
SNPP BRIEFING NOTE

APPLICATION NUMBER:	DA2022/2081
PROPERTY ADDRESS:	292 Condamine Street, North Manly
PROPOSAL:	Change of use and construction of a golf club house and associated facilities
APPLICATION LODGED:	14/02/2023
APPLICANT:	Warringah Golf Club Limited
OWNER:	Northern Beaches Council
COST OF WORKS:	\$7,950,000
NOTIFICATION PERIOD:	22/02/2023 to 22/03/2023
ADVERTISED:	22/02/2023
NO. OF SUBMISSIONS:	Seventy-two (72)
DETERMINATING AUTHORITY:	Sydney North Planning Panel
REASON FOR REFERRAL:	Council related development (landowner) and has a capital investment value of more than \$5 million.

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 (refer to Figure 1). The site is relatively flat.

The site currently comprises six (6) 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 and adjoins Brookvale Creek to the west.



Figure 1: Site Map (Site outlined in yellow)



Figure 2 – Site Plan (Development site outlined in red)

RELEVANT BACKGROUND

The Warringah Golf Course has been operating since 1935 when the first nine (9) holes were opened north of Kentwell Road and the Warringah Golf Club (WGC) was subsequently formed in 1936.

The second nine (9) holes subsequently opened in 1939 and the first clubhouse at 397 Condamine Street was constructed in 1939.

The existing WGC clubhouse at 397 Condamine Street is not located within the confines of the golf course and is currently underutilised and its function areas and dining room are used infrequently.

Council is currently drafting a Masterplan for the redevelopment of Warringah Recreation Centre on the corner of Pittwater Road and Kentwell Road, North Manly. As part of this exercise, a new WGC Golf and Community Club is to be developed on Council land, jointly with WGC and Council (see figure below).

WGC and Council are working together under Heads of Agreement (HOA) for the proposed new clubhouse, parking and recreation facilities as part of the Warringah Recreation Centre Masterplan.



Figure 13. Proposed Masterplan: Warringah Golf and Community Club and Tennis Centre (Source: Northern Beaches Council, 2022)

PROPOSED DEVELOPMENT

The proposal is to demolish all above ground structures and construct a clubhouse for the Warringah Golf Club.

The development includes facilities for the WGC including a pro shop, meeting rooms, dining/function room, amenities and landscaping works including the erection of a pedestrian bridge over a realigned drainage swale.

The proposed clubhouse has provided nine (9) on-site car parking spaces within the eastern carpark, refer to red outline at Figure 2.

The remaining car parking spaces will be provided by Council and within the site, two off-street car parks which will serve the proposed clubhouse and the proposed facilities currently being prepared as part of the Warringah Recreation Centre Masterplan.

The site is zoned RE1 – Public Recreation under the Warringah Local Environmental Plan 2011:

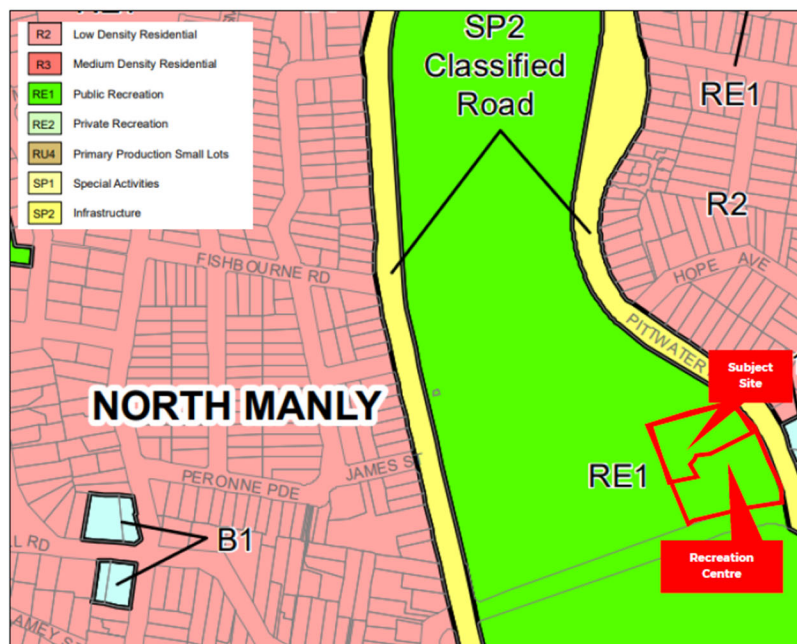


Figure 20. WLEP2011 Zoning Map (Source: NSW Legislation, 2022)

PROPOSAL IN DETAIL

The proposed development comprises:

- a) Staged demolition involving demolition of all existing sports courts and squash courts and remove existing trees along northern and western boundary (Stage 1) and the demolition of the recreation clubhouse (Stage 2).
- b) Earthworks involve raising ground levels for the clubhouse from 0.36m to 0.92m and up to 0.97m for the eastern carpark.
- c) Construction and use of a two storey clubhouse including:
 - Pro shop
 - Garden lounge (enclosed)
 - Meeting rooms
 - Sports bar
 - Dining/function room
 - Terrace areas
- d) Loading / servicing areas, nine (9) car parking spaces, and pick-up / drop-off area.
- e) Trading Hours:

Use	Hours of Operation	Days
Pro Shop	Winter: 6.30am - 6.00pm Summer: 6.00am - 7.00pm	Monday - Sunday
Commercial Office/Meeting	9.00am - 5.00pm	Monday - Friday
Garden Lounge	11.00am – 7.00pm	Monday - Sunday
Dining & Function Rooms	12.00pm – 10.00pm	Monday – Sunday
Bar	10.00am – 10.00pm	Monday – Sunday

- f) The proposed car parks will be accessed via combined entry and exit access driveways onto Kentwell Road, at the locations of the existing vehicular driveway crossings. It is noted that no design assessment has been undertaken for these areas under the subject DA and it is reported in the Traffic Report that these driveways, all internal circulation roadways and turning heads, will be subject to approval under a separate application.

The proposal is defined as a “Recreation Facility Outdoor”, being ancillary development to the golf course use, and is a permissible use in the RE1 zone under the WLEP 2011.

As the proposal is located on land owned by Northern Beaches Council, the application has been outsourced to an independent planning consultancy due to potential conflict of interest. CPS Planning is undertaking the assessment and will prepare the final report for determination. The DA was lodged prior to 3 April 2023, therefore the mandated policy, Council Related Development Applications Policy adopted on 28 March 2023 and came into force on 3 April 2023 does not apply.

NOTIFICATION / ADVERTISING

The development application was exhibited between 22 February to 22 March 2023.

A total of Seventy-two (72) individual submissions have been received (to date), with a significant number of those being in support of the proposal.

The submissions objecting to the proposal are on the grounds of traffic and parking, flood risk, deficiencies within the Traffic Impact Assessment, loss of squash courts and futsal courts, the land should be used for residential accommodation, the proposal is not consistent with the pre-application comments and impacts on trees.

INTERNAL REFERRAL ISSUES

Internal Referral Body	Comments
Building Assessment	The application is supported from a building assessment perspective subject to recommended conditions.
Environmental health- contaminated land	The application is supported from a contaminated land perspective subject to a recommended condition.
Environmental health- acid sulfate soils	The application is supported from an acid sulfate soils perspective subject to recommended conditions.
Environmental health- commercial use	The application is supported from an environmental health perspective subject to recommended conditions.
Natural environment- coastal	The application is supported from a natural environment perspective subject to recommended conditions

Internal Referral Body	Comments
Natural environment- flooding	The application is supported from a flooding perspective subject to recommended conditions.
Landscape	Not supported- Insufficient information preventing officer from completing their assessment.
Traffic Engineer	The application is supported from a traffic engineering perspective subject to recommended conditions.
Waste Management	The application is supported from a waste management perspective subject to recommended conditions.
Engineering	Not supported- Insufficient information preventing officer from completing their assessment.
Riparian	Not supported- Insufficient information preventing officer from completing their assessment

EXTERNAL REFERRAL ISSUES

External Referral Body	Comments
Aboriginal Heritage Office	Not supported- Seeking comprehensive Aboriginal heritage assessment
Ausgrid	Supported subject to a recommended condition requiring compliance with the Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
NSW Police (crime prevention officer)	Supported, subject to minor amendments.
NSW Police (licensing unit)	NSW Police licensing unit support the application subject to recommended conditions.
Transport for NSW	Supported subject to recommended conditions.
Department of Planning and Environment- Water	<p>Under the provisions of section 4.46 of the Environmental Planning and Assessment Act 1979, the proposal is integrated development on the basis that it requires development consent from Ku-ring-gai Council as well as a Controlled Activity Approval under the Water Management Act 2000.</p> <p>The Department of Planning and Environment issued General Terms of Approval (GTA) on 1 May 2023.</p>

ASSESSMENT ISSUES

1. Biodiversity

- a) The Flora and Fauna Constraints Assessment Report (FFCAR) provides an overview of ecological constraints on site. These include a section of Estuarine Swamp Oak Forest.
- b) Estuarine Swamp Oak Forest is a recognised Endangered Ecological Community (EEC) declared under the BC Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The report has also identified the presence

of 2 specimens of *Callistemon linearifolius* within the site. Furthermore, the vulnerable Eastern Osprey has been recorded within the development footprint and adjoining land. However, the report does not provide threatened species tests of significance for these threatened entities. In accordance with NSW and Commonwealth biodiversity legislation, tests of significance are required to be undertaken for any threatened entities likely to be impacted by a development.

- c) The FFCAR has not quantified the area of native vegetation to be cleared, nor has it assessed whether the Biodiversity Offsets Scheme applies.
- d) The arboricultural impact assessment (AIA) has concluded that a total of 33 prescribed trees would have to be removed to accommodate the proposed footprint in its current form. However, no accurate location of the trees has been indicated on the survey plans. Please refer to the landscape referral response for additional detail.
- e) The landscape proposal includes a total of 26 replacement canopy “trees” following the recommendations established in the FFA. However, additional canopy replacements need to be provided to avoid a net canopy loss.

2. Landscaping

- a) The Arborist’s Report locates the trees on a plan in general location rather than identifying each tree and Demolition Plan shows trees to be removed from a detailed a Survey Plan. (Fig. 2 below).
- b) The trees should be identified on the Survey Plan so that each tree is identified via their corresponding number in the Report. The trees’ Tree Protection Zones and Structural Root Zones are also required to be shown on the plan to enable assessment of impacts of the proposed works and to clearly identify the trees to be removed and trees to be retained as applies to this application.
- c) The Arborist’s report appears to refer to trees being removed adjacent to the existing tennis courts whereas the Demolition Plan does not identify these trees to be removed.
- d) The additional information referred to above is required to be provided to enable proper assessment of the impacts to be made and, in the event of providing conditions, a clear plan identifying trees to be retained and removed.

3. Aboriginal Heritage Office

The area of the proposed development is considered as having high potential for unrecorded Aboriginal sites. Given the high potential, the AHO recommends a full and comprehensive Aboriginal heritage assessment be carried out for the land by a qualified Aboriginal heritage professional, including consideration for subsurface archaeological testing. This would provide an assessment of any unrecorded or potential Aboriginal sites within the allotment, and advice on potential (direct or indirect) impacts to any Aboriginal site.

4. Engineering

The stormwater concept plan has insufficient details for assessment and does not satisfy WDCP provision C4 Stormwater. The proposal is to discharge via a absorption system however no details are provided. Where absorption is proposed the system shall be sized based on a measured infiltration rate for the site in accordance with Appendix 3 of Council’s Water Management for Development Policy. The applicant shall provide a geotechnical

report by a suitably qualified Geotechnical Engineer to confirm the infiltration rate for the site. The proposed absorption system shall be appropriately sized based on a measured infiltration rate. The applicant shall provide a stormwater plan by a suitably qualified engineer.

5. Riparian

In general the level of detail regarding impacts to Brookvale Creek and the riparian zone are insufficient. The development appears to be removing trees from within the riparian zone and proposing to create a new stormwater outlet into Brookvale Creek.

As required by the WDCP, a Waterway Impact Statement is to be provided which includes a waterway analysis, an assessment of impacts, an assessment of compliance with the DCP, and the provision of mitigation measures. Further requirements regarding Waterway Impact Statements can be found in the WDCP.

6. Police

- a) It is recommended that an emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.
- b) It is recommended that the external walls on ground level are painted in a graffiti resistant paint which is easier to clean if tagged.
- c) Details of the bin storage area are to be shown, this area is to be designed so they are adequately secured, cannot be easily accessed and cannot be used as climbing aid.

7. Plan of Management

The Plan of Management (PoM) needs further information to address the following:

- a) The NSW Police have stated that rapid removal of graffiti is the best prevention strategy. Rapid removal is best practised when completed within 24 hours of the graffiti and should be included in the PoM.
- b) The NSW Police have recommended the installation of a CCTV camera system which is likely to be imposed as a condition of consent, despite this the PoM shall include details of the surveillance system that identifies both indoor and outdoor areas monitored by cameras, camera technical specifications (eg recording capacity, frames per second).
- c) Transport for NSW have commented on the proposal and require the PoM to adopt mitigation measures to ensure minimal impact on general traffic and bus operations.

- d) The noise recommendations listed at section 3 of the PoM are inconsistent with the acoustic recommendations listed at section 7 of the DA acoustic assessment, prepared by Acoustic Logic and dated 12 October 2022.
- e) Approximate number of staff across all uses within the club house.
- f) More detail is required regarding the complaints register; the register shall include:
 - o Complaint date and time
 - o Name, contact and address details of person(s) making the complaint.
 - o Nature of the complaint
 - o Name of staff on duty
 - o Action taken by premises to resolve the complaint, and
 - o Follow-up.

8. Trading Hours

Clarification is required regarding the operational hours of the garden lounge, the Statement of Environmental Effects and PoM nominate 10am to 7pm; however, the DA acoustic assessment, prepared by Acoustic Logic and dated 12 October 2022 nominates hours of 10am to 10pm which and also states that the garden lounge (including the outdoor terrace) is one of the major noise sources. This inconsistency requires the reports to be amended to ensure consistency.

9. State Environmental Planning Policy (Transport and Infrastructure) 2021 – Division 15 Railways and Division 17 Roads and traffic

The site shares a frontage with a classified road being Pittwater Road and Kentwell Road and is pursuant to the provisions prescribed by Clause 2.119 of the SEPP. To satisfy subclause 2.119 of the SEPP Council requires the applicant to demonstrate whether:

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

A written statement or amendments to the plans detailing the type of mitigation measures is required to enable Council to discharge this pre-condition.

10. Warringah Local Environmental Plan 2011

a) *Clause 5.23 Public bushland*

The Statement of Environmental Effects, prepared by Willowtree Planning and dated 23/11/22 has not considered if the public bushland provisions at Clause 5.23 apply to the proposal (refer to item 1€). In the event it does apply, Council draws your attention to the pre-condition at Clause 5.23(3) of the LEP and the requirement to explore alternative designs, minimise the amount of bushland to be disturbed and measures to remediate disturbed bushland.

b) *Clause 6.2 Earthworks*

The submitted Waste Management Plan (WMP) does not provide the volume and destination of fill material being transported from site in order to satisfy Clause 6.2(3) of the LEP.

Further, WMP focuses on the waste generated during the operation of the clubhouse but does not include a breakdown of demolition, excavation and construction waste contrary to Part C8 of the WDCP.

c) Clause 6.4 Development on sloping land

The Statement of Environmental Effects, prepared by Willowtree Planning and dated 23/11/22 defers to the Geotechnical report in order to satisfy Clause 6.4; however upon review it does not contain sufficient information to enable Council to discharge pre-condition Clause 6.4(3) of the LEP.

Conclusion

Critical to this application is the proposed impact of the proposal on threatened species as discussed above. The applicant is to determine whether the development triggers entry into the scheme or not. The triggers into the scheme (under Part 4 of the Environmental and Planning Act 1979) are the following:

- exceed the Biodiversity Offsets Scheme threshold (BC Act, section 7.4); the threshold includes clearing on land within the Biodiversity Values Map or clearing of an area that exceeds the threshold.
- are carried out on an Area of Outstanding Biodiversity Value (AOBV)
- are likely to significantly affect threatened species, ecological communities, and their habitats according to the test in section 7.3 of the BC Act

The FFCAR has described the constraints on the site but has not determined whether irreversible impacts would take place. Considering no Tests of significance were provided we cannot safely conclude that significant impacts would be avoided in what has been identified as an Endangered Ecological Community in the submitted Flora and Fauna Constraints Assessment Report.

Given the outstanding information required to complete the assessment, a Request for Information letter was sent to the applicant on 13 June 2023 requesting submission by 27 June 2023. It is expected that the information will be provided by the applicant and the independent planning consultant will be able to complete the assessment for reporting to the Panel.