The Proposal outlines the following in relation to noise:

“Potential noise impacts associated with the establishment of a registered club on the site can be dealt with by way of compliance with the recommendations of an acoustic assessment and operation in accordance with an appropriate plan of management. It is noted that the clubhouse DA is accompanied by an Acoustic Assessment and Operational Plan of Management”.

Any DA lodged will be subject to assessment by Council's Environmental Health officer. Acoustic impacts can be assessed at this stage and can be mitigated by way of conditions of consent.

2.3.3.2.6 Contamination

The Proposal outlines the following in relation to contamination:

“Preliminary Site Investigation (PSI) prepared for the clubhouse DA (NEO Consulting, February 2023) noted that the continuous use of the land as recreational indicates low potential impact of any contamination. The PSI found no exceedance of the NEPM Health and Ecological Assessment Criteria for Commercial/Industrial (D) sites from soil samples and no visible indications of contamination or contaminating sources. NEO Consulting concluded that the required considerations of CI 4.6 of the Resilience and Hazards SEPP are satisfied”.

The Preliminary Site Investigation (PSI) referenced above did not form part of the Proposal, and thus has not been reviewed as a part of this assessment. Notwithstanding, based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.

2.3.3.2.7 Acid Sulfate Soils

GHD review

GHD undertook a peer review of the following documents:

- Attachment 2 – *Indicative Waste Classification Report*, Alliance Geotechnical, 1 December 2020.
- Attachment 5 – *Acid Sulphate Assessment*, Ideal Geotech, November 2022(a).
- Attachment 6 – *Acid Sulphate Management Plan*, Ideal Geotech, November 2022(b).

The review provides the following findings and conclusions:

- The report appears to adequately address the six steps outlined in Part 1: Classifying waste (NSW EPA, 2014), noting the following data gaps (which are not specifically identified in the report).
- Boreholes were situated around the perimeter of the existing sports courts (i.e. no boreholes were located within the footprint of the proposed clubhouse).
- No surface samples (i.e. 0.0-0.2 mbgl) were collected.
- No quality control field duplicate samples were collected or analysed.
- The laboratory report for ASS CRS suite analysis is not appended to the report, therefore GHD cannot verify whether the net acidity reported excludes ANC, as recommended in the National Acid Sulfate Soils Guidance (Water Quality Australia, 2018).
- The report includes the following omissions:
 - Reference to Part 4: Acid sulfate soils (NSW EPA, 2014).
 - Clarification that treatment of ASS is required prior to disposal.
 - Acknowledgement that an ASS management plan is required in accordance with the Acid Sulfate Soil Manual (ASSMAC, 1998).

However, we agree with the overall conclusion of the report, which identifies the presence of ASS on site and an indicative waste classification of General Solid Waste (pending treatment to neutralise ASS) at the five borehole locations; and we consider the findings and conclusions adequate for the purpose of informing the Planning Proposal. The ASS assessment was undertaken in general accordance with ASSMAC (1998), noting the following data gaps:

- Very limited sampling density, both spatially (for the clubhouse footprint and other proposed site construction works) and vertically at each borehole location.
- No surface samples (i.e. 0.0-0.5 mbgl) were collected.
- The National Acid Sulfate Soils Guidance (Water Quality Australia, 2018) recommends ASS CRS suite analysis for the assessment of ASS (to avoid potential false positive identification due to organic matter).

The aggressivity results (presented in Table 5 of the report, not Table 4 as stated) were appropriately assessed against the Australian Standard AS2159 Piling – Design and Installation.

However, we agree with the overall conclusion of the report, which identifies the presence of ASS on site and mildly aggressive conditions for concrete erosion; and we consider the findings and conclusions adequate for the purpose of informing the Planning Proposal.

The plan prepared by Ideal Geotech (2022b) has been prepared in accordance with ASSMAC (1998) and adequately summarises the site conditions in regard to ASS [reproduced from the Acid Sulphate Assessment report (Ideal Geotech, 2022a)] and outlines the management requirements for the treatment of identified ASS and minimisation of potential generation of acidity during proposed earthworks.

Clarification and revision of the validation (verification) testing requirements is warranted, including detailed methodology for sample collection and substitution of ASS field screening for ASS CRS suite analysis, in general accordance with the National Acid Sulfate Soils Guidance (Water Quality Australia, 2018).

Notwithstanding this recommended revision, the plan is considered suitable for the purpose of informing the Planning Proposal.

Based on the data provided by in the reports (noting the limitations, data gaps and recommended revisions outlined above) the land is considered likely to be suitable for rezoning, subject to the recommendations and management requirements outlined in the reports and management plan.

In summary the presence of ASS can be mitigated by way of the ASSMP.

2.3.3.2.8 Heritage

Refer to Table 1.2 in Section 2.3 of this report.

2.3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal outlines the following in relation to social and economic effects:

“The Planning Proposal will provide significant positive social and economic impacts associated with the construction of new community and recreation facilities. The purpose of the Planning Proposal is to support the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre which in turn will enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

The proposal will result in positive social flow-on effects for the local area. The recreational facilities enabled by the proposal will contribute to maintaining and promoting active lifestyles for the community that will use the facility. Moreover, the facility will act as a community meeting place where social interaction and community events can occur”.

GHD acknowledge there is a need for the relocation of the Golf Clubhouse. It is logical that the clubhouse be co-located with the golf course and other facilities. Council may consider further studies in relation to the types of recreational facilities located in District Park which may impact the siting of the proposed clubhouse. Such a study could be requested at the DA stage.

2.3.4 Section D – Infrastructure (Local, State and Commonwealth)

2.3.4.1 Is there adequate public infrastructure for the planning proposal?

The site is in an established urban area and benefits from access to a range of existing facilities and services, including utilities. The Development Engineering Unit has not raised any objections to the proposal, as outlined in Section 2.3.3.2.4 of this report.

The site is in close proximity to a number of public transport services, including bus services along Pittwater Road adjacent the site which provide connections to the Manly Town Centre and the Northern Beaches. The site is located approximately 3.5 km from the Manly Town Centre, which provides additional public transport connections to the Sydney CBD, North Sydney CBD and Chatswood.

2.3.5 Section E – State and Commonwealth Interests

2.3.5.1 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Proposal does not nominate which State and Commonwealth Public Authorities that it should be referred to. It does state that the Proposal may require consultation with Transport for NSW and the NSW Natural Resources Access Regulator. Based on the proposal scope, referral to State Agencies is not required at the Planning Proposal stage.

2.4 Part 4 – Maps

The Planning Proposal will introduce additional permitted uses under Schedule 1 pursuant to clause 2.5 of the LEP. The proposed amendment will require an updated Additional Permitted Uses Map (Additional Permitted Uses Map - Sheet APU_008).

The applicant should be requested to provide the following mapping:

- Survey-accurate mapping that shows the extent of the land proposed to be included in Schedule 1 overlaid on a site aerial.
- An updated survey accurate zoning map.

2.5 Part 5 – Community Consultation

A Scoping Proposal was not prepared, and no pre-lodgement meeting was held. No consultation was undertaken with any State Agencies. The Proposal states that the Warringah Golf Club:

“has been working with Council officers on the proposition to re-locate the Club’s existing clubhouse from 397 Condamine Street, Allambie Heights to a location adjacent to the golf course”

and:

“The site identified by the Club as the most suitable for their future clubhouse is the current Warringah Recreation Centre site. This site is in average condition and in need of rejuvenation. This Planning Proposal will facilitate the proposed re-location of the clubhouse which is seen as highly important by the Club and the community to not only deliver a greater user experience, but also to realise the value within their existing property to be able to invest both in the construction of new facilities and the improvement of the course.

Council has prepared a draft master plan for the site which will incorporate the clubhouse and a new tennis centre (refer Figure 1). The intention is for the joint development of the subject site between Council and Warringah Golf Club (WGC) to deliver the wider Masterplan intentions”.

GHD has not seen any documentary evidence of any consultation with Council.

Council publicly exhibited the Proposal for 14 days (non-statutory exhibition). 39 public submissions were received, of which 33 were in support of the proposal, three (3) objected to the Proposal, and three (3) appeared to be neutral. A summary of the matters raised objecting to the Proposal is provided in the table below:

Table 2.3 Response to public submissions

Objections	Comment
Loss of Sports Courts identified in the District Park Plan of Management	<p>Section 4.2.3 of the District Park Plan of Management (DPPOM) provides background information relating to District park, including that the Warringah recreation centre has six tennis courts and three squash courts, and that there are futsal courts at the Warringah Recreation Centre. The DPPOM Actions include:</p> <ul style="list-style-type: none"> – “Support provision of additional futsal/multi-use synthetic courts at locations which could include Warringah Recreation Centre and the Calabria Club. – Investigate upgrading tennis and squash courts at Warringah Recreation Centre – Identify suitable locations for multi-purpose sports courts catering for informal netball, basketball and other court sports at locations which could include Warringah Recreation Centre and Nolan Reserve. – Investigate the feasibility of additional squash courts”. <p>Whilst the approval of the DA would prevent the provision of additional courts at the Warringah Recreation Centre, and reduce the number already constructed, it does not ‘approve the clubhouse, as the approval of the DA is required. Nor does the DPPOM strictly outline that the Warringah Recreation Centre (WRC) must accommodate any additional courts or sporting facilities. The DPPOM suggests further investigations.</p> <p>The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation. Notwithstanding, the loss of sports courts does not preclude support of the Proposal.</p>
Vegetation removal,	<p>The FFCA has been reviewed by Council Biodiversity Planner and GHD’s Ecologist. Whilst the FFCA has provided insufficient information, the inconsistencies and gaps can be addressed at the DA stage.</p>
Licensed Alcohol and Gambling Venue	<p>The objection expresses concern at the social impacts of alcohol and gambling if the venue is a licensed venue.</p> <p>The proposal does not stipulate whether or no gambling would be permitted at the club. By definition a Registered club “means a club that holds a club licence under the Liquor Act 2007”.</p> <p>The consumption of alcohol does contribute to social problems, as discussed in the objection and as is commonly understood. Notwithstanding, GHD understand that the golf club currently operates as a ‘registered club’. The Proposal will therefore not result in a net increase in registered clubs. This is, however, not strictly a planning matter.</p>
Traffic	<p>As discussed in Section 2.3.3.2 of this report, the traffic engineering coordinator has no objections to the Proposal.</p>
Golf is an elitist sport	<p>Golf as an activity may not be financially accessible to all, however this is not strictly a matter for planning consideration. The equitable provision of a variety of activities is within the remit of Council, and as discussed in relation to the loss of sports courts, Council may consider requesting a social study that seeks community input in relation to this matter.</p>
The land should be used for a better purpose or more public recreation	<p>The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation.</p>
Encroachment into the riparian lands including earthworks and increased impervious areas	<p>Refer to comments in relation to vegetation removal.</p>
Impacts of the proposal on Brookvale Creek, vegetation, Flooding and Acid Sulphate soils as identified in the District Park Plan of Management	<p>These matters are addressed in the following sections of this report:</p> <ul style="list-style-type: none"> – Brookvale Creek – Refer to Section 2.3.3.2.2 – Vegetation – Refer to Section 2.3.3.1 – Flooding – Refer to Section 2.3.3.2.4 – Acid Sulphate soils – Refer to Section 2.3.3.2.7 <p>None of these matters preclude supporting the Proposal.</p>

The matters raised in the submissions in support of the proposal are summarised as follows:

- Gathering place for families.
- Food and relaxed atmosphere.
- Indoor and outdoor areas.
- Funded by the Golf Club.
- Golf facilities.
- No poker machines.
- District Park Plan of Management contains a provision for a licensed club.
- Noise mitigation measures.
- Ample parking and Public transport.
- Function Venue.
- Use of funds generated for local sporting bodies.
- Licensed Venue.
- Utilisation of the site.
- Traffic management provisions.
- Playing Golf is an active option for Seniors.
- Provide a venue of this type that the local community can utilise and not have to travel farther afield to access.
- Sufficient studies have been completed in relation to traffic and parking, environmental impacts and noise that demonstrate positive outcomes.
- The design is sympathetic to the local environment, is sustainable and the landscaping proposed will enhance the areas adjacent to Brookvale Creek.
- It is not intended to be a 'mega club'.
- Council ownership.
- It assists in balancing the needs of various sporting communities.

In summary, most of the objections can be addressed at the DA stage. The impacts of the proposed location of the clubhouse reducing the availability/ variety of other courts is the subject of the future masterplan for the WRC site.

The majority of the submissions were in support of the Proposal.

GHD has concluded that the community is generally supportive, and that the objections raised are matters for assessment at the DA stage.

The Proposal sets out that:

"Council will place the Planning Proposal on public exhibition in accordance with the Gateway Determination and requirements of the Local Environmental Plan Making Guideline (NSW Department of Planning, Industry and Environment, September 2022). The Guideline indicates that consultation will be tailored to specific Proposals. The exhibition period for standard Planning Proposals is 20 days".

The Guideline states that the statutory public exhibition period recommended for standard proposals is 20 days.

2.6 Part 6 – Project Timeline

Table 2.4 Timeline

Stage	
Consideration by Council	October
Council Decision	October
Gateway Determination	Late 2023
Commencement and completion of public exhibition period	Early 2024
Consideration of submissions	Early 2024
Post-exhibition review and additional studies	Early 2024
Submission to the Department for finalisation (where applicable)	Mid 2024
Gazettal of LEP amendment	Mid 2024

3. Recommendations

GHD's engagement involved the following:

- Review and objectively assess the application and Proposal.
- Undertake a peer review of the technical studies submitted with the application.
- Consider comments received from internal staff referrals, adjoining property owners and independent parties as part of Council's non-statutory notification period.

On the basis of the information presented with the Proposal, it is recommended that Council support the progression of the Proposal for a Gateway determination from DPE under section 3.34(1) of the EP&A Act.

Any future ecological assessment submitted in support of the DA should address the following matters:

- The broader redevelopment area.
- Proposed construction and operation activities.
- Recent information from available databases and mapping, and updated species and ecological community listings.
- Assessment of potential impacts and risks to the values and to the future development.
- Recommendations of avoidance and mitigation measures, and legislative restrictions or approval requirements.
- To provide suitable avoidance and protection of the EPBC Act listed TEC, delineation of the entire patch is recommended, including assessment of the connected vegetated areas and assumed patch of TEC south of Kentwell Rd. This will enable assessing the patch against the key diagnostic criteria and condition thresholds, areas of habitat critical to the survival of the TEC, patch definitions, and buffer zone identification and protection. Suitable avoidance and management of the EPBC Act listed TEC is likely to also result in suitable avoidance of the NSW listed ecological community due to the similarity in extent and ecosystem values.
- Future assessment to accompany a development application will need to assess the extent of impact associated with the proposed future development of the site to confirm the biodiversity assessment pathway and if the Biodiversity Offsets Scheme is triggered and the requirement for a Biodiversity Development Assessment Report (BDAR). A BDAR, if required, would need to assess direct and prescribed impacts of the proposed development, clearly demonstrate measures taken to avoid and mitigate impacts and identify the quantum of offset required for any residual impacts that cannot be avoided".

Appendices

Appendix A

Planning Proposal



PLANNING PROPOSAL

Amendment to Warringah LEP 2011
Warringah Golf Club, North Manly

Submitted to Northern Beaches Council
On behalf of Property Commercial & Tourist Assets, Northern Beaches Council

1 May 2023

© MG Planning Pty Ltd 2023

All Rights Reserved. No material may be reproduced without prior permission.
While we have tried to ensure the accuracy of the information in this publication,
the Publisher accepts no responsibility or liability for any errors, omissions or
resultant consequences including any loss or damage arising from reliance in
information in this publication.

MG Planning Pty Ltd
ABN 48 098 191 443
www.mgplanning.com.au
PO Box 197, Drummoyne, NSW, 1470
+61 405 180 116

1 INTRODUCTION	1
1.1 Background.....	1
1.2 Development Applicatin for new clubhouse	3
2 THE SITE	5
2.1 Site location and context.....	5
2.2 Site description.....	6
2.3 Surrounding context	7
2.4. Existing planning controls	7
3 PLANNING PROPOSAL.....	9
3.1 Part 1 Objectives or intended outcomes.....	9
3.2 Part 2 Explanation of provisions.....	9
3.3 Part 3 Justification	9
3.3.1 Section A: Need for the Planning Proposal	9
3.3.2 Section B: Relationship to Strategic Planning Framework.....	10
3.3.3 Section C: Environmental, Social and Economic Impact.....	19
3.3.4 Section D: State and Commonwealth Interests	23
3.5 Part 4 Mapping	23
3.6 Part 5 Consultation.....	23
3.7 Part 6 Project Timeline	24
4 CONCLUSION.....	24

ATTACHMENTS

Attachment 1	Flora and Fauna Constraints Assessment Report
Attachment 2	Waste Classification
Attachment 3	Flood Assessment
Attachment 4	Stormwater Management Plan
Attachment 5	Acid Sulphate Assessment
Attachment 6	Acid Sulphate Management Plan

1 INTRODUCTION

This Planning Proposal has been prepared by MG Planning on behalf of the Property Commercial and Tourist Assets Division of Northern Beaches Council. It seeks to amend the Warringah Local Environmental Plan 2011 (WLEP 2011) by including a Schedule 1 Additional Permitted Use for a 'registered club' on the site of the Warringah Recreation Centre, North Manly. The objectives of this Planning Proposal are to seek an amendment to the Warringah LEP to:

- facilitate the relocation of the Warringah Golf Club clubhouse to the Warringah Recreation Centre site
- enable the re-development of the Warringah Recreation Centre incorporating a new clubhouse, community tennis facilities and associated parking.

A Development Application (DA) for a new Golf and Community Club on the subject site was lodged by the Warringah Golf Club (the Club) on 14 February 2023 (Council Ref: DA2022/2081). For the purposes of the DA, the Club has argued that the proposed development is ancillary to the Warringah Golf Course which is considered to fall under the definition of a 'recreation facility (outdoor)' and is permissible in the RE1 zone (refer discussion in Section 1.2). Notwithstanding the lodgement of the DA, Council's Property Team is of the view that a 'registered club' should be added as an Additional Permitted Use in the WLEP 2011 to avoid any ambiguity around the permissibility of the use and to enable the operation of the Warringah Golf Club in its own right.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act), and includes the requirements as set out in *A Guide to Preparing Planning Proposals* published by the then Department of Planning and Environment in August 2016 as follows:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the Planning Proposal
- **Part 6** – Details of the project timeline

1.1 Background

District Park is a 62-hectare site in North Manly comprising multiple sporting reserves, an 18-hole golf course (Warringah Golf Course) and the recreation centres currently known as Warringah Recreation Centre (tennis, squash, futsal) and the former North Manly Leagues Club (bowling club now vacant). The facilities in District Park cater to various community sporting interests and sporting clubs.

The District Park Plan of Management (the PoM) was adopted in August 2015 and envisaged retaining an 18-hole golf course. Subsequently in July 2017 the Northern Beaches Sportsground Strategy was endorsed which proposed solutions to the shortfall in playing fields across the LGA including the modification of the Warringah Golf Club to a 9-hole facility. However, this option to convert part of the golf course to sports fields was not progressed. Instead, in April 2019 Council resolved to enter into a 20 year lease for the Warringah Golf Course with the Club and to enter into licences with the Warringah Recreation Centre operators Voyager Tennis Pty Ltd, Luik Holdings Pty and Northern

Beaches Futsal Association Inc for an interim period of one year from 1 September 2019 to 31 August 2020 pending the finalisation of the future direction of the site.

Since that time the Club has been working with Council officers on the proposition to re-locate the Club's existing clubhouse from 397 Condamine Street, Allambie Heights to a location adjacent to the golf course. The PoM envisages the relocation of the clubhouse to an alternate location within District Park, possibly within a multipurpose modern sporting and community facility in District Park which consolidates existing clubhouses.

The site identified by the Club as the most suitable for their future clubhouse is the current Warringah Recreation Centre site. This site is in average condition and in need of rejuvenation. This Planning Proposal will facilitate the proposed re-location of the clubhouse which is seen as highly important by the Club and the community to not only deliver a greater user experience, but also to realise the value within their existing property to be able to invest both in the construction of new facilities and the improvement of the course.

Council has prepared a draft master plan for the site which will incorporate the clubhouse and a new tennis centre (refer Figure 1). The intention is for the joint development of the subject site between Council and Warringah Golf Club (WGC) to deliver the wider Masterplan intentions.



Figure 1: Proposed Warringah Recreation Centre Masterplan

1.2 Development Application for new clubhouse

On 14 February 2023 Warringah Golf Club lodged a DA for a new Golf and Community Club on the subject site (DA2022/2081). The DA seeks approval for:

- New two-storey clubhouse with a total 1,201.17m² GFA, including:
 - pro shop (retail)
 - garden lounge
 - meeting room(s) and Council room(s) (commercial office/meeting space)
 - dining and function rooms
 - sports bar (licensed bar)
 - terrace area across ground and first floor
- Loading / servicing areas, nine (9) car parking spaces, and pick-up / drop-off area.

The DA contends that the proposed development would be considered an Ancillary Building to the Warringah Golf Course, which falls under the definition of a 'recreation facility (outdoor)' and is permitted with consent under the RE1 Public Recreation Zone. The proposed clubhouse is considered to be subordinate and subservient to the predominate use of the wider site for the Warringah Golf Course. In coming to this view, the DA has considered the principles which apply to 'ancillary use' which were expressed by the Court of Appeal in the judgment of *Foodbarn Pty Ltd v Solicitor General (1975) 32 LGERA 157 (Foodbarn)*. The DA argues that the proposed clubhouse supports and subserves the primary Warringah Golf Course use on-site and is properly characterised as ancillary.

As detailed in the DA, site preparation works (earthworks), infrastructure servicing and landscaping is proposed to be carried out by Council while compensatory (replacement) tree planting is to be carried out by the Warringah Golf Club.

At the time of writing the DA had not yet been determined.

Notwithstanding the lodgement of the DA, Council's Property Team is of the view that a 'registered club' should be added as an Additional Permitted Use in the WLEP 2011 to avoid any ambiguity around the permissibility of the use and to enable the operation of the club in its own right.

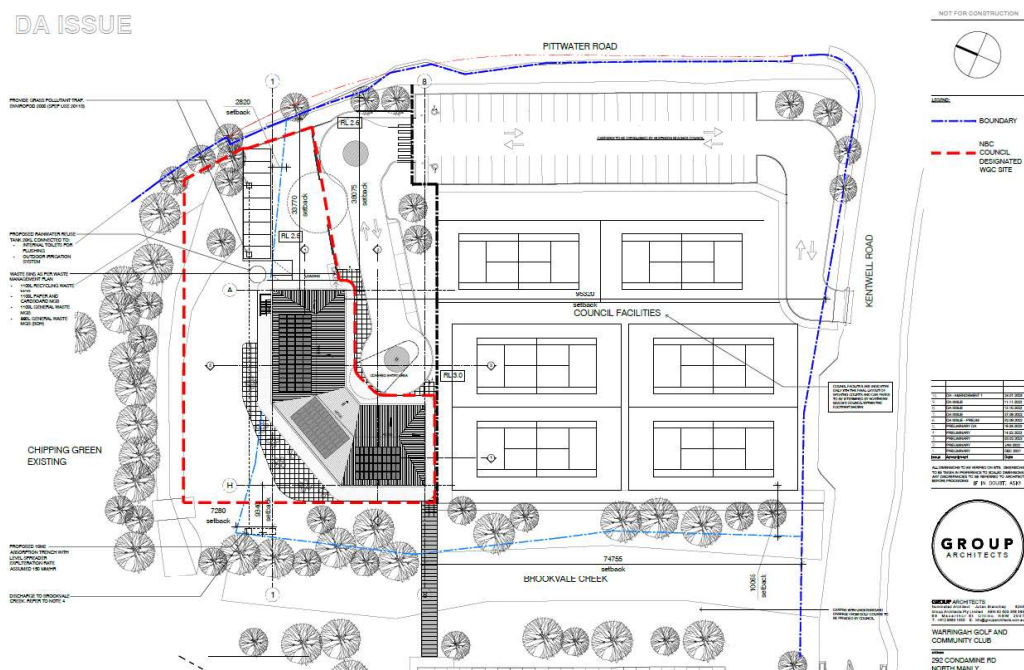


Figure 2: Excerpt from DA architectural plans

2 THE SITE

2.1 Site location and context

The Warringah Recreation Centre site ('the site') is located on the corner of Kentwell Road and Pittwater Road, North Manly within the Northern Beaches Local Government Area. It is situated approximately 11km to the north-east of the Sydney Central Business District, 800m to Warringah Mall and 3km to Manly Wharf.

The site is located within District Park which consists of the area commonly known as Nolan, Passmore, Millers and David Thomas Reserves as well as the Warringah Golf Course. The park is located at the boundary between the suburbs of Manly Vale and North Manly. District Park is one of Warringah's most significant reserves in terms of its sporting, recreational and open space potential. It is a complex and regional resource containing a number of different categories of community land.

The site's location is shown in Figure 3.

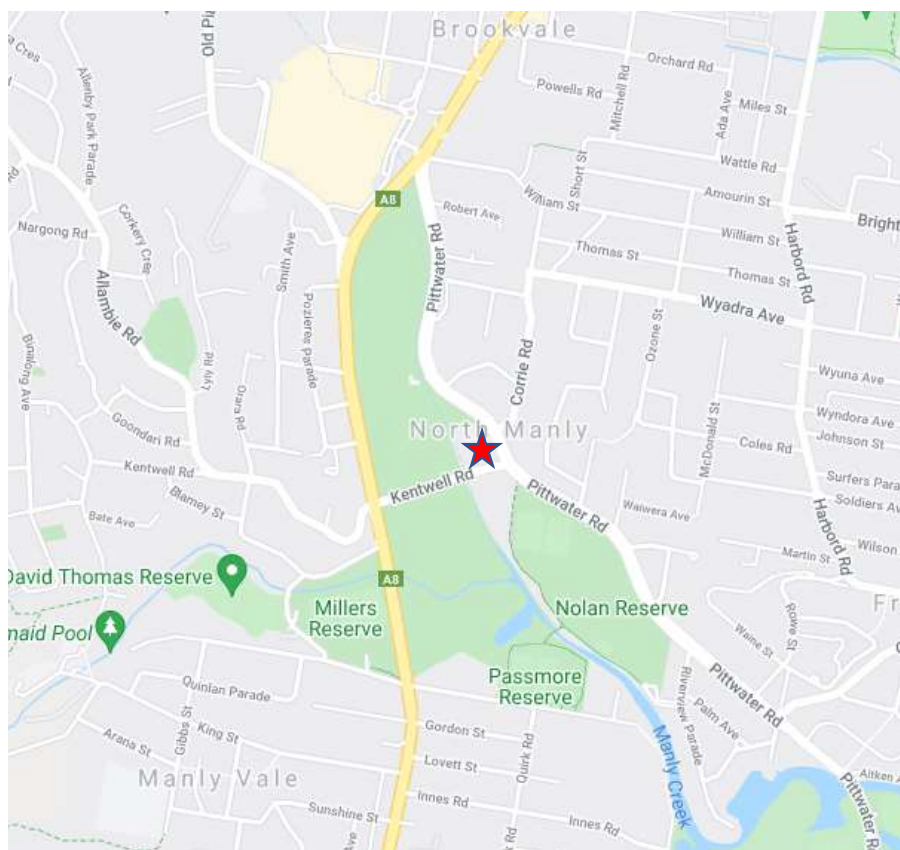


Figure 3: Site location
(Source: www.nearmap.com)

2.2 Site description

The site is part of Lot 2742 in Deposited Plan 752038 and is owned by Northern Beaches Council. It has an area of 10,224.6 sqm and a frontage of approximately 80m to Kentwell Road and 120m to Pittwater Road. The site is relatively flat.

The site currently comprises six tennis courts with synthetic grass and clay surfaces and a dedicated 'Hot Shots' court. In addition, there are two new synthetic grass futsal courts and three squash courts. There is also a clubhouse with refreshments, pro shop and changing rooms with showers.

There are two entry points to the site off Kentwell Road, one approximately 75m and the other approximately 40m from the intersection with Pittwater Road. Off street car parking is available along both internal access driveways within the southern and eastern sections of the site. On-street 90-degree parking is located on the south side of Kentwell Road.

The site is bordered by vegetation on its western, northern and eastern sides. Riparian vegetation to the west adjacent to Brookvale Creek has been identified as poor-moderate quality Estuarine Swamp Oak Forest (refer discussion in Section 3.3.3 for further detail).

The site is identified on Council's Flood Hazard Map as a medium risk precinct and the adjoining riparian corridor is identified as a high risk precinct.



Figure 4: Site aerial (Source: www.nearmap.com)

2.3 Surrounding context

The site is bounded by the Brookvale Creek to the west, Pittwater Road to the east, Kentwell Roads to the south and the adjacent golf course to the north. The golf course extends to the south of Kentwell Road along with Nolan Reserve. There is a service station and mixed use development immediately opposite the site on the eastern side of Pittwater Road with residential development located further to the east and north. The former North Manly Bowling club is located opposite the site, on the southern side of Kentwell Road.

The existing Warringah Golf Club clubhouse is located on the western side of Condamine St, approximately 100m north of the intersection of Condamine St and Kentwell Road. The existing clubhouse is surrounded by low density residential dwellings on its northern, western and southern boundaries.



Figure 5: Surrounding context (Source: www.nearmap.com)

2.4. Existing planning controls

The Warringah Local Environmental Plan 2011 (WLEP 2011) is the primary environmental planning instrument that applies to the site. Under WLEP 2011 the site is zoned RE1 Public Recreation, as shown in Figure 6. The Planning Proposal seeks to retain the existing RE1 Public Recreation zone and incorporate an additional permitted use pursuant to Schedule 1 of the LEP.

The remainder of the District Park is also zoned RE1 Public Recreation. Surrounding residential areas are zoned R2 Low Density Residential while land immediately opposite the site on the eastern side of

Pittwater Road is zoned B1 Neighbourhood Centre. Both Pittwater Road and Condamine Street are zoned SP2 Classified Road.

There are no height or floor space ratio controls applying to the site under LEP 2011 and no listed heritage items within or in the vicinity of the site.



Figure 6: Existing zoning (Source: EPlanning Spatial Viewer)

3 PLANNING PROPOSAL

In accordance with 'A Guide to Preparing Planning Proposals' and the 'Local Environmental Plan Making Guideline', this Section addresses the following matters:

- the objectives or intended outcomes of the amendment to the LEP
- explanation of provisions
- justification, including:
 - relationship to strategic planning frameworks
 - environmental, social and economic impact
 - State and Commonwealth interests
- maps
- community consultation.

3.1 Part 1 Objectives or intended outcomes

The objective of this Planning Proposal is to facilitate the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre.

The intended outcome is to enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

3.2 Part 2 Explanation of provisions

It is proposed to amend Schedule 1 of WLEP 2011 to allow a 'registered club' as an Additional Permitted Use on the Warringah Recreation Centre site.

3.3 Part 3 Justification

3.3.1 Section A: Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. It is the result of extensive negotiations between the Warringah Golf Club and Council officers to re-locate the Club's existing clubhouse to a more suitable location. Following detailed examination of various sites, the Warringah Recreation Centre was chosen for the proposed relation of the Clubhouse for the following reasons:

- The Warringah Recreation Centre is itself an aging structure, which is in need of rejuvenation.
- The WRC has existing vehicular access which is important, as Kentwell Rd is the only road frontage for the Warringah Golf Club which is not a classified road, and Transport for NSW will not authorise additional vehicular access onto classified roads where there is an alternative.

- While the land is flood prone, it has been determined that a building could be constructed in accordance with Council's planning controls. There are no alternate sites within the golf course which are less flood prone with appropriate vehicular access.

Having regard to these considerations Council resolved at its meeting of 25 February 2020 as follows:

- Agreed in principle to the proposal for the Warringah Golf Club to build a new clubhouse on the current Warringah Recreation Centre site, subject to appropriate terms being agreed by the parties.
- Delegated to the Chief Executive Officer to carry out all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority, subject to his satisfaction that the terms agreed have met with Council's requirements.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As noted in Section 1.2, a DA has been lodged by the Warringah Golf Club for a new clubhouse which relies on the facility being considered an 'ancillary use'. While Council's Property Team considers that this interpretation is valid, it potentially imposes limitations on the operations of the club. In the Property Team's view, the Planning Proposal is the best means to allow for the use of the site for the Club's clubhouse and in turn facilitate the redevelopment of the WRC, including the construction of new facilities and the improvement of the golf course.

Rezoning the site from its current RE1 zone to an alternative zone that permits registered clubs (for example, RE2 Private Recreation) would not be appropriate given that the WRC is located on land owned by Council which is a public reserve.

3.3.2 Section B: Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is limited to a single small site and is not of a scale that is likely to cause an inconsistency with any metropolitan, regional, or district strategic plan. Nevertheless, as assessment of the Planning Proposal against relevant planning strategies is provided below:

The Greater Sydney Region Plan - A Metropolis of Three Cities

The Greater Sydney Region Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. It sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city

- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 40 objectives related to these directions and the themes of infrastructure and collaboration, liveability, productivity, sustainability and implementation. The following table summarises the proposal's consistency with relevant objectives of the Plan:

Table 1: Consistency of Planning Proposal with relevant GSRP Objectives

Objective	Comment	Consistent
A city supported by infrastructure		
Infrastructure use is optimised	Achieving better utilisation of existing assets increases infrastructure capacity to better support communities and has the potential to minimise or avoid the need to fund additional infrastructure. Moving the clubhouse will help to facilitate the redevelopment of recreation facilities on the WRC site, optimising the use of existing Council infrastructure for the benefit of the wider community.	Yes
A city for people		
Communities are healthy, resilient and socially connected.	Services and infrastructure need to be tailored to meet the varying needs of population groups and designed to be intergenerational, multipurpose and co-located. The relocation of the clubhouse and the resulting redevelopment of the WRC as a multipurpose and co-located recreation hub will support surrounding communities to be healthy, resilient and socially connected.	Yes
A city in its landscape		
Public open space is accessible, protected and enhanced	The rising demand for open space needs to be met in part by using existing open space assets wisely and sharing them more broadly. The proposal to relocate the clubhouse to the WRC site and in turn redevelop the existing sporting facilities in this location will help Northern Beaches Council meet increasing demand for a range of sporting activities and recreation facilities.	Yes

North District Plan

The North District Plan sets out a 20-year vision for the North District, providing the district level framework to implement the directions, objectives, strategies and actions outlined in the Greater Sydney Region Plan. The North District covers Northern Beaches, Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby local government areas.

The following table summarises the Planning Proposal's consistency with relevant components of the North District Plan:

Table 2: Consistency with relevant North District Plan Planning Priorities

Planning Priority	Comment	Consistent
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	The Planning Proposal will enable the golf clubhouse and WRC recreation facilities to be upgraded to help meet the community's needs now and into the future.	Yes
Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities.	Social connectivity, as well as access to opportunities for recreational physical activity are essential to improved mental and physical health outcomes. By relocating the golf clubhouse and co-locating it with an upgraded WRC, the Planning Proposal will improve opportunities for recreational activities and social connectivity.	Yes
Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage	District Park is one of Warringah's most significant open spaces. The Park is well used and valued by the community. The Planning Proposal will facilitate and enable the golf club and WRC to foster the development of a social and recreational hub that will bring the community together for range of social and recreation purposes.	Yes

4. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Northern Beaches Local Strategic Planning Statement

On 26 March 2020, Council resolved to adopt a Local Strategic Planning Statement (LSPS) for the LGA. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Greater Sydney Region Plan and North District Plan.

The relevant Local Planning Priorities of the LSPS are identified as follows:

Priority 6 High quality open space for recreation

Priority 11 Community facilities and services that meet changing community needs

The proposed expansion of permitted land uses on the site of the Warringah Recreation Centre will facilitate the development of a new golf clubhouse and allow for the broader upgrade of the WRC for community sports and recreation facilities. The proposal will therefore improve the quality of the WRC for recreation and enable the update of sporting facilities and services on the site tailored to changing community needs. As such, the proposal is considered to be generally consistent with the priorities and actions of the Northern Beaches LSPS.

Community Strategic Plan 2040

The Northern Beaches Community Strategic Plan 2040 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides outcomes, goals and strategies to achieve these visions. The relevant Outcomes, Goals and Strategies of the CSP are identified as follows:

Community Outcome: Places for People We aspire to create welcoming, accessible and affordable private and public places that foster good health and social interaction

Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities

Strategies

- a. Provide well-maintained and safe spaces that equitably support active and passive recreation*
- b. Foster partnerships with government agencies, community and sporting groups to facilitate and promote healthy and active living*
- c. Encourage a broad range of activities that enable social interaction, stimulate wellbeing, and support people at each stage of their lives.*

The Planning Proposal will enable the development not only of a new clubhouse but an enhanced community recreation facility that will be well-designed, support diverse recreation needs, facilitate social interaction and facilitate healthy and active living. It is therefore consistent with the intent of the CSP.

District Park Plan of Management

The District Park Plan of Management (PoM) identifies the vision for the park as follows:

District Park will enhance its status as an accessible, multi-purpose and high quality regional sporting, recreation and community precinct in a significant natural setting.

As noted in Section 1.1, a Plan of Management (PoM) for the District Park was adopted in 2015. The PoM includes a Landscape Concept Plan which shows the location of the spatial works and actions in proposed to be implemented to achieve the objectives and desired outcomes for District Park. An excerpt from the Landscape Concept Plan is shown in Figure 7. The intent of the District Park PoM and Landscape Concept Plan, as it relates to the Warringah Recreation Centre site, has since been superseded, as discussed in Section 1.1.



Figure 7: Excerpt from District Park PoM Landscape Concept Plan.

5. Is the Planning Proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) or relevance, as demonstrated in Table 3.

Table 3: Assessment against relevant SEPPs

SEPP/PROVISION	CONSISTENCY	COMMENT
SEPP (Biodiversity and Conservation) 2021		
Vegetation in Non Rural Areas	Yes, subject to appropriate assessment at DA stage.	A Flora and Fauna Constraints Assessment Report has been prepared (refer Attachment 1) to assess potential impacts associated with future redevelopment and to recommend appropriate measures to mitigate any potential ecological impacts. The report has identified moderate and high constraints areas where there is potential for ecological impacts. The findings of this assessment have been taken into account during the design of the new golf clubhouse the subject of the current DA (DA2022/2081). The report will also inform the design of the broader WRC redevelopment. Further discussion on this matter is provided in Section 3.3.3.
Koala Habitat Protection	Yes	The Flora and Fauna Constraints Assessment provides an assessment of the likelihood of threatened fauna, including koalas, inhabiting the site. It concludes that the site is unlikely to provide suitable habitat for koalas due to the heavily altered environment surrounded by urban development.

SEPP/PROVISION	CONSISTENCY	COMMENT
SEPP (Resilience and Hazards) 2021		
Coastal Management	Yes	<p>The site is located within a 'coastal use area' and a 'coastal environment area'. The SEPP requires consideration of certain environmental issues which are required to be addressed at DA stage.</p> <p>The site is not mapped as containing land identified as 'coastal wetlands', 'littoral rainforest', or proximity to either on the 'Coastal Wetlands and Littoral Rainforests Area Map'.</p> <p>The site is located within an urbanised area located more than 2km from the coastal foreshore. The Planning Proposal will not adversely affect any ecological, natural or scenic qualities of the foreshore or broader coastal zone.</p> <p>The Planning Proposal will not cause any loss or disruption of public access to the foreshore area.</p> <p>A stormwater and drainage plan accompanies this report and demonstrates that the site has the potential to manage all stormwater on site without adverse impact upon receiving waters including Brookvale Creek and Manly Creek.</p>
Remediation of Land	Yes	<p>The land has been filled but is not identified as contaminated land.</p> <p>An indicative waste classification of in-situ soil materials has been undertaken for the site (refer Attachment 2). The assessment identified the presence of benzo(a)pyrene. Subsequent analysis was undertaken which returned values less than the general solid waste criteria for benzo(a)pyrene. Soil samples were also below the revised specific contamination concentration criteria for benzo(a)pyrene.</p> <p>In addition, the waste is not classified as special waste, liquid waste or hazardous waste.</p> <p>The report also found that sulfate soils are present within the in-situ soil materials down to a depth of 5.0 meters below ground level (limit of investigation).</p> <p>The waste classification indicates that there are no major contaminants of concern on the site that would preclude the development of a clubhouse and redevelopment of the recreation centre and that waste can be appropriately disposed of to a site that is licensed by the NSW EPA.</p>

SEPP/PROVISION	CONSISTENCY	COMMENT
		The DA for the clubhouse (DA2022/2081) contains a Preliminary Site Investigation (NEO Consulting, February 2023) which concludes that the potential for significant contamination of soil is low and that the site can be made suitable for the proposed development and land use subject to implementation of recommendations. The DA also includes an Acid Sulfate Management Plan (Ideal Geotech, Nov 2022).

6. Is the Planning Proposal consistent with applicable Ministerial Directions (S9.1 directions)?

Table 4 summarises the Planning Proposal's consistency with applicable Ministerial Directions.

Table 4: Assessment against relevant Section 9.1 Ministerial Directions

Section 9.1 Direction	Comment	Consistency
Focus Area 1: Planning Systems		
1.1 Implementation of the Ministers Planning Principles	N/A – Principles deleted	
1.2 Implementation of Regional Plans	The Greater Sydney Region Plan applies to the subject site and triggers consideration of this direction - refer discussion above.	Consistent
1.3 Development of Aboriginal Land Council land	N/A	
1.4 Approval and referral requirements	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development	Consistent
1.5 Site Specific Provisions	The Planning Proposal is seeking to amend the WLEP 2011 to include a 'registered club' on the site as an additional Permitted Use within Schedule 1. The Planning Proposal does not propose the imposition of any development standards or requirements beyond those existing within the WLEP 2011.	Consistent
Focus Area 1 Planning System – Place Based	N/A	N/A
Focus Area 2: Design and Place	N/A	
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation zones	N/A	
3.2 Heritage conservation	N/A	
3.3 Sydney Drinking Water Catchments	N/A	
3.4 Application of C3 and C4 and Environmental Overlays in the Far North Coast LEP	N/A	
3.5 Recreation Vehicle Area		
3.6 Strategic Conservation Planning	N/A.	

Section 9.1 Direction	Comment	Consistency
	The site is not 'avoided land' or a 'strategic conservation area'	
3.7 Public Bushland	<p>A Flora and Fauna Constraints Report has been prepared (Attachment 1). Estuarine Swamp Oak Forest has been identified within the site which conforms to the Biodiversity and Conservation Act listed Endangered Ecological Community (EEC) 'Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions' and the EPBC listed Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of South-east Queensland and New South Wales.</p> <p>The Planning Proposal does not rezone the vegetated area within the site and does not otherwise impact on this area.</p> <p>The Flora and Fauna Constraints Report has also informed the current clubhouse DA.</p>	Consistent
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	
Focus Area 4: Resilience and Hazards		
4.1 Flooding	<p>The site is located within the Manly Lagoon catchment and is subject to flooding during large storm events.</p> <p>An assessment of the Planning Proposal against relevant flood controls, including those contained in the Floodplain Development Manual and Considering flooding in land use planning guideline has been undertaken and is included at Attachment 3. The assessment demonstrates that the Planning Proposal is consistent with Ministerial Direction 4.1</p> <p>Refer Section 3.3.3 of this report for further discussion.</p>	Consistent
4.2 Coastal Management	<p>As noted in Table 3, the site is within the 'coastal use area' and the 'coastal environment area'. The site is not:</p> <ul style="list-style-type: none"> a coastal vulnerability area, affected by a current or future coastal hazard, 	Consistent

Section 9.1 Direction	Comment	Consistency
	<ul style="list-style-type: none"> coastal wetlands or littoral rainforests. <p>The Planning Proposal is not proposing to amend any coastal maps.</p>	
4.3 Planning for Bushfire Protection	<p>The site is not identified as bushfire prone land.</p> <p>N/A</p>	
4.4 Remediation of Contaminated Land	<p>As noted in Table 3, an indicative waste classification of in-situ soil materials has been undertaken for the site (refer Attachment 2). The waste classification indicates that there are no major contaminants of concern on the site that would preclude the proposed additional use and that waste can be appropriately disposed of to a site that is licensed by the NSW EPA.</p> <p>Refer Section 3.3.3 for further discussion.</p>	Consistent
4.5 Acid Sulfate Soils	<p>An Acid Sulphate Assessment has been undertaken having regard to the Acid Sulfate Soils Planning Guidelines and an Acid Sulphate Management Plan has been prepared (refer Attachments 5 and 6).</p>	Consistent
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>N/A</p> <p>The Planning Proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p>	
Focus area 6: Housing	N/A	
Focus area 7: Industry and Employment	N/A	
Focus area 8: Resources and Energy	N/A	
Focus area 9: Primary Production	N/A	

3.3.3 Section C: Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Flora and Fauna Constraints Assessment has been prepared by Narla Environmental to determine the ecological constraints on the site. A copy of the report is included at Attachment 1.

Two vegetation communities within the site were identified during field survey (Figure 8):

- Estuarine Swamp Oak Forest
- Weeds and Exotics.

The Estuarine Swamp Oak Forest was identified as being of low-moderate condition as much of the groundcover and mid-storey species are dominated by exotic species. A native canopy of *Casuarina glauca* dominated areas mapped under this community. Areas mapped as 'Weeds and Exotics' were dominated by exotic grasses and bordered the eastern and western extent of the Estuarine Swamp Oak Forest.

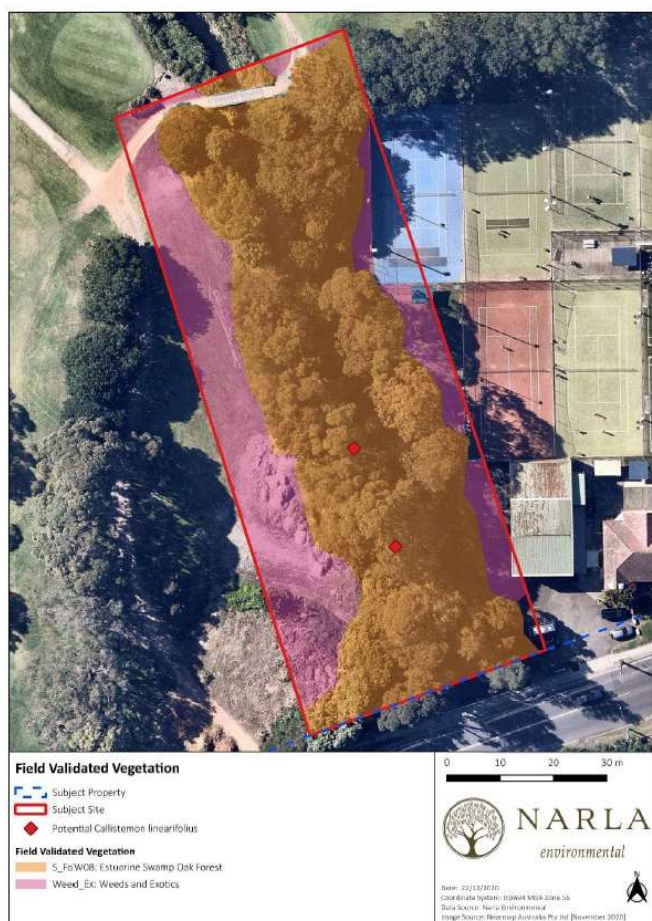


Figure 8: Field validated vegetation

The characteristics of the site, including the presence of saltmarsh species such as *Phragmites australis* and canopy dominated by *Casuarina glauca*, are consistent with that of the Estuarine Swamp Oak Forest vegetation community. Estuarine Swamp Oak Forest conforms to the *Biodiversity Conservation Act 2016* (BC Act) listed EEC 'Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions' and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed Coastal Swamp Oak (*Casuarina glauca*) Forest of South-east Queensland and New South Wales.

Potential suitable habitat is also present for the BC Act listed *Callistemon linearifolius*.

A few predominantly native, common avian and reptile fauna species were identified within and surrounding the site during the assessment. All native fauna species encountered were listed as 'protected' under the BC Act. No threatened fauna species were observed within site during the field survey.

To guide future redevelopment of the clubhouse and recreation facility, Narla Environmental has developed a Biodiversity Development Constraints map, reproduced at Figure 9. The interpretation for the map is provided in Table 5.

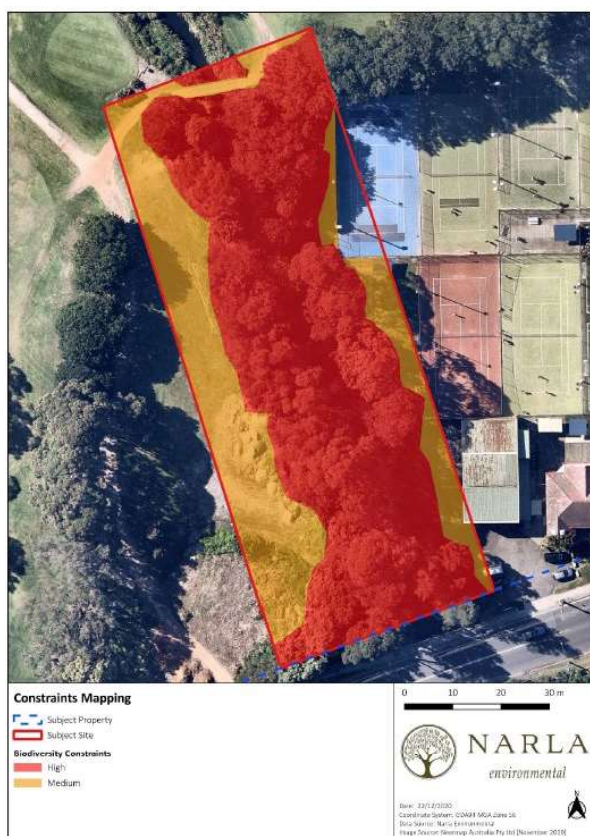


Figure 9: Vegetation constraints map

Table 5: Biodiversity development constraints mapping key

Zone	Description
Moderate Constraints Area - Orange	This zone is deemed to have medium potential for future development with accompaniment of the appropriate environmental assessments and implementation of appropriate restrictions and guidelines (e.g. the implementation of a Vegetation Management Plan). This zone encompasses: <ul style="list-style-type: none"> The Vegetated Riparian Zone (VRZ) for a 3rd order stream (30m each side of watercourse).
High Constraints Area - Red	This zone is deemed to have a low potential for future development without the implementation of impact mitigation strategies. This zone encompasses: <ul style="list-style-type: none"> Potential threatened species habitat; and Swamp Oak Floodplain Forest (SOFF) in the Sydney Basin Bioregion EEC.

The Flora and Fauna Constraints Assessment has informed the design of the clubhouse the subject of the current DA. The broader redevelopment of the recreation centre will also seek to avoid impacts on the riparian zone, EEC and any potential threatened species habitat. Any proposed clearing of the EEC or *Calistemon linearifolius* requires appropriate assessment in accordance with the requirements of the Biodiversity Conservation Act and the EPBC Act.

8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Flooding and stormwater management

The site is flood affected. An assessment of the Planning Proposal has been undertaken by Stellen Consulting (refer Attachment 3) against the flood controls contained within the following:

- Warringah Development Control Plan 2011 – E11 Flood Prone Land
- Guidelines for Development on Flood Prone Land ([Guidelines for development on flood prone land | Northern Beaches Council \(nsw.gov.au\)](#))
- Northern Beaches Council Water Management Policy – Flood Risk Management (2017)
- Floodplain Development Manual (NSW Government, 2005)
- Considering flooding in land use planning guideline (2021)
- Ministerial Direction 9.1 – 4.1 Flood Prone Land (2022)

The report indicates that during the 1% AEP event, the existing District Park Tennis and Squash Centre will be inundated with floodwaters arising from flooding within Brookvale Creek. However, the depth across the site during a 1% AEP event peak is not more than 0.3m and the velocity x depth product is less than $0.3\text{m}^{2\text{s}^{-1}}$. A Flood Planning Level of 300mm freeboard is therefore considered sufficient for the proposed planning for the registered club.

Stellen Consulting concludes as follows:

For any future development which includes a Registered Club use type, compliance with the controls contained within the Warringah DCP E11 ... would mean that the Planning Proposal is consistent with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 and accordingly permissible under Ministerial Section 9.1 Direction 4.1.

Based on the detailed review of the flooding constraints applicable to the site, the Planning Proposal, if carried out in accordance with the recommendations of the attached report, is consistent with the relevant requirements of the policies and guidelines above and is supported by Stellen Consulting.

Stellen Consulting has also prepared a Stormwater Management Plan for the clubhouse DA which includes water sensitive urban design measures to manage runoff water quality and quantity. A copy of the plan is included at Attachment 4.

Riparian impacts

Brookvale Creek is located to the west of the existing Warringah Recreation Centre. Brookvale Creek is a Strahler third order stream. Works occurring within 30 metres of the highest bank of the creek would be considered a controlled activity under the *Water Management Act 2000* and approval from the NSW Natural Resources Access Regulator is required before commencing the controlled activity. It is noted that the clubhouse DA is 'integrated' and that general terms of approval from the NRAR will be sought as part of the DA determination.

Traffic

The site has ready access to the surrounding regional road network with Kentwell Road providing direct vehicle access to Pittwater Road and Condamine Street. The site is also situated within 400 metres of several bus stops located along Pittwater Road and Condamine Street, servicing 10 bus routes.

In terms of car parking, Council is currently finalising the site masterplan which anticipates the provision of approximately 124 parking spaces on site. Further, the Traffic Impact Assessment undertaken for the clubhouse DA (PDC Consultants, November 2022) notes that:

... it is evident that in the vicinity of the site there is an abundance of spare car parking spaces on both a typical weekday and Saturday, noting that the parking demand does not exceed 48% along Kentwell Road and 11% within the bowling club during a typical weekday, while during the weekend, the parking demand did not exceed 84% along Kentwell Road and 29% within the bowling club car park during a typical weekday.

Given the relationship of the site to the surrounding regional road network and the provision of both existing and proposed parking, the traffic and parking impacts of the Planning Proposal can be appropriately addressed at DA stage.

Noise

Potential noise impacts associated with the establishment of a registered club on the site can be dealt with by way of compliance with the recommendations of an acoustic assessment and operation in accordance with an appropriate plan of management. It is noted that the clubhouse DA is accompanied by an Acoustic Assessment and Operational Plan of Management.

Contamination

A Preliminary Site Investigation (PSI) prepared for the clubhouse DA (NEO Consulting, February 2023) noted that the continuous use of the land as recreational indicates low potential impact of any contamination. The PSI found no exceedance of the NEPM Health and Ecological Assessment Criteria for Commercial/Industrial (D) sites from soil samples and no visible indications of contamination or contaminating sources. NEO Consulting concluded that the required considerations of CI 4.6 of the Resilience and Hazards SEPP are satisfied.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will provide significant positive social and economic impacts associated with the construction of new community and recreation facilities. The purpose of the Planning Proposal is to support the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre which in turn will enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

The proposal will result in positive social flow-on effects for the local area. The recreational facilities enabled by the proposal will contribute to maintaining and promoting active lifestyles for the community that will use the facility. Moreover, the facility will act as a community meeting place where social interaction and community events can occur.

3.3.4 Section D: State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The site has access to all essential services.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted following the Gateway determination.

3.5 Part 4 Mapping

The Planning Proposal will require an amendment to the Additional Permitted Uses Map - Sheet APU_008.

3.6 Part 5 Consultation

Council will place the Planning Proposal on public exhibition in accordance with the Gateway Determination and requirements of the Local Environmental Plan Making Guideline (NSW Department of Planning, Industry and Environment, September 2022). The Guideline indicates that consultation will be tailored to specific Proposals. The exhibition period for standard Planning Proposals is 20 days.

In accordance with the Guideline, notification of the Planning Proposal at the public exhibition stage will occur:

- on Council's website
- on the Planning Portal
- in writing to affected and adjoining landowners.

3.7 Part 6 Project Timeline

Table 6 provides an indicative timeframe for the Planning Proposal.

Table 6: Indicative Planning Proposal timeline

Task	Timing
Council report endorsing Planning Proposal for Gateway determination	July 2023
Gateway determination	August 2023
Government agency consultation (if required – possibly Transport for NSW and the NSW Natural Resources Access Regulator)	August-September 2023
Public exhibition	October/November 2023
Consideration of submissions in report to Council	December 2023
Relevant Planning Authority makes the LEP (Council if under delegation)	January 2024
Council to forward final Planning Proposal to Department of Planning and Environment for notification – LEP notified.	February 2024

4 CONCLUSION

The Planning Proposal seeks to introduce a new permissible use on the Council-owned site at the corner of Kentwell and Pittwater Roads, North Manly, so as to enable it to be used for the purposes of a Registered Club (Warringah Golf Club), in conjunction with the Warringah Recreation Centre.

It is proposed to amend Schedule 1 of WLEP 2011 to allow a 'registered club' as an Additional Permitted Use on the site. The Planning Proposal will also require an amendment to the Additional Permitted Uses Map - Sheet APU_008.

The main reasons for support of the proposed LEP amendment include the following:

- The Warringah Recreation Centre is an aging structure in need of rejuvenation.
- The proposal will enable the development of a new golf clubhouse on the Warringah Recreation Centre site, which in turn will enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking.
- The new golf club will replace the existing golf club, enabling the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

- The Warringah Recreation Centre has existing vehicular access which is important, as Kentwell Rd is the only road frontage for the Warringah Golf Club which is not a classified road, and Transport for NSW will not authorise additional vehicular access onto classified roads where there is an alternative.
- While the land is flood prone, it has been determined that a building could be constructed in accordance with Council's planning controls. There are no alternate sites within the golf course which are less flood prone with appropriate vehicular access.
- The recreational facilities enabled by the proposal will contribute to maintaining and promoting active lifestyles for the community that will use the facility.

While the Warringah Golf Club has lodged a DA for the new golf club as an ancillary use to the golf course, Council's Property Team is of the view that a 'registered club' should be added as an Additional Permitted Use in the WLEP 2011 to avoid any ambiguity around the permissibility of the use and to enable the operation of the club in its own right.

Appendix B

AHIMS Search



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 12616308

Client Service ID : 809140

Rochelle Barclay

Date: 14 August 2023

230 Harbour Drive

Coffs Harbour New South Wales 2450

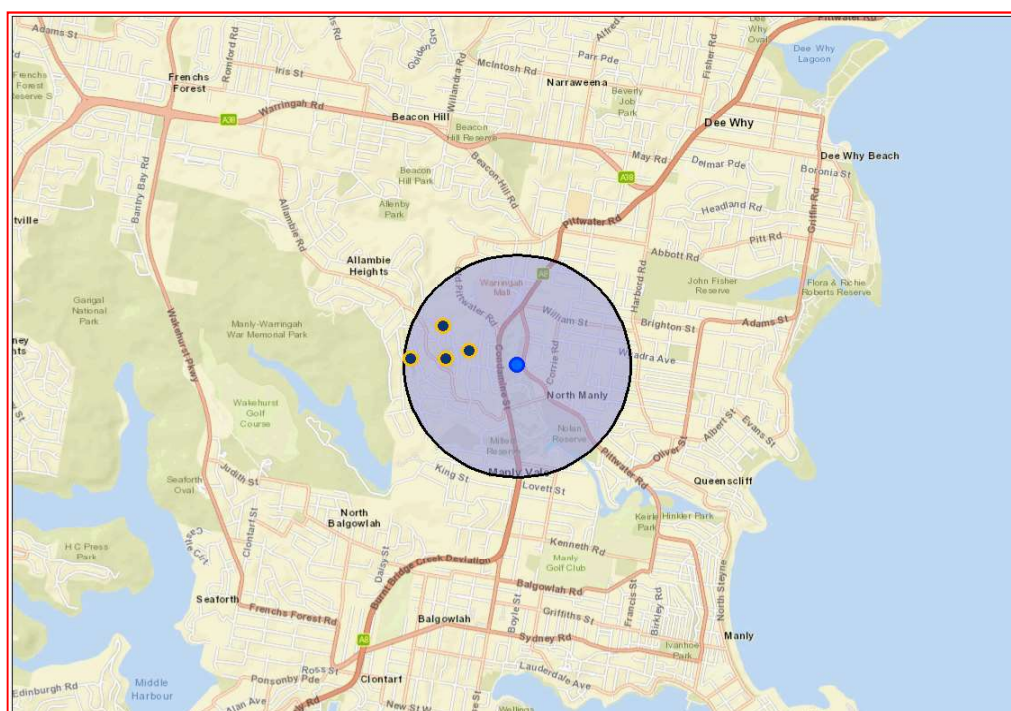
Attention: Rochelle Barclay

Email: rochelle.barclay@ghd.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 292 CONDAMINE STREET NORTH MANLY
2100 with a Buffer of 1000 meters, conducted by Rochelle Barclay on 14 August 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix C

State Environmental Planning Policies

Compliance with State Environmental Planning Policies (SEPPs)

Applicable	Applicable	Proponent Comment	Consistent
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	<p><u>Chapter 2- vegetation in non-rural areas</u></p> <p>A Flora and Fauna Constraints Assessment Report has been prepared (refer Attachment 1) to assess potential impacts associated with future redevelopment and to recommend appropriate measures to mitigate any potential ecological impacts. The report has identified moderate and high constraints areas where there is potential for ecological impacts. The findings of this assessment have been taken into account during the design of the new golf clubhouse the subject of the current DA (DA2022/2081). The report will also inform the design of the broader WRC redevelopment. Further discussion on this matter is provided in Section 2.3.3.1.</p> <p><u>Chapter 4 Koala Habitat Protection 2021</u></p> <p>The Flora and Fauna Constraints Assessment provides an assessment of the likelihood of threatened fauna, including koalas, inhabiting the site. It concludes that the site is unlikely to provide suitable habitat for koalas due to the heavily altered environment surrounded by urban development.</p>	Section 2.4 of this report provides the details of a technical review which concludes that further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the proposal
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing) 2021	No		
State Environmental Planning Policy (Industry and Employment) 2021			
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	No		
State Environmental Planning Policy (Planning Systems) 2021	No		
State Environmental Planning Policy (Precincts—Central River City) 2021	No		
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	No		

Applicable	Applicable	Proponent Comment	Consistent
State Environmental Planning Policy (Precincts—Regional) 2021	No		
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	No		
State Environmental Planning Policy (Primary Production) 2021	No		
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	<p>Chapter 2</p> <p>The site is located within a 'coastal use area' and a 'coastal environment area'. The SEPP requires consideration of certain environmental issues which are required to be addressed at DA stage. The site is not mapped as containing land identified as 'coastal wetlands', 'littoral rainforest', or proximity to either on the 'Coastal Wetlands and Littoral Rainforests Area Map'. The site is located within an urbanised area located more than 2km from the coastal foreshore. The Planning Proposal will not adversely affect any ecological, natural or scenic qualities of the foreshore or broader coastal zone. The Planning Proposal will not cause any loss or disruption of public access to the foreshore area. A stormwater and drainage plan accompanies this report and demonstrates that the site has the potential to manage all stormwater on site without adverse impact upon receiving waters including Brookvale Creek and Manly Creek.</p> <p>Chapter 4</p> <p>The land has been filled but is not identified as contaminated land. An indicative waste classification of in-situ soil materials has been undertaken for the site (refer Attachment 2). The assessment identified the presence of benzo(a)pyrene. Subsequent analysis was undertaken which returned values less than the general solid waste criteria for benzo(a)pyrene. Soil samples were also below the revised specific contamination concentration criteria for benzo(a)pyrene. In addition, the waste is not classified as special waste, liquid waste or hazardous waste. The report also found that sulfate soils are present within the in-situ soil materials down to a depth of 5.0 meters below ground level (limit of investigation). The waste classification indicates that there are no major contaminants of concern on the site that would preclude the development of a clubhouse and redevelopment of the recreation centre and that waste can be appropriately disposed of to a site that is licensed by the NSW EPA.</p> <p>The DA for the clubhouse (DA2022/2081) contains a Preliminary Site Investigation (NEO Consulting, February 2023) which concludes that the potential for significant contamination of soil is low and that the site can be made suitable for the proposed development and land use subject to implementation of recommendations. The DA also includes an Acid Sulfate Management Plan (Ideal Geotech, Nov 2022).</p>	<p>This matter will be assessed at the DA Stage.</p> <p>The Preliminary Site Investigation (PSI) referenced above did not form part of the Proposal, and thus has not been reviewed as a part of this assessment.</p> <p>Notwithstanding, based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.</p>

Applicable	Applicable	Proponent Comment	Consistent
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	No		
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	No		
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	No		Referral to TfNSW and Essential Energy will be considered at the DA stage.

Appendix D

Ministerial Directions

Compliance with Ministerial Directions

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
Focus Area 1: Planning Systems				
1.1	<p>Implementation of Regional Plans</p> <p><u>Direction 1.1</u></p> <p>(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p><u>Consistency</u></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.</p>	Yes	The Greater Sydney Region Plan applies to the subject site and triggers consideration of this direction - refer discussion above.	The Proposal is not inconsistent with the Regional Plan and District Plan.
1.2	Development of Aboriginal Land Council Land.	No	N/A	N/A
1.3	Approval and referral Requirements.		The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development.	The Proposal does not recommend referral to any Minister or Public Authority.

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
1.4	Site Specific Provisions.		The Planning Proposal is seeking to amend the WLEP 2011 to include a 'registered club' on the site as an additional Permitted Use within Schedule 1. The Planning Proposal does not propose the imposition of any development standards or requirements beyond those existing within the WLEP 2011.	The Proposal seeks to amend the LEP to make a 'registered club' an additional permitted use on the land. No additional standards or requirements are proposed. The Proposal (when prepared) will not refer to any drawings or plans of the proposed development.
Focus Area 1 Planning Systems- Place based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not Applicable.		
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable.		
1.7	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable.		
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable.		
1.9	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable.		
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not Applicable.		
1.11	Implementation of Bayside West Precincts 2036 Plan	Not Applicable.		
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable.		
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable.		

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
1.14	Implementation of Greater Macarthur 2040	Not Applicable.		
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable.		
1.16	North West Rail Link Corridor Strategy	Not Applicable.		
1.17	Implementation of the Bays West Place Strategy	Not Applicable.		
1.18	Implementation of the Macquarie Park Innovation Precinct	Not Applicable.		
1.19	Implementation of the Westmead Place Strategy	Not Applicable.		
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not Applicable.		
1.21	Implementation of South West Growth Area Structure Plan	Not Applicable.		
1.22	Implementation of the Cherrybrook Station Place Strategy	Not Applicable.		
Focus area 2: Design and Place – [This Focus Area was blank when the Directions were made]				
Focus area 3: Biodiversity and Conservation				
3.1	Conservation Zones	Not Applicable.		
3.2	Heritage Conservation			Heritage is considered in Table 1.2 of this report. There are no listed Heritage items on the site. Conditions of consent can be applied to any Development Approval in relation to Aboriginal Cultural Heritage and unexpected finds.
3.3	Sydney Drinking Water Catchments	Not Applicable.		
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable.		
3.5	Recreation Vehicle Areas	Not Applicable.		
3.6	Strategic Conservation Planning		The site is not ‘avoided land’ or a ‘strategic conservation area’.	The site is not mapped as ‘avoided land’ or a ‘strategic conservation area’.

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
3.7	Public Bushland	Applicable.	<p>A Flora and Fauna Constraints Report has been prepared (Attachment 1). Estuarine Swamp Oak Forest has been identified within the site which conforms to the Biodiversity and Conservation Act listed Endangered Ecological Community (EEC) 'Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions' and the EPBC listed Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of South-east Queensland and New South Wales.</p> <p>The Planning Proposal does not rezone the vegetated area within the site and does not otherwise impact on this area.</p> <p>The Flora and Fauna Constraints Report has also informed the current clubhouse DA.</p>	Section 2.4.1. of this report provides the details of a technical review which concludes that further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the Proposal.
3.8	Willandra Lakes Region	Not Applicable.		
3.9	Sydney Harbour Foreshores and Waterways Area	Not Applicable.		
3.10	Water Catchment Protection	Not Applicable.		
Focus area 4: Resilience and Hazards				
4.1	Flooding	Applicable.	<p>The site is located within the Manly Lagoon catchment and is subject to flooding during large storm events.</p> <p>An assessment of the Planning Proposal against relevant flood controls, including those contained in the Floodplain Development Manual and Considering flooding in land use planning guideline has been undertaken and is included at Attachment 3. The assessment demonstrates that the Planning Proposal is consistent with Ministerial Direction 4.1</p> <p>Refer Section 2.3.3.2.4 of this report for further discussion.</p>	Section 2.4.2.4 of this report provides the details of a technical review. There are no objections to the Proposal in relation to 2.3.3.2.4.

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
4.2	Coastal Management	Yes	As noted in C, the site is within the 'coastal use area' and the 'coastal environment area'. The site is not: <ul style="list-style-type: none">— a coastal vulnerability area— affected by a current or future coastal hazard— coastal wetlands, or— littoral rainforests The Planning Proposal is not proposing to amend any coastal maps.	This matter will be assessed at the DA Stage.
4.3	Planning for Bushfire Protection	No	The site is not identified as bushfire prone land.	
4.4	Remediation of Contaminated Land		As noted in Table 3, an indicative waste classification of in-situ soil materials has been undertaken for the site (refer Attachment 2). The waste classification indicates that there are no major contaminants of concern on the site that would preclude the proposed additional use and that waste can be appropriately disposed of to a site that is licensed by the NSW EPA. Refer Section 2.3.3.2.6 for further discussion.	The Preliminary Site Investigation (PSI) referenced above did not form part of the Proposal, and thus has not been reviewed as a part of this assessment. Notwithstanding, based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.
4.5	Acid Sulfate Soils		An Acid Sulphate Assessment has been undertaken having regard to the Acid Sulfate Soils Planning Guidelines and an Acid Sulphate Management Plan has been prepared (refer Attachments 5 and 6).	Section 2.3.3.2.7 of this report provides the details of a technical review which concludes that the presence of ASS can be mitigated by way of the ASSMP.
4.6	Mine Subsidence and Unstable Land	Not Applicable.		
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport		The Planning Proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes. The additional permitted use will require an assessment of traffic impacts, however based on the size of the proposal, this can be assessed at the DA stage.
5.2	Reserving Land for Public Purposes			

List of local planning directions issued by the Minister on or after 1 July 2009- latest version issued on 20 February 2023				
No.	Title	Applicable	Proponent Comment	Assessment
5.3	Development Near Regulated Airports and Defence Airfields	Not Applicable.		
5.4	Shooting Ranges	Not Applicable.		
Focus area 6: Housing				
6.1	Residential Zones	Not Applicable.		
6.2	Caravan Parks and Manufactured Home Estates	Not Applicable.		
Caravan Parks and Manufactured Home Estates				
7.1	Employment Zones	Not Applicable.		
7.2	Reduction in non-hosted short-term rental accommodation period	Not Applicable.		
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.		
Focus area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	Not Applicable.		
Mining, Petroleum Production and Extractive Industries				
9.1	Rural Zones	Not Applicable.		
9.2	Rural Lands	Not Applicable.		
9.3	Oyster Aquaculture	Not Applicable.		
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.		



ghd.com

→ **The Power of Commitment**



PLANNING PROPOSAL

Amendments to *Warringah Local Environmental Plan 2011*

**Additional Permitted Use for a ‘registered club’
at part of Lot 2742 in Deposited Plan 752038, at
the Warringah Recreation Centre**

September 2023

Executive Summary

Site Details	
Legal description	Lot 2742 DP 752038
Address	Lot 2742 DP 752038
Current planning provisions	
Clause	Relevance
2.1 Land Use Zones	The site is zoned RE1 Public Recreation.
2.5 Additional permitted uses for particular land	<p>No existing additional permitted uses apply to the site.</p> <p>The Planning Proposal (the 'Proposal') seeks to amend <i>Warringah Local Environmental Plan 2011</i> to make a 'registered club' permissible with development consent on part of the land known as Warringah Recreation Centre.</p> <p>A 'registered club' is defined under the LEP as follows: <i>"registered club means a club that holds a club licence under the Liquor Act 2007"</i>.</p> <p>The proposed LEP amendment will enable the lodgement of a future development application for the use of a future golf clubhouse as a 'registered club'.</p>
Land Use Table	<p>The zone objectives and Land Use Table are reproduced below:</p> <p>"Zone RE1 Public Recreation"</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • 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 protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values. <p>2 Permitted without consent Environmental facilities; Environmental protection works; Roads</p> <p>3 Permitted with consent Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures</p> <p>4 Prohibited Any development not specified in item 2 or 3"</p> <p>A 'registered club' is not listed and therefore is prohibited in the RE1 zone. The proposal is not inconsistent with the objectives.</p>
4.1 Minimum Subdivision Lot Size	The site is not identified as having a minimum lot size.
4.3 Height of Buildings	The site is not subject to a maximum building height.
4.4 Floor Space Ratio	The site is not subject to a floor space ratio.

Site Details	
5.2 Classification and reclassification of public land	Clause 25 of the <i>Local Government Act 1993</i> (The LG Act) requires that all public land must be classified. Clause 26 of the LG Act states that there are 2 classifications for public land - "community" and "operational". The WRC site is currently classified as community land. The Proposal does not require the reclassification of the WRC site from community to operational.
5.10 Heritage Conservation	The E-spatial viewer does not reveal any State Heritage items on the site. There are no locally listed items on the site. An AHIMS search was undertaken on 14 August 2023, which did not reveal any Aboriginal sites or places recorded in or near the site. Four (4) Aboriginal sites are recorded to the west of Condamine Street (Appendix A). Any development approval can provide standard conditions of consent in relation to unexpected finds procedures.
6.3 Flood planning	The site is identified by Council's Flood Risk Precinct Maps as being affected by flooding. A flooding report was submitted with the application. A technical peer review of the flooding report was undertaken.
6.1 Acid Sulfate Soils	The site is identified as containing Class 2 and Class 5 Acid Sulfate Soils (ASS). A Waste Classification, ASS Assessment and ASS Management Plan were submitted with the application. A technical peer review of these documents was undertaken.
6.2 Earthworks	Any DA lodged over the site will assess this matter where any earthworks are proposed.
6.4 Development on Sloping Land	The site is identified as being on Landslide Risk land. Any DA lodged over the site will require an assessment of this matter.
Schedule 1 Additional permitted uses	The Proposal seeks to amend the LEP to include site specific additional permitted use provisions for part of the land.
Proposed Amendment	
<ul style="list-style-type: none"> Amend the WLEP Additional Permitted Uses Map (Sheet APU_008) to identify a portion of the subject site as Area 19E, and Amend clause 19 in Schedule 1 of WLEP to add a new point e) as identified in bold below: <p>19 Use of certain land in Zone RE1</p> <p>(1) This clause applies to the following land—</p> <p>(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as "Area 19A" on the Additional Permitted Uses Map,</p> <p>(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19B" on that map,</p> <p>(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as "Area 19C" on that map,</p> <p>(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19D" on that map.</p> <p>(e) land at North Manly, known as the Warringah Golf Club, being part of Lot 2742, DP 752038, shown as "Area 19E" on that map.</p> <p>(2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)".</p>	

Supporting Documents	Author	Date
Planning Proposal Warringah Recreation Centre	MG Planning	May 2023
Flora and Fauna Constraints Assessment Report	Narla Environment	December 2020
Waste Classification	Alliance Geotechnical	December 2020
Flood Assessment Report	Stellen Civil Engineering	May 2023
Stormwater Management Plan	Stellen Civil Engineering	October 2022
Acid Sulphate Assessment	Ideal Geotech	November 2022
Acid Sulphate Management Plan	Ideal Geotech	November 2022

Table of Contents

Part 1 – Objectives and intended outcomes	6
Part 2 – Explanation of provisions	7
Part 3 – Justification of strategic and site-specific merit	9
Part 4 – Maps	24
Part 5 – Community Consultation	26
Part 6 – Project Timeline	28
Appendix A AHIMS Search	30

Figures

<i>Figure 1 Existing Additional Permitted Uses Map – Sheet APU_008</i>	8
<i>Figure 2 Proposed Additional Permitted Uses Map – Sheet APU_008</i>	8
<i>Figure 3 – Existing Additional Permitted Uses Map (Sheet APU_008)</i>	24
<i>Figure 4 – Proposed Additional Permitted Uses Map (Sheet APU_008)</i>	25

Tables

<i>Table 1 Greater Sydney Region Plan (A Metropolis of Three Cities)</i>	10
<i>Table 2 North District Plan</i>	11
<i>Table 3 Local Strategic Planning Statement (Towards 2040)</i>	13
<i>Table 4 Community Strategic Plan (Northern Beaches Community Strategic Plan 2040)</i>	13
<i>Table 5 District Park Plan of Management</i>	14
<i>Table 6 Compliance with State Environmental Planning Policies (SEPPs)</i>	14
<i>Table 7 Compliance with Ministerial Directions</i>	17
<i>Table 8 Assessment of Environmental Effects</i>	21
<i>Table 9 Issues Raised in Public Submissions</i>	26
<i>Table 10 Project Timeline</i>	28

Part 1 – Objectives and intended outcomes

Objective

The objective of this Planning Proposal (the 'Proposal') is to amend *Warringah Local Environmental Plan 2011* (the 'LEP') to make the additional land use of a 'registered club' permissible, under Schedule 1 of the LEP, pursuant to Clause 2.5 of the LEP.

Intended outcomes

- To remove any ambiguity in relation to the permissibility of a 'registered club' at the Warringah Recreation Centre site (the 'WRC site').
- To permit the lawful operation of a future golf clubhouse as a registered club (subject to consent).

Part 2 – Explanation of provisions

Intended Provisions

The Proposal seeks to:

- Amend the LEP Additional Permitted Uses Map (Sheet APU_008) to identify a portion of the subject site as Area 19E, and
- Amend clause 19 in Schedule 1 of WLEP to add a new point e) as identified in **bold** below:

19 Use of certain land in Zone RE1

(1) This clause applies to the following land—

(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as “Area 19A” on the Additional Permitted Uses Map,

(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,

(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,

(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.

(e) land at North Manly, known as the Warringah Golf Club, being part of Lot 2742, DP 752038, shown as “Area 19E” on that map.

(2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)."



Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

Whilst the Proposal is not the result of an endorsed Local Strategic Planning Statement (LSPS), strategic study, or report, it is consistent with the intent of Councils LSPS, Northern Beaches Community Strategic Plan 2040 (the 'CSP') and the District Park Plan of Management (DPPOM).

A Council resolution was made on 25 February 2020 that provided in-principle agreement to the construction of a new golf clubhouse on the WRC site, subject to the agreement of appropriate terms.

The proposed amendment will enable the lodgement of a future DA for the use as a 'registered club' ancillary to a 'recreation facility (indoor)', 'recreation facility (major)' or 'recreation facility (outdoor)'. The proposed amendments will ensure that the planning controls are consistent with Council's expectations for the future development of the WRC site.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Proposal is the best means of achieving the objectives and intended outcomes. The Proposal utilises the existing carparking and access to the WRC site and maximises the efficient use of the site proximate to the existing facilities on site.

The proponent has lodged a DA for construction of a golf clubhouse ancillary to the Warringah Golf Course, which is defined in the LEP as 'recreation facility (outdoor)'. A 'recreation facility (outdoor)' is permitted with consent in the RE1 zone. Notwithstanding the lodgement of this DA, the permissibility is not explicit, and the functions of the golf clubhouse may be limited in terms of the 'recreation facility (outdoor)' land use definition. The Planning Proposal will enable a DA to be lodged for use as a 'registered club'.

A Planning Proposal to rezone the site to an alternative zone that permits registered clubs would not be appropriate given that the site is located on land owned by Council which is a public reserve. The Planning Proposal is the best means of achieving the objectives and intended outcomes, that will give Council certainty of the development outcomes expected for the site.

The proposed LEP amendment will permit the additional use whilst maintaining the existing RE1 zoning and providing the community with certainty that this will remain the primary use of the site into the future.

Section B – Relationship to the strategic planning framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal gives effect to the objectives and priorities of the Region Plan and District Plan. Refer Tables 1 and 2.

Table 1 Greater Sydney Region Plan (A Metropolis of Three Cities)

Direction	Objective/s	Alignment
A city supported by infrastructure	Objective 4 Infrastructure use is optimised	The location of the proposed 'registered club' at the site is adjacent to Pittwater Road, one of the area's main roads. A northbound bus stop is located on the site's eastern boundary, and a southbound bus stop is located on the opposite side of Pittwater Road. The co-location of the 'registered club' on the existing golf club site is a logical placement of the clubhouse, utilising the existing sporting and recreational infrastructure on the site.
A city for people	Objective 6 Services and infrastructure meet communities' changing needs Objective 7 Communities are healthy, resilient and socially connected.	<p>This objective includes the following commentary:</p> <p><i>"Publicly owned land and social housing renewal may provide opportunities to co-locate social infrastructure and provide mixed uses at the heart of neighbourhoods.</i></p> <p><i>Improved health, public transport and accessibility outcomes can be achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed use places co-located with social infrastructure and local services (refer to Objective 7 and Objective 14).</i></p> <p><i>Good accessibility to local services for young people, older people and culturally and linguistically diverse communities is an important way of enabling people to age within their community. This contributes to improved mental and physical health and wellbeing outcomes".</i></p> <p>The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this objective. Importantly this objective includes Strategy 6.2:</p> <p><i>"Optimise the use of available public land for social infrastructure".</i></p> <p>The Proposal is consistent with this strategy. The Proposal achieves the intent of objective</p>

Direction	Objective/s	Alignment
		7 for the reasons outlined in relation to Objective 6.
A city of great places	Objective 12 Great places that bring people together	This objective includes the following commentary: <i>“Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections”.</i> The Proposal achieves the intent of objective 12 for the reasons outlined in relation to Objective 6.
A city in its landscape	Objective 31 Public open space is accessible, protected and enhanced	The Proposal is consistent with Strategy 31.1, to: <i>“Maximise the use of existing open space and protect, enhance and expand public open space by: • providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow”.</i>

Table 2 North District Plan

Planning Priority	Planning Priority Comment	Alignment
Planning Priority N1 – Planning for a city supported by Infrastructure Objective 4 - Infrastructure use is optimised	Nil.	This priority includes the following commentary: <i>“Aligning land use and infrastructure planning will maximise the use of existing infrastructure”</i> The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this priority.
Planning Priority N3 - Providing services and social infrastructure to meet people’s changing needs	The Planning Proposal will enable the golf clubhouse and WRC recreation facilities to be upgraded to help meet the community’s needs now and into the future.	This priority includes the following commentary: <i>“The district is expected to see and 85 per cent proportional increase in the 65-85 age group and a 47 per cent increase in the 65-84 age group is expected by 2036. This means 20 per cent of the District’s population will be aged 65 or over in 2036, up from 16 per cent in 2016”.</i> The Proposal has not provided any data in relation to the demographics of the expected users of the club. However, anecdotally, it is expected that the registered club would be frequented by an older demographic.

Planning Priority	Planning Priority Comment	Alignment						
Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities.	Social connectivity, as well as access to opportunities for recreational physical activity are essential to improved mental and physical health outcomes. By relocating the golf clubhouse and co-locating it with an upgraded WRC, the Planning Proposal will improve opportunities for recreational activities and social connectivity.	<p>The DPPOM contemplates the future relocation of the golf club to the District Park and Table 5 authorises the lease/licence of community land for registered clubs:</p> <table border="1"> <thead> <tr> <th>Proposed use</th><th>Land to which authorisation applies</th><th>Express authorisation of lease, licence or other estate for:</th></tr> </thead> <tbody> <tr> <td>Combined sports community club building</td><td>Land categorised as Sportsground for the use of the new combined sports club</td><td>Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.</td></tr> </tbody> </table> <p>The Proposal is therefore consistent with the Plan of Management. The co-location with other sporting facilities and the existing golf course would likely assist with creating socially connected communities given the range of activities available at the site.</p>	Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:	Combined sports community club building	Land categorised as Sportsground for the use of the new combined sports club	Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.
Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:						
Combined sports community club building	Land categorised as Sportsground for the use of the new combined sports club	Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.						
Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage	District Park is one of Warringah's most significant open spaces. The Park is well used and valued by the community. The Planning Proposal will facilitate and enable the golf club and WRC to foster the development of a social and recreational hub that will bring the community together for range of social and recreation purposes.	The addition of a 'registered club' will revitalise the site and provide a greater diversity of activities at the site.						

4. Is the Planning Proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

The Proposal is consistent with the following Council adopted plans: Local Strategic Planning Statement (Towards 2040), Community Strategic Plan (Northern Beaches Community Strategic Plan 2040), and the District Park Plan of Management (refer Tables 3-5). It is noted that Council's LSPS was supported by the then Greater Sydney Commission on 20 March 2020 for consistency with the Greater Sydney Region Plan and North District Plan.

Table 3 Local Strategic Planning Statement (Towards 2040)

Priority	Alignment
Sustainability <ul style="list-style-type: none"> Priority 6 High quality open space for recreation 	The Proposal will allow the use of the site for a multifunctional purpose, providing opportunities for social interaction close to transport and a local centre that will accommodate a greater range of compatible uses than that currently permitted. The use as a registered club must be ancillary to a recreational use.
People <ul style="list-style-type: none"> Priority 11- Community facilities and services that meet changing community needs Priority 12- An inclusive, healthy, safe and socially connected community 	The Proposal will enable the lodgement of a DA that will allow for the delivery of social infrastructure that will address the changing needs of the community, including those of the ageing population. The redevelopment of the site will adopt a place-based approach, conserving its local identity and social significance through the adaptive reuse of the site.
Great Places <ul style="list-style-type: none"> Priority 17- Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes 	As above.
Jobs and Skills <ul style="list-style-type: none"> Priority 30 - A diverse night time economy 	The Proposal will provide additional employment opportunities.

Table 4 Community Strategic Plan (Northern Beaches Community Strategic Plan 2040)

Goal	Alignment
Outcome – Community and belonging <ul style="list-style-type: none"> Goal 9 - Influence- Our community is inclusive and connected". 	The Proposal will allow the use of the site for a multifunctional purpose, providing opportunities for social interaction close to transport and a local centre that will accommodate a greater range of compatible uses to that currently permitted.
Outcome- Housing , Places and Spaces <ul style="list-style-type: none"> Goal 11 – Influence- Our local centres are vibrant and health, catering for diverse economic and social needs. 	The Proposal will enable the lodgement of a DA that will allow for the delivery of social infrastructure that will address the changing needs of the community, including those of the ageing population. The redevelopment of the site will adopt a place-based approach, conserving its local identity and social significance through the adaptive reuse of the site.
<ul style="list-style-type: none"> Goal 12 – Influence- Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed. 	The Proposal will contribute to the diversity of creative opportunities that can be enjoyed at the WRC site.
Outcome – Vibrant Local Economy <ul style="list-style-type: none"> Goal 15- Influence- Our centres are sustainable encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities. 	In addition to the above, the Proposal will provide additional employment opportunities.

Table 5 District Park Plan of Management

Objective	Alignment
<ul style="list-style-type: none"> Establish a balanced and values-based approach to the management of the Park. 	Community consultation undertaken to date is overwhelmingly in support of the Proposal.
<ul style="list-style-type: none"> Provide a flexible framework within which Council can respond to current needs and opportunities, as well as to future directions and pressures as demands on the Park change. 	The Plan of Management contemplates the future relocation of the golf club to the District Park and authorises the lease/licence of community land for combined sports and community club buildings for "activities for which a registered club would be licenced".
<ul style="list-style-type: none"> Reflect the values and expectations of the Warringah and wider community and people who will use and enjoy the Park". 	As above.
<ul style="list-style-type: none"> Address the recommendations of State, metropolitan, regional and local strategic plans and studies on needs and demands for sporting, recreation and community facilities. 	The Proposal is consistent with applicable strategic plans as set out in this Proposal.
<ul style="list-style-type: none"> Be consistent with Warringah's Community Strategic Plan and other strategies, plans and policies. 	As above.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The Proposal is consistent with the following State Plans and Strategies:

- NSW State Plan 2021
- NSW State Infrastructure Strategy 2022-2042
- Future Transport Strategy
- NSW Ageing Strategy 2016 – 2020

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Proposal is consistent with applicable State Environmental Planning Policies (see Table 6).

Table 6 Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as of June 2023)	Applicable	Consistent	Comment
(Biodiversity and Conservation) 2021	Yes	Yes	The Proposal itself does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways areas, water catchments, strategic conservation areas. Further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to construct a building that may be used as a registered club.

SEPPs (as of June 2023)	Applicable	Consistent	Comment
(Building Sustainability Index: BASIX) 2004	Yes	Yes	The Proposal does not propose any controls that override BASIX provisions.
(Exempt and Complying Development Codes) 2008	Yes	Yes	The Proposal does not propose any building works or changes to this policy.
(Housing) 2021	Yes	Yes	The Proposal does not propose building works or changes to this policy.
(Industry and Employment) 2021	Yes	Yes	The Proposal does not propose any changes to advertising and signage. The land is not located in the Western Sydney employment area.
No 65 – Design Quality of Residential Apartment Development	Yes	Yes	The Proposal does not propose building works or changes to this policy.
(Planning Systems) 2021	Yes	Yes	The Proposal does not affect the assessment of any State significant development, State significant infrastructure, regionally significant development or land subject to a Development Delivery Plan.
(Precincts – Central River City) 2021	Yes	Yes	Land subject to the Proposal is not identified within a State Significant Precinct, Sydney Region Growth Centre, Homebush Bay area or Kurnell Peninsula area.
(Precincts – Eastern Harbour City) 2021	Yes	Yes	Land subject to the Proposal is not identified within a State Significant Precinct, Darling Harbour, City West, Walsh Bay, Cooks Cove or Moore Park Showground.
(Precincts – Regional) 2021	Yes	Yes	Land subject to the Proposal is not identified within a State Significant Precinct, Activation Precinct, Kosciuszko Alpine Region or Gosford City Centre.
(Precincts – Western Parkland City) 2021	Yes	Yes	Land subject to the Proposal is not identified within a State Significant Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis Penrith Lakes, St Marys or Western Sydney Parklands.
(Primary Production) 2021	Yes	Yes	Land subject to the Proposal is not primary production and rural development, state significant agricultural land, a farm dam and other small-scale and low risk artificial waterbody, a livestock industry, sustainable aquaculture or within the Central Coast plateau area.
(Resilience and Hazards) 2021	Yes	Yes	The site is not mapped as containing land identified as ‘coastal wetlands’, ‘littoral rainforest’, or proximity to either on the ‘Coastal Wetlands and Littoral Rainforests Area Map’.

SEPPs (as of June 2023)	Applicable	Consistent	Comment
			<p>The site is located within a 'coastal use area' and a 'coastal environment area'. The SEPP requires consideration of certain environmental issues which are required to be addressed at DA stage.</p> <p>The site is located within an urbanised area located more than 2km from the coastal foreshore. The Proposal will not adversely affect any ecological, natural or scenic qualities of the foreshore or broader coastal zone. The Proposal will not cause any loss or disruption of public access to the foreshore area.</p> <p>A Preliminary Site Investigation (PSI) prepared for the clubhouse DA (NEO Consulting, February 2023) noted that the continuous use of the land as recreational indicates low potential impact of any contamination. The PSI found no exceedance of the NEPM Health and Ecological Assessment Criteria for Commercial/Industrial (D) sites from soil samples and no visible indications of contamination or contaminating sources. NEO Consulting concluded that the required considerations of CI 4.6 of the Resilience and Hazards SEPP are satisfied.</p>
(Resources and Energy) 2021	Yes	Yes	The Proposal does not affect any land containing mineral, petroleum and extractive material resources.
(Sustainable Buildings) 2022	No	N/A	This Policy commences on 1 October 2023. The Proposal does not propose any building works or changes to this policy.
(Transport and Infrastructure) 2021	Yes	Yes	The Proposal does not propose building works or changes to this policy. If the proposal receives a Gateway determination, referrals to state agencies will be undertaken during the statutory exhibition stage.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The Proposal is consistent with applicable Ministerial Directions (as shown in Table 7):

Table 7 Compliance with Ministerial Directions

Directions (as of August 2023)		Applicable	Consistent	Comment
Focus area 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	Yes	The Proposal is consistent with the objectives and actions of the Region Plan (see Section B, Question 3).
1.2	Development of Aboriginal Land Council land	No	N/A	
1.3	Approval and Referral Requirements	Yes	Yes	The Proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4	Site Specific Provisions	Yes	Yes	The Proposal will allow the proposed additional permitted use on the relevant land without imposing any development standards or requirements in addition to those already contained in the LEP. The Proposal does not contain or refer to drawings that show details of any proposed development.
Focus area 1: Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	

Directions (as of August 2023)		Applicable	Consistent	Comment
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	
1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N/A	
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N/A	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	
1.14	Implementation of Greater Macarthur 2040	No	N/A	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	
1.16	North West Rail Link Corridor Strategy	No	N/A	
1.17	Implementation of the Bays West Place Strategy	No	N/A	
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	
1.19	Implementation of the Westmead Place Strategy	No	N/A	
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	
Focus area 2: Design and Place				
Focus area 3: Biodiversity and Conservation				
3.1	Conservation Zones	No	N/A	The Proposal does not contain environmentally sensitive areas, land within a conservation zone or identified for environment conservation or protection purposes.
3.2	Heritage Conservation	Yes	Yes	The Proposal does not affect existing heritage provisions in the LEP.
3.3	Sydney Drinking Water Catchments	No	N/A	

Directions (as of August 2023)		Applicable	Consistent	Comment
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
3.5	Recreation Vehicle Areas	Yes	Yes	The Proposal does not enable land to be redeveloped for a recreation vehicle area.
3.6	Strategic Conservation Planning	No	N/A	
3.7	Public Bushland	Yes	Yes	Further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the construction of a building that could be used as a registered club.
3.8	Willandra Lakes Region	No	N/A	
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	
3.10	Water Catchment Protection	No	N/A	
Focus area 4: Resilience and Hazards				
4.1	Flooding	Yes	Yes	The Proposal does not rezone any land. There are no objections to the Proposal in relation to flooding.
4.2	Coastal Management	Yes	Yes	This matter will be assessed at the DA Stage.
4.3	Planning for Bushfire Protection	No	N/A	
4.4	Remediation of Contaminated Land	Yes	Yes	Based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.
4.5	Acid Sulfate Soils	Yes	Yes	The presence of acid sulfate soils can be mitigated by way of the acid sulfate soils management plan.
4.6	Mine Subsidence and Unstable Land	No	N/A	
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	Yes	Yes	The additional permitted use will require an assessment of traffic impacts at DA stage, however based on the size of the proposal, this can be assessed at the DA stage.
5.2	Reserving Land for Public Purposes	Yes	Yes	The Proposal alters the permitted uses on Council owned "community" land consistent with the DPPOM.

Directions (as of August 2023)		Applicable	Consistent	Comment
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	
5.4	Shooting Ranges	No	N/A	
Focus area 6: Housing				
6.1	Residential Zones	No	N/A	
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	
Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	N/A	
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
Focus area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	No	N/A	
Focus area 9: Primary Production				
9.1	Rural Zones	No	N/A	
9.2	Rural Lands	No	N/A	
9.3	Oyster Aquaculture	No	N/A	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	

Section C – Environmental, social and economic Impact

8. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The Flora and Fauna Constraints Report provides an assessment of the biodiversity conditions at the site and the potential implications for the Proposal. A technical review of this report identified some inconsistencies and information gaps. However, these gaps and inconsistencies should be addressed at DA stage and do not preclude the Proposal from being supported from an ecological perspective.

9. **Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?**

Table 8 provides a review of other likely environmental effects and how they will be managed.

Table 8 Assessment of Environmental Effects

Environmental Effects	Proposed Management
Traffic and Transport	The applicant would need to submit a Traffic Impact Assessment for review as part of the DA submission.
Coast and Catchments	The applicant would need to address relevant provisions of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> relating to the Coastal Use Area and Coastal Environment Area at the DA stage. A controlled activity approval (CAA) will be required. The applicant for the DA may nominate the DA as integrated development, or if a consent is granted, a condition of consent will be applied requiring a CAA.
Landscaping	A Statement of Landscape Intent would need to be submitted with any DA.
Flooding and Stormwater Management	A Flood Impact Assessment and Stormwater Management Plan would need to be submitted with any DA.
Noise	Any DA lodged will be subject to assessment by Council's Environmental Health officer. Acoustic impacts can be assessed at this stage and can be mitigated by way of conditions of consent.
Contamination	A Preliminary Site Investigation (PSI) prepared for the clubhouse DA (NEO Consulting, February 2023) noted that the continuous use of the land as recreational indicates low potential impact of any contamination. The PSI found no exceedance of the NEPM Health and Ecological Assessment Criteria for Commercial/Industrial (D) sites from soil samples and no visible indications of contamination or contaminating sources. NEO Consulting concluded that the required considerations of CI 4.6 of the Resilience and Hazards SEPP are satisfied. Notwithstanding, based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.
Acid Sulfate Soils	The presence of ASS can be mitigated by way of an ASSMP.
Heritage	The E-spatial viewer does not reveal any State Heritage items on the site. There are no locally listed items on the site. Any development approval can provide standard conditions of consent in relation to unexpected finds procedures.

10. Has the Planning Proposal adequately addressed any social and economic effects?

Social effects

The DPPOM contemplates the future relocation of the golf club to the District Park and the use as a registered club.

If the Proposal receives a Gateway determination, and a DA is subsequently approved, Council can condition that a Management Plan (in relation to noise, traffic and other impacts), and any Liquor License granted will be subject to the conditions of such a license, and conditions of consent can be applied to a DA in relation to operating hours.

Economic effects

The Proposal will have a positive benefit on employment and economic development by providing additional employment opportunities proximate to existing residential areas accessible by public transport and the local road network.

Section D – Infrastructure (Local, State and Commonwealth)**11. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Proposal will not require any changes to the delivery of public infrastructure to the land. The site is in an established urban area and benefits from access to a range of existing facilities and services, including utilities.

The site is near several public transport services, including bus services along Pittwater Road which provides connections to the Manly Town Centre and the wider Northern Beaches. The site is located approximately 3.5 km from the Manly Town Centre, which provides additional public transport connections to the Sydney CBD, North Sydney CBD and Chatswood.

Section E – State and Commonwealth interests**12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

An update to this section of the Proposal will occur following consultation with relevant State and Commonwealth public authorities in accordance with the Gateway determination.

DRAFT

Part 4 – Maps

The Planning Proposal will amend the WLEP Additional Permitted Uses Map (Sheet APU_008) to identify a portion of the subject site as 'Area 19E'.

The existing Additional Permitted Uses Map is shown in Figure 3. The proposed Additional Permitted Uses Map is shown in Figure 4.

Figure 3 – Existing Additional Permitted Uses Map (Sheet APU_008)

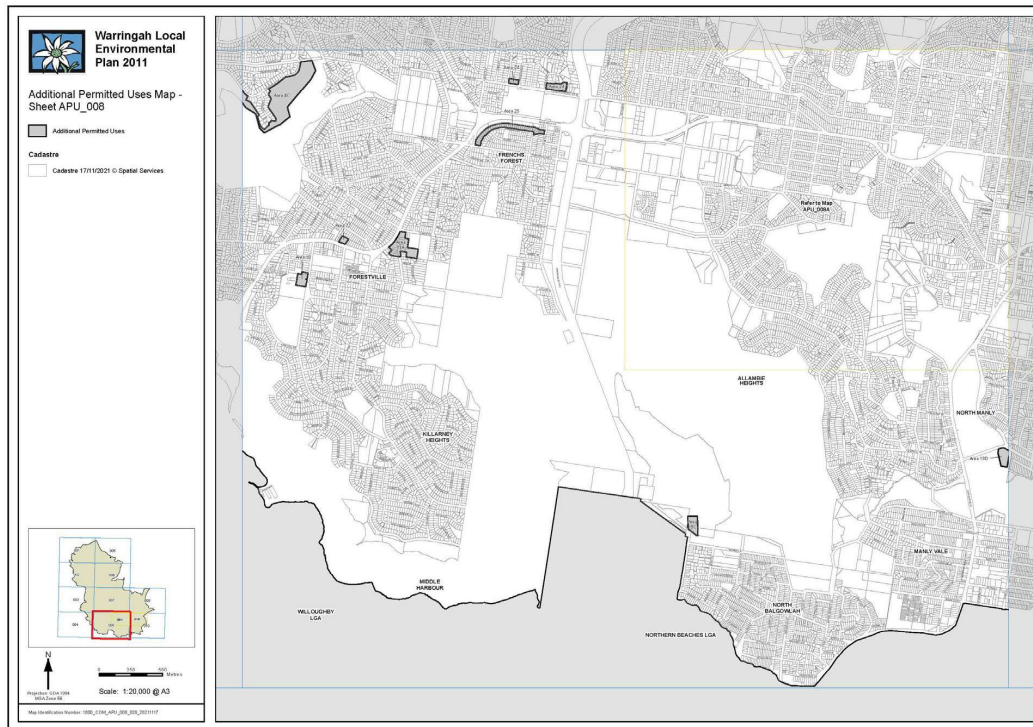
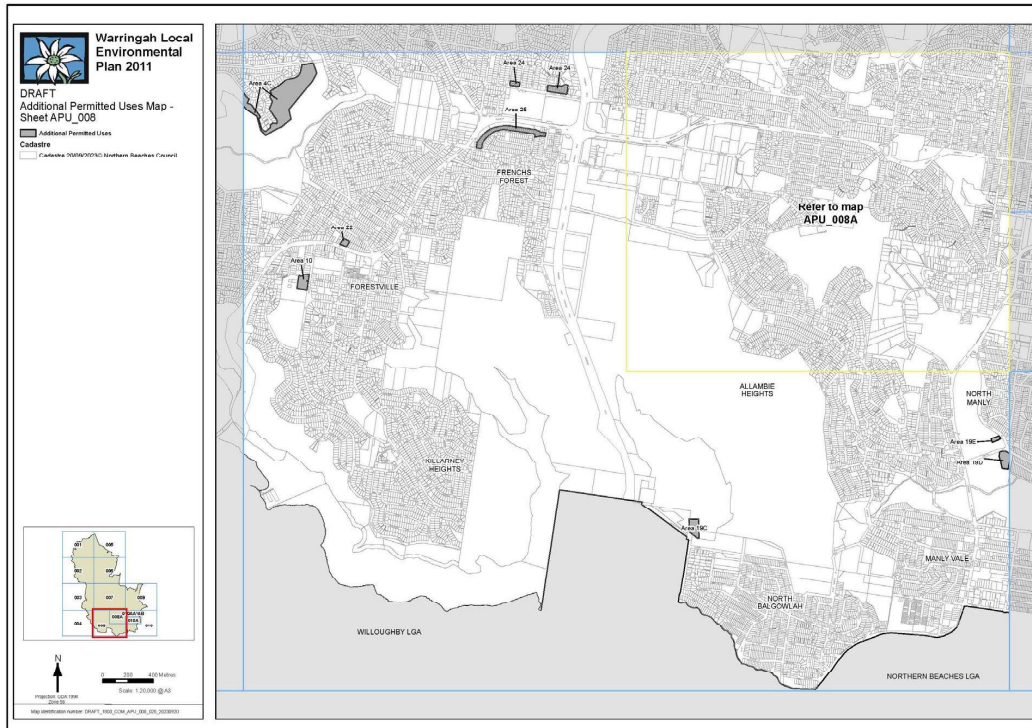


Figure 4 – Proposed Additional Permitted Uses Map (Sheet APU_008)



Part 5 – Community Consultation

The Planning Proposal application was placed on non-statutory public exhibition for 14 days. 39 public submissions were received, of which 33 were in support of the proposal, three objected to the application, and three appeared to be neutral. A summary of the matters raised in the objections to the Proposal is provided in Table 9.

Table 9 Issues Raised in Public Submissions

Objections	Comment
Loss of sports courts identified in the District Park Plan of Management.	<p>Section 4.2.3 of the District Park Plan of Management (DPPOM) provides background information relating to District Park, including that the Warringah Recreation Centre has six tennis courts, three squash courts and futsal courts. The DPPOM Actions include:</p> <ul style="list-style-type: none"> • Support provision of additional futsal/multi-use synthetic courts at locations which could include Warringah Recreation Centre and the Calabria Club. • Investigate upgrading tennis and squash courts at Warringah Recreation Centre • Identify suitable locations for multi-purpose sports courts catering for informal netball, basketball and other court sports at locations which could include Warringah Recreation Centre and Nolan Reserve. • Investigate the feasibility of additional squash courts. <p>Whilst the approval of the DA would prevent the provision of additional courts at the Warringah Recreation Centre, and reduce the number already constructed, it does not 'approve the clubhouse', as the approval of a DA is required. Nor does the DPPOM strictly outline that the Warringah Recreation Centre (WRC) must accommodate any additional courts or sporting facilities. The DPPOM suggests further investigations.</p> <p>The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation. Notwithstanding, the loss of sports courts does not preclude support of the Proposal.</p> <p>The proposal ensures that the use as a registered club must be ancillary to a recreational use. Therefore, the Proposal will not result in a change to the quantum of land used for recreation purposes.</p>
Vegetation removal	<p>The Flora and Fauna Constraints Report has been reviewed by GHD's Ecologist and Council's Biodiversity Team. Whilst some gaps and inconsistencies have been identified in the report, these can be addressed at the DA stage.</p>
Licensed alcohol and gambling venue	<p>The objection expresses concern at the social impacts of alcohol and gambling if the venue is a licensed venue.</p> <p>The proposal does not stipulate whether or not gambling would be permitted at the club. By definition a Registered Club "means a club that holds a club licence under the Liquor Act 2007".</p>

	The consumption of alcohol does contribute to social problems, as discussed in the objection and as is commonly understood. Notwithstanding, the existing Warringah Golf Club currently operates as a 'registered club'. The proposal will therefore not result in a net increase in registered clubs. This is, however, not strictly a planning matter.
Traffic	As discussed in the assessment report, Council's Traffic Engineering Coordinator has no objections to the proposal.
Golf is an elitist sport	Golf as an activity may not be financially accessible to all, however this is not strictly a matter for planning consideration. The equitable provision of a variety of activities is within the remit of Council.
The land should be used for a better purpose or more public recreation	The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation. The proposal ensures that the use as a registered club must be ancillary to a recreational use. Therefore, the Proposal will not result in a change to the quantum of land used for recreation purposes.
Encroachment into the riparian lands including earthworks and increased impervious areas	The Flora and Fauna Constraints Report has been reviewed by GHD's Ecologist and Council's Biodiversity Team. Whilst some gaps and inconsistencies have been identified in the report, these can be addressed at the DA stage.
Impacts of the proposal on Brookvale Creek, vegetation, Flooding and Acid Sulphate soils as identified in the District Park Plan of Management	These matters have been addressed in Section C of this report and do not preclude supporting the Proposal.

The majority of the submissions were in support of the Proposal. The issues raised in the objections can be addressed at the DA stage. Should a Gateway determination be granted, consultation will occur in accordance with the requirements of the determination and will include consultation with relevant State agencies.

Part 6 – Project Timeline

Table 10 *Project Timeline*

Stage	
Consideration by Council	October
Council Decision	October
Gateway Determination	Late 2023
Commencement and completion of public exhibition period	Early 2024
Consideration of submissions	Early 2024
Post-exhibition review and additional studies	Early 2024
Submission to the Department for finalisation (where applicable)	Mid 2024
Gazettal of LEP amendment	Mid 2024

Appendices

Appendix A

AHIMS Search



AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : 12616308

Client Service ID : 809140

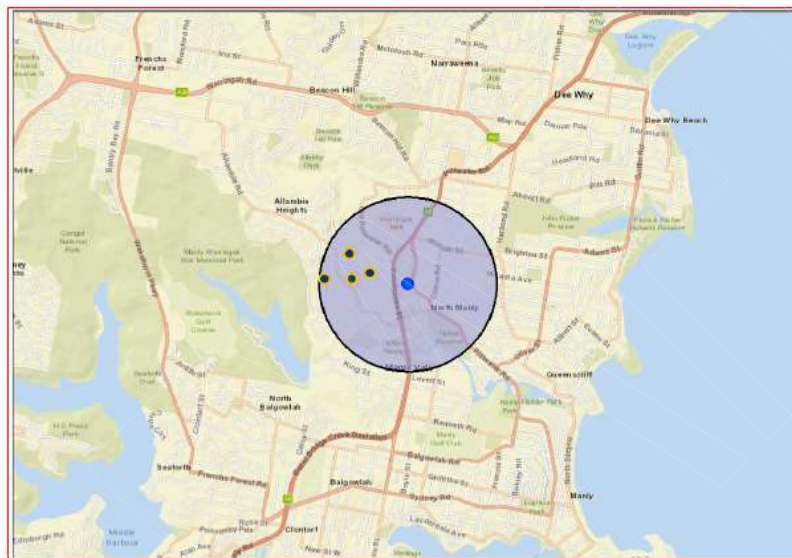
Date: 14 August 2023

Rochelle Barclay
230 Harbour Drive
Coffs Harbour New South Wales 2450
Attention: Rochelle Barclay
Email: rochelle.barclay@ghd.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 292 CONDAMINE STREET NORTH MANLY 2100 with a Buffer of 1000 meters. conducted by Rochelle Barclay on 14 August 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4 Aboriginal sites are recorded in or near the above location.

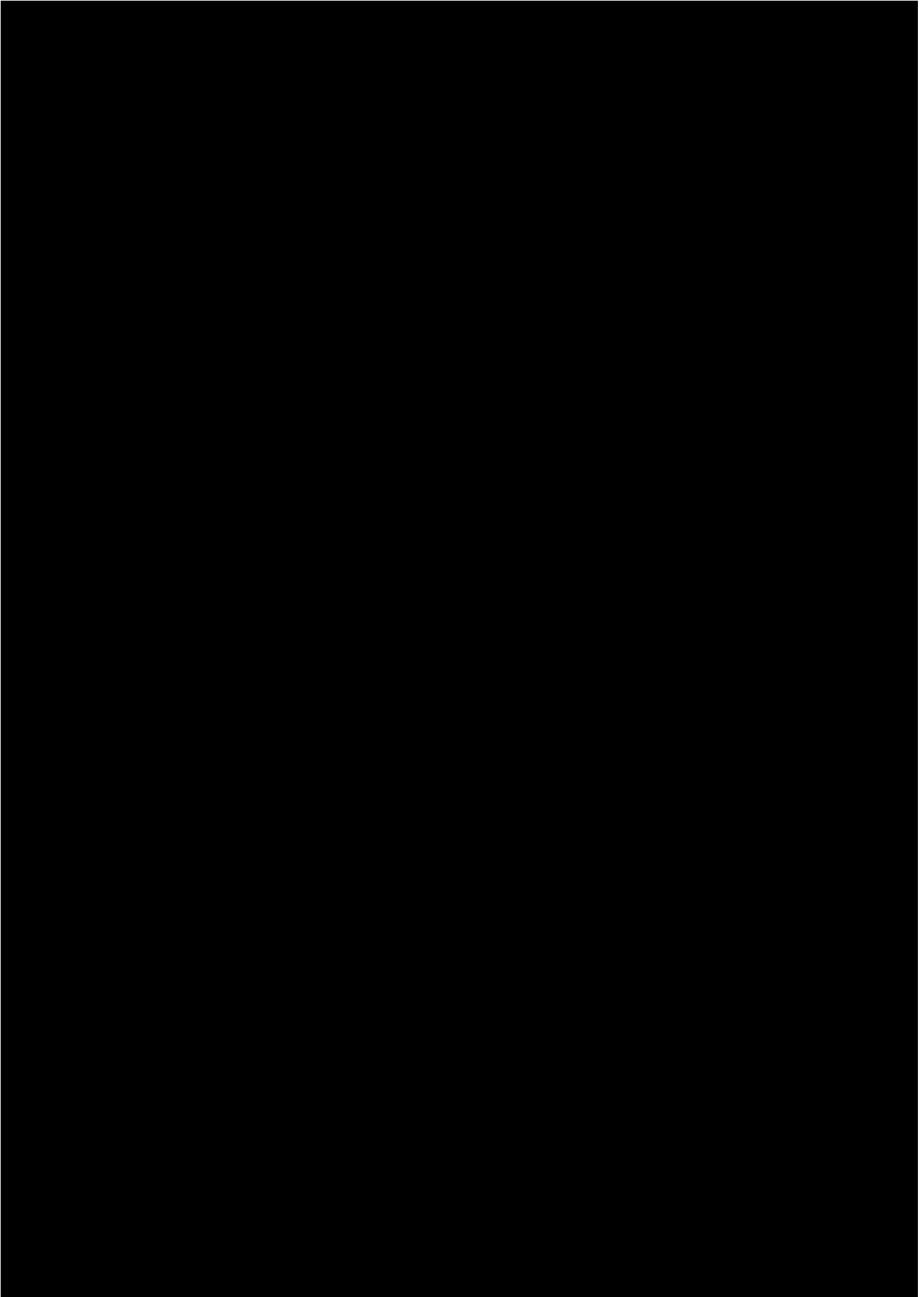
0 Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.





GPO Box 1104, Sydney, NSW 2001
ABN: 22 130 908 824

Mr Scott Phillips
Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly
NSW 1655

26 September 2023

Dear Mr Phillips

Probity Report – Assessment of Planning Proposal PEX2023/0002 at the Warringah Golf Course District Park

Procure Group Pty Ltd (**Procure**) was engaged in July 2023 by the Northern Beaches Council (**Council**) to provide independent probity advisory services in relation to the assessment of Planning Proposal PEX2023/0002 at the Warringah Golf Course District Park (**Planning Proposal**). The land on which the golf course is situated is owned by Council.

The Planning Proposal had been submitted by the Property Team of Council which created a conflict of roles within Council since the Strategic and Place Planning Team (**S and PP Team**) had responsibility for management of the assessment process for the Planning Proposal.

Background

Council documentation provides the following background:

Council has received a Planning Proposal to amend the Warringah Local Environmental Plan 2011 (WLEP 2011) for part of Lot 2742 DP 752038, known as the Warringah Golf Course District Park.

Northern Beaches Council

Assessment of Planning Proposal PEX2023/0002**Probity Report**

The land is owned by Council and the Planning Proposal has been submitted by Council's Property Team. The land is zoned RE1 Public Recreation under WLEP 2011 and is subject to the District Park Plan of Management, adopted on 25 August 2015.

The Planning Proposal seeks to amend Schedule 1 of WLEP 2011 to allow a 'registered club' as an Additional Permitted Use on part of the south-eastern corner of the land which is proposed to accommodate the new Warringah Golf Clubhouse. A plan identifying the location of the proposed Additional Permitted Use boundary has been submitted with the Planning Proposal.

The Strategic & Place Planning Team are engaging an independent planning consultant to assess the Planning Proposal.

The Planning Proposal and all supporting documentation were placed on public notification (Pre-Gateway non-statutory) from 1 July 2023 to 16 July 2023.

The independent consultant engaged to conduct the assessment of the Planning Proposal was GHD Consulting Pty Ltd (**GHD**). The final report from GHD was received by Council on 14 September 2023. The report recommends:

that Council support the progression of the Proposal for a Gateway determination from the NSW Department of Planning and Environment under section 3.34(1) of the Environmental Planning and Assessment Act 1979.

In addition to the above it is noted that any future ecological assessment submitted in support of the development application (DA) should address additional matters.

As required by the assessment process, GHD has also prepared a revised Planning Proposal for consideration by the Local Planning Panel (**LPP**) and by Council.

The assessment report and updated Planning Proposal prepared by GHD will be referred to the LPP for consideration and recommendation to Council. The elected Councillors will then consider the recommendation for referral to the Department of Planning and Environment for Gateway determination.

Work Performed

Procure has completed the following tasks in relation to the conduct of the assessment process:

- Attended an initial briefing regarding the Planning Proposal assessment process on 14 July 2023, with the Principal Development Infrastructure Officer, S and PP Team at Council. Discussed the mitigation steps required to be taken by Council officers to address the conflict of roles;
- Noted that the mitigation steps to be implemented by Council included:
 - The engagement of GHD to conduct the assessment of the Planning Proposal;

Northern Beaches Council

Assessment of Planning Proposal PEX2023/0002**Probity Report**

- The conduct of a non-statutory public exhibition of the Planning Proposal for a period of two weeks in July 2023;
 - Ensuring that the Property Team has no involvement in, or access to, the assessment process and related documentation; and
 - Requiring the completion of conflict of interest declarations by all S and PP Team members and internal referral bodies with a role in reviewing the application;
- Procure met with representatives of GHD on 26 July 2023, in order to explain Procure's role and to discuss the approach to be taken by GHD to the conflict of roles issue. Confirmed that all communications between GHD and Council would be through the S and PP Team with no direct contact with the Property Team. Also confirmed that GHD did not have any conflict of interest in relation to the assessment of a Planning Proposal that involved the Warringah Golf Club;
- Confirmed with the Principal Planner of the Property Team on 18 July 2023, that the Property Team members understood the need to maintain complete separation from the assessment process. Noted that Property Team files were maintained securely within Council's records management system. Noted that documents relating to the assessment of the application were restricted and could not be accessed by the Property Team. Further, it was confirmed that conflicts of interest for the Property Team had been checked in accordance with Council procedures;
- Reviewed the six conflicts of interest declarations provided by Council on 27 July and 1 August 2023, from the members of the S and PP Team and internal referral bodies who provided comments on the Planning Proposal to GHD. Noted that no matters were declared which prevented the team members from contributing comments to the assessment process conducted by GHD;
- Noted that the comments provided to GHD were from the following sections of Council:
- Park Assets, Plan Design and Delivery;
 - Stormwater, Flood Plain and Engineering;
 - Environment and Biodiversity;
 - Coast and Catchments;
 - Traffic Network; and
 - Development Engineering;

Northern Beaches Council

Assessment of Planning Proposal PEX2023/0002**Probity Report**

- Reviewed all correspondence between the S and PP Team and GHD in the period 17 July to 14 September 2023. Noted that the correspondence was conducted appropriately and was not available to the Property Team;
- Noted that all public comments received during the public exhibition period are available on the Council's website, along with all documentation related to the Planning Proposal;
- Noted that GHD provided a draft of its assessment report on 16 August 2023. Further noted that the draft report included:
 - An outline of the Planning Proposal and its objectives;
 - An assessment of its relationship to the relevant Strategic Planning Framework;
 - Environment, social and economic impact; and
 - An analysis and commentary on the 39 submissions received in response to the public exhibition of the Planning Proposal;
- Attended the meeting between GHD and representatives from the S and PP Team held on 22 August 2023, where the Council comments on the draft assessment report were discussed;
- Confirmed by email on 17 August 2023 with the Executive Manager Property and the Principal Planner at the Property Team, that the Property Team had not had any contact with GHD or any Council personnel contributing to the assessment process;
- Noted that GHD provided an updated draft assessment report on 30 August 2023 and the draft Planning Proposal on 31 August 2023;
- Noted that following review by Council, GHD was provided with final comments on 11 September 2023 and subsequently provided the final assessment report and Planning Proposal on 14 September 2023; and
- Reviewed the draft LPP report prepared by Council on 21 September 2023 and confirmed that it accurately presented the assessment process and documentation prepared by GHD. Further noted that the LPP report will be presented to the meeting of the LPP to be held on 4 October 2023. The Property Team have been advised that they will be invited to the meeting.

Conclusion

Based upon our work performed as detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the process followed by Council in the conduct of the preparation and assessment of the Planning Proposal has

Northern Beaches Council

Assessment of Planning Proposal PEX2023/0002

Probity Report

not been conducted in a transparent and accountable manner consistent with probity principles. Appropriate internal separation between the two Council teams involved has been demonstrated.

Please contact Vic Baueris of Procure on 0401 443 507 should you have any questions in relation to this report.

Yours sincerely,



Simon Taylor

**Managing Director
Procure Group Pty Ltd**

Statement of Responsibility

This probity report has been prepared to assist Northern Beaches Council in its decision-making regarding matters related to the assessment of the Planning Proposal. Procure has compiled this report based on:

- (a) Council documentation it has been given and which it has reviewed;
- (b) Participation in meetings related to the Planning Proposal; and
- (c) Discussions with relevant Council officers and others involved in the assessment process.

The conclusion of this report is based upon the work performed as documented in it. While Procure has identified probity risks and considered the controls, environment and action taken by Council to address those risks, probity issues may nevertheless have arisen that have not been identified. While Procure may provide input into processes followed, Council retains responsibility for the probity of its personnel and processes. The report cannot be relied upon by any other party or for any other purpose.