

WILLOWTREE PLANNING



27 August 2024

Ref: WTJ24-102
Contact: Abbie Cogill



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED SQUASH COURT BUILDING

292 Condamine Street, North Manly
Lot 2742 DP 752038

—

Prepared by Willowtree Planning Pty Ltd
on behalf of Northern Beaches Council c/o Webber Architects

ACN: 146 035 707 ABN: 54 146 035 707
Suite 204, Level 2, 165 Walker Street
North Sydney NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 9929 6974






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In the spirit of reconciliation and recognition, Willottree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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| Version No. 1 - 14/06/2024 | Aino Näreneva Senior Planner | Andrew Cowan Director | Andrew Cowan Director |
| Version No. 2 - 27/08/2024 | Aino Näreneva Senior Planner | Abbie Cogill Senior Planner | |
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| 6 | Warringah Development Control Plan 2011 Assessment | Willowtree Planning |
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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Northern Beaches Council c/o Webber Architects (the Applicant) and is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) at 292 Condamine Street, North Manly (subject site), which captures the following land parcel:

- Lot 2742 DP 752038

This DA seeks development consent for a proposed squash court building at the subject site, including other necessary works, as described in **PART C** of this SEE.

The subject site is zoned **RE1 Public Recreation Zone**, pursuant to the *Warringah Local Environmental Plan 2011* (WLEP2011), which is intended to:

- *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.*

The proposal seeks to provide a new squash court building, which is permitted within the RE1 zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**



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Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is located within the Northern Beaches Local Government Area (LGA) and is identified as 292 Condamine Street, North Manly, containing the following land holdings:

| TABLE 1. SITE IDENTIFICATION | | |
|-----------------------------------|----------------------|---------------------|
| Site Address | Legal Description(s) | Land Area (approx.) |
| 292 Condamine Street, North Manly | Lot 2742 DP 752038 | 17.23 ha |

The subject site address is interchangeably referred to as 292 Condamine Street, North Manly or 433 Pittwater Road, North Manly and is legally described as Lot 2742 DP 752038.

The subject site accommodates an area of 17.23 ha and is surrounded by highly urbanised landscape. The Development Area is located in the southeastern portion of the subject site. The Development Area is known as the Warringah Recreation Centre and currently comprises tennis courts, soccer fields, and squash courts. The proposal does not involve any works to the remainder of the subject site which comprises the Warringah Golf Course.

The Development Area sits on the corner of Kentwell Road and Pittwater Road, North Manly with Brookvale Creek running to the western portion of the Development Area.

Refer to **Figure 1** and **Figure 2** below.

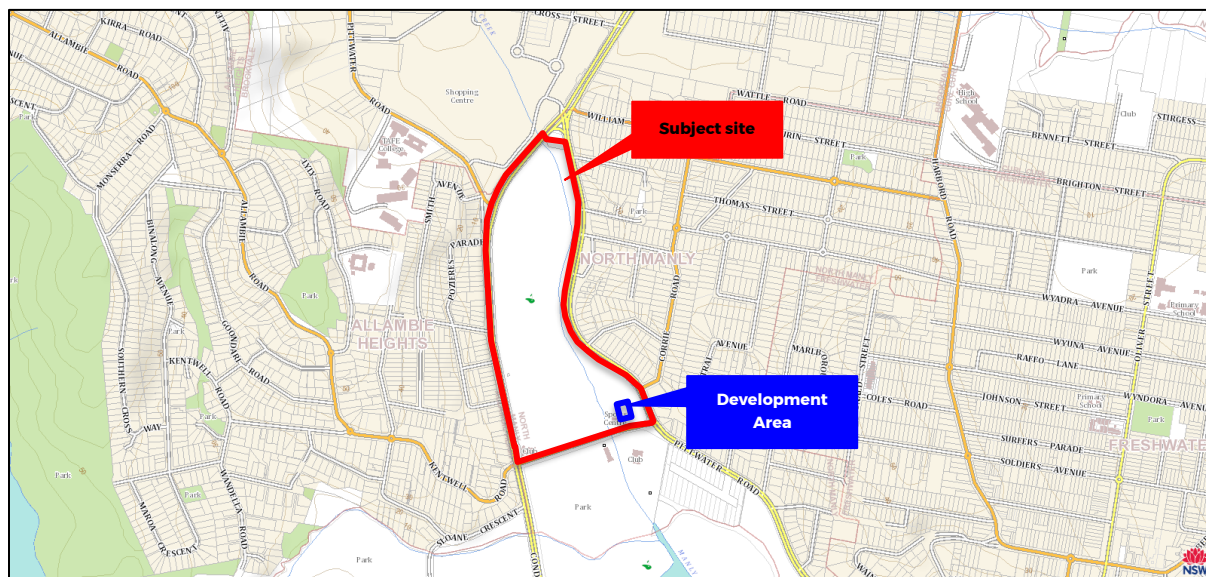


Figure 1. Cadastral Map (Source: SIX Maps, 2024)



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Figure 2. Aerial Map (Source: Near Map, 2024)

2.2 SITE CONTEXT

There are two (2) vehicular access points to the Development Area off Kentwell Road, one is 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 southern side of Kentwell Road.

The Warringah Recreation Centre is an existing sporting facility on land owned by Council, and includes the following:

- Seven (7) outdoor tennis courts;
- Two (2) outdoor futsal courts;
- Three (3) indoor squash courts;
- Approximately 36 on-site car parking spaces; and
- Two (2) combined entry/exit vehicle access onto Kentwell Road.

There is an existing clubhouse within the south-western corner of the Development Area adjacent to Brookvale Creek offering amenities including changing rooms with showers and a pro shop.



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Refer to **Figure 6** and **Figure 4** below.



Figure 3. View of the site and existing club house looking northwest on Kentwell Road (Source: Google Streetview, 2024)



Figure 4. View of the existing outdoor courts at the site looking southwest on Pittwater Road (Source: Google Streetview, 2024)



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Figure 5. View from the crossing of Kentwell and Pittwater Road towards the proposed squash court building site looking west (Source: Google Streetview, 2024)



Figure 6. Site Context Map (Source: Google Maps, 2024)

2.3 DEVELOPMENT HISTORY

TABLE 2 outlined below provides a summary of the DAs, pertaining to the subject site and of relevance to the proposal, that have been determined or are under assessment.



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| TABLE 2. EXISTING CONSENTS | | |
|----------------------------|--|---------------|
| DA Reference | Summary | Approval Date |
| DA2022/2081 | Change of use and construction of a golf club house and associated facilities | 19/02/2024 |
| DA2008/1742 | Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 16/05/2012 |
| DA2010/0098 | Construction of a new fence | 06/04/2010 |
| Mod2014/0283 | Modification of DA2008/1742 granted for the construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 26/05/2015 |
| Mod2014/0285 | Modification of DA2008/1742 granted for the construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 04/05/2015 |
| Mod2015/0247 | Modification of DA2008/1742 granted for the construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 05/04/2016 |
| Mod2016/0273 | Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 14/10/2016 |
| Mod2017/0253 | Modification of DA2008/1742 granted for the construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works | 23/11/2017 |

It is highlighted that DA2022/2081 approved the demolition of all existing sports courts, vegetation, and structures within the development area.



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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposed development seeks a new squash court building for the Warringah Recreation Centre upgrade works in line with the Council master plan. The proposed development seeks consent for construction and use of a new squash court building including associated works.

The subject site is owned by Council and the new proposed squash court building is proposed as part of a wider master plan for Warringah Recreation Centre.

3.2 DEVELOPMENT STATISTICS

The proposed development includes the following scope of works:

- Site preparation works;
 - Earthworks;
- New one storey squash court building including:
 - squash courts, of 63m² each, that are to comply with 'Specifications for Squash Courts – Recommended Standards approved by the WSF (World Squash Federation) Jan 2013';
 - 76m² corridor with circulation space for two tier spectator bench expected to seat 12 people per court;
 - Wheelchair zone at spectator seating;
 - 27m² Main entry foyer;
 - Bottle filler / drinking fountain;
 - 2m² kitchenette / tea point;
 - 31m² amenity spaces including:
 - 7m² Accessible toilet and shower;
 - 9m² female WC and shower;
 - 9m² Male WC and shower;
 - 6m² Airlock; and
 - Mechanical ventilation switched to lighting;
 - 7m² store.
- Installation of signage.

Tree planting and landscaping works will be carried out by the Applicant as shown in the Landscape Plans in **Appendix 4**.

The proposed squash court building includes those works as identified in **TABLE 3** below.

| TABLE 3. DEVELOPMENT PARTICULARS | |
|----------------------------------|--|
| Component | Proposed |
| Primary Land Use | Squash Court Building (Indoor recreation Facility) |
| Gross Floor Area | 340m ² |



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| TABLE 3. DEVELOPMENT PARTICULARS | | | | | | | | | | |
|---|---|---|--|--|----------|----------------------------|-------------------------|---|---|---|
| Component | Proposed | | | | | | | | | |
| Building Height | 7.35m | | | | | | | | | |
| Number of Storeys | One (1) storey | | | | | | | | | |
| Landscaping | Mass planting of shrubs, grasses and groundcovers is proposed at the southern facades and main entrance to the Squash Court Building. Three shade trees to the northeastern corner of the site are proposed with mass planting of ground covers. | | | | | | | | | |
| Earthworks | <p>It is understood minimal cut and fill will be undertaken to accommodate construction of the proposed works. The earthworks volume below demonstrates the compensatory cut generated. Volume displaced due to filling over the flood storage in Golf Club site by Stellen, eastern car park by Council and proposed Squash Court Building respectively are summed below.</p> <p>Total:</p> <ul style="list-style-type: none"> ▪ Total cut (from existing to finish level): -616m³ achieved compensatory cut ▪ Total fill (from existing to finish level): 488m³ ▪ Cut/fill balance: 128m³ (cut) | | | | | | | | | |
| Roads / Driveways | Access from Kentwell Road. | | | | | | | | | |
| Car Parking | <p>The proposed Squash Court Building development application does not include any car parking, however, it would be serviced by the Council Masterplan carparking arrangements as follows:</p> <ul style="list-style-type: none"> ▪ Western Carpark (to be delivered by Council): 70 spaces; ▪ Eastern Carpark (to be delivered by Council): 55 spaces. | | | | | | | | | |
| Bicycle Parking | <p>A minimum of four bicycle parking spaces are proposed as part of this DA. The WDCP2011 stipulates bicycle parking rates for Recreation Facilities.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="3">Minimum Bicycle Parking Requirements</th> </tr> <tr> <th>Land Use</th> <th>High-Medium Security Level</th> <th>High-Low Security Level</th> </tr> </thead> <tbody> <tr> <td>Recreation Facility (indoor, outdoor, or major)</td> <td>1 per 4 employees PLUS 1 per 1500 spectator places</td> <td>1 per 200m² GFA 1 per 250 spectator places</td> </tr> </tbody> </table> | Minimum Bicycle Parking Requirements | | | Land Use | High-Medium Security Level | High-Low Security Level | Recreation Facility (indoor, outdoor, or major) | 1 per 4 employees PLUS 1 per 1500 spectator places | 1 per 200m ² GFA 1 per 250 spectator places |
| Minimum Bicycle Parking Requirements | | | | | | | | | | |
| Land Use | High-Medium Security Level | High-Low Security Level | | | | | | | | |
| Recreation Facility (indoor, outdoor, or major) | 1 per 4 employees PLUS 1 per 1500 spectator places | 1 per 200m ² GFA 1 per 250 spectator places | | | | | | | | |
| Infrastructure and Servicing | The new squash court building would be connected to all existing services. | | | | | | | | | |
| Cost of Works | \$2,098,065 excluding GST | | | | | | | | | |



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3.2.1 Site preparation works

It is understood minimal cut and fill will be undertaken to accommodate construction of the proposed works. Earthworks are proposed as part of the site preparation works to facilitate the proposed development. It is understood minimal cut and fill will be undertaken to accommodate construction of the proposed works. The Cut and Fill Plan is included in **Appendix 17**.

Please note demolition of all existing structures and vegetation within the development area has been previously approved under DA2022/2081.

3.2.2 Landscaping

Mass planting of shrubs, grasses and groundcovers is proposed at the southern facades and main entrance to the Squash Court Building. Three shade trees to the northeastern corner of the site are proposed with mass planting of ground covers. Refer to **Figure 7** and **TABLE 4** below, and **Appendix 4** for further information.

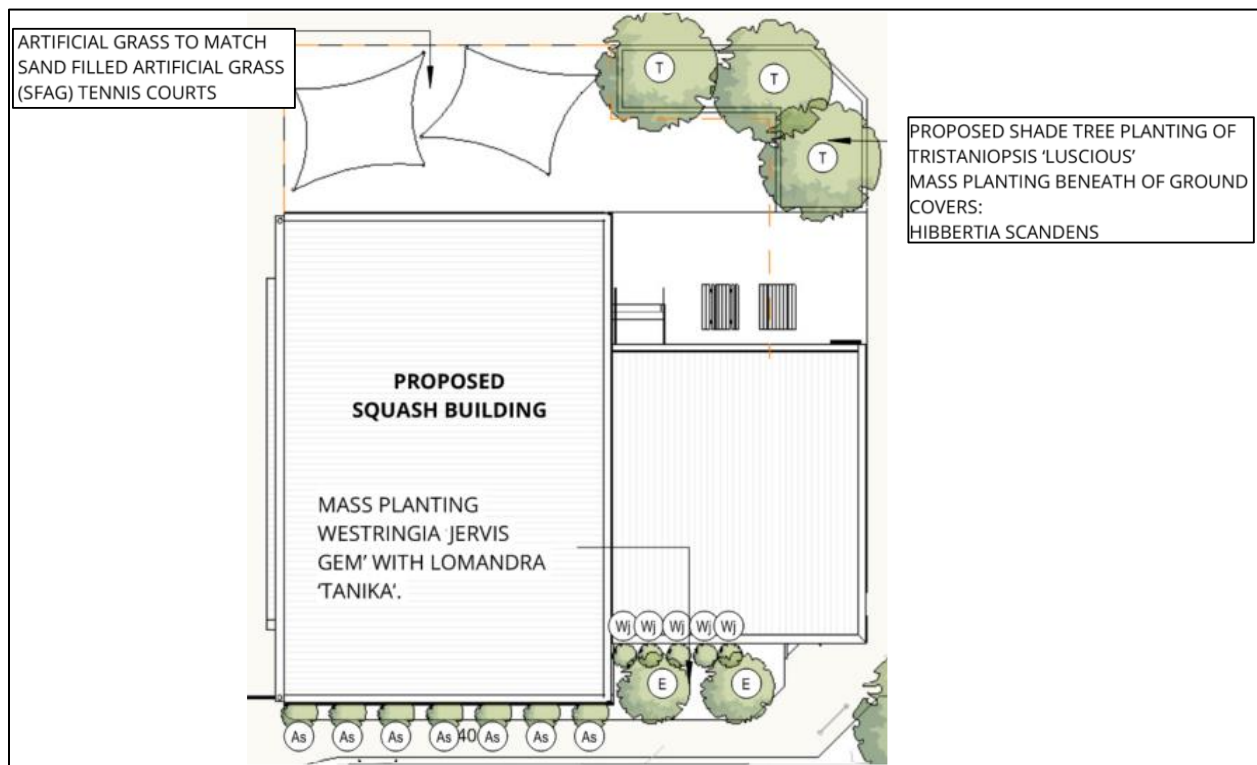


Figure 7. Landscaping plan for the proposed Squash Court Building (Source: Webber Architects, 2024)



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| TABLE 4. LANDSCAPING PLAN | | | | |
|--|--|---|---------------|--------------|
| Ref | Botanical Name | Common Name | Mature Height | Mature Width |
| Tall Screening Plants (southern façade) | | | | |
| As | Acmena 'Purple Rain' | Lilly Pilly | 3m | 2m |
| Shrubs, Grasses and Groundcovers | | | | |
| Wj | Westringia 'Jervis Gem' | Jervis Gem | 1m | 1m |
| Hs | Hibbertia Scandens | Snake Vine | 0.3m | 3m |
| LI | Lomandra longifolia 'Tanika' | Mat Rush | 0.7m | 0.7m |
| Trees | | | | |
| E | Eucalyptus pulverulenta 'Baby Blue' | Silver-leaved Mountain Gum (tree form) | 6m | 3m |
| T | Tristaniaopsis laurina 'Luscious' | Lucious | 10m | 5m |

3.2.3 Built form

The proposed Squash Court Building is a single-storey structure with a maximum height of 7.35 meters, designed with materials that prioritize both functionality and visual harmony. The lightweight, translucent cladding on the facade filters natural light into the building, reducing reliance on artificial lighting and improving energy efficiency. Its light colour softens the building's bulk, enhancing street appeal and integrating it with the surrounding precinct.

Light-coloured face brick is chosen to create a visual connection with the nearby Warringah Golf Club, which also uses brick and metal cladding. This durable, low-maintenance material supports the building's structural needs while subtly expressing its function.

Ribbed lightweight metal cladding on the higher elements reduces structural load and introduces natural ventilation and shading. Its colour complements the adjacent polycarbonate panels, maintaining a cohesive exterior design.

Clear glazing in the foyer enhances the connection between interior and exterior spaces, allowing natural light to penetrate the southern elevation. Contrasting orange cladding at the main entry draws attention, reflecting Northern Beaches Council's brand identity and creating a welcoming presence despite the building's modest scale.

A concrete slab foundation provides durable, low-maintenance flooring suitable for high-traffic areas. Additionally, a light-coloured bracketless awning system along the western elevation offers shading and helps break up the building's scale, contributing to its overall design harmony.

Refer to **Figure 8, Figure 9** and the Architectural Package at **Appendix 3**.



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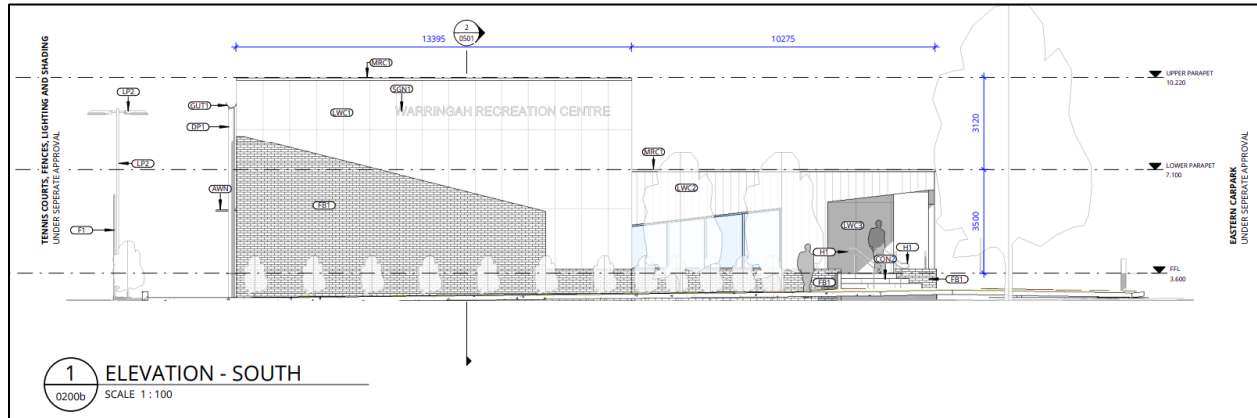


Figure 8. South elevation (Source: Webber Architect, 2024)



Figure 9. Development Perspective Drawing (Source: Webber Architects, 2024)

3.2.4 Signage




The proposed signage is detailed in **TABLE 5** and the location of all signage is shown in **Appendix 3**.

The proposed Sign 2 and Sign 3 is directional pylon signage which will direct pedestrians to the Warringah Golf Club, Squash Court Building, and Tennis Courts. The sign will include corresponding arrows, made from powder-coated aluminium in black. The text and arrows will be 55mm Muli font, mounted on 10mm standoffs affixed same face brick as the squash building, and treated with an anti-graffiti coating. The Northern Beaches logo will also be in powder-coated aluminium, black, with similar mounting details. The contractor is to confirm construction and installation methods.



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| TABLE 5. SIGNAGE DETAILS | | | | |
|--------------------------|--|----------------------------------|-----------------|---|
| Sign | Location | Signage/Logo Size | Illumination | Image |
| Sign 1 | Fixed to wall (south building elevation) | Height: 7,500mm Length: 600mm | Non-illuminated |  |
| Sign 2 | Pylon sign (rear of building) | Height: 3,010mm Length: 950mm | Non-illuminated |  |
| Sign 3 | Pylon sign (south building elevation) | Height: 3,010mm Length: 950mm | Non-illuminated |  |

3.3 OPERATIONAL DETAILS

The proposed development is for the construction and operation of a squash court building that forms the southeastern portion of the Warringah Recreation Centre Masterplan. It is requested that the Plan of Management outlining operational details be included as an Occupation Certificate requirement.



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the subject site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Coastal Management Act 2016*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Northern Beaches Section 7.12 Contributions Plan 2022*
- *Warringah Development Control Plan 2011*

Draft Planning Instruments

- *Draft State Environmental Planning Policy (Environment);*
- *Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55).*
- *Planning Proposal - PEX2023/0002 for land at Warringah Recreation Centre*

4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.



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4.2.1.1 Section 4.15(1) of the EP&A Act - Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 6** below.

| TABLE 6. SECTION 4.15(1)(A) CONSIDERATIONS | |
|---|--|
| Section | Response |
| Section 4.15(1)(a)(i) any environmental planning instrument, and | The WLEP2011 is the relevant Environmental Planning Instrument (EPI) applying to the subject site, which is assessed in Section 4.3.1 of this SEE. |
| Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | As outlined in Section 2 of the Section 10.7(2) and (5) Planning Certificate in Appendix 2 the site is subject to the following Draft State Environmental Planning Policies: <ul style="list-style-type: none">• Draft State Environmental Planning Policy (Environment);• Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55);• Planning Proposal - PEX2023/0002 for land at Warringah Recreation Centre. |
| Section 4.15(1)(a)(iii) any development control plan, and | The <i>Warringah Development Control Plan 2011</i> (WDCP2011) applies to the subject site and is addressed in Section 4.3.2 and Appendix 6 of this SEE. |
| Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | No Section 7.4 Planning Agreements apply to the subject site and proposed development. Noting, Heads of Agreement (HoA) are in place for the proposed ground lease agreement for the future Golf Club House, Parking and Recreation Facilities. |
| Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), | The EP&A Regulation is addressed in Section 4.2.2 of this SEE. |
| Section 4.15(1)(b)-(c) | These matters are addressed in PART E of this SEE. |



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Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Northern Beaches Council.

Pursuant to Section 66A(1) of the EP&A Regulation, a council-related development application must not be determined by the consent authority unless:

- (a) the council has adopted a conflict of interest policy, and
- (b) the council considers the policy in determining the application.

Northern Beaches Council has adopted a conflict of interest policy prepared in accordance with the 'Council-related Development Application Conflict of Interest Guidelines' published by the Department. In accordance with this policy, the Executive Manager Development Assessment (or delegate) will determine whether the potential conflict of interest requires this DA be referred to the Northern Beaches Local Planning Panel or the Sydney North Planning Panel for determination.

Given the proposal has an estimated development cost (EDC) less than \$5 million the DA would not constitute regionally significant development.

4.2.1.2 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposed development is not nominated as integrated development.

4.2.2 Environmental Planning and Assessment Regulation 2021

The proposed development has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

| TABLE 7. HOW THE DA IS MADE | |
|---|---|
| Considerations | Response |
| Division 1 - Making development applications | |
| Section 23 - Persons who may make development applications | |
| (1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land. | This DA is made by Northern Beaches Council c/o Webber Architects. As Council is the owner of the land, owners' consent is provided in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made (contained in Appendix 1). |



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| TABLE 7. HOW THE DA IS MADE | |
|---|---|
| Considerations | Response |
| Section 24 - Content of development applications | |
| <p>(1) A development application must—</p> <p>(a) be in the approved form, and</p> <p>(b) contain all the information and documents required by—</p> <p>(i) the approved form, and</p> <p>(ii) the Act or this Regulation, and</p> <p>(c) be submitted on the NSW planning portal.</p> | <p>The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE.</p> <p>This DA is submitted via the NSW planning portal.</p> |
| Section 25 - Information about concurrence or approvals | |
| <p>A development application must contain the following information—</p> <p>(a) a list of the authorities—</p> <p>(i) from which concurrence must be obtained before the development may lawfully be carried out, and</p> <p>(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,</p> <p>(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</p> | <p>The proposed development would require concurrence approval from the following authorities:</p> <ul style="list-style-type: none"> Integrated Development pursuant to Section 4.46 of the EP&A Act as the proposed development is within 40m of Brookvale Creek (mapped watercourse). <p>As outlined in the TIA in Appendix 16, the proposed development does not trigger 'Traffic Generating Development' and therefore does not require referral to Transport for NSW (TfNSW).</p> |

4.2.3 Coastal Management Act 2016

The aim of the *Coastal Management Act 2016* (CM Act) is to manage the coastal environment NSW in alignment with the principles of ecologically sustainable development, ensuring the social, cultural, and economic well-being of the people. It focuses on protecting natural coastal processes and environmental values, supporting social and cultural aspects, acknowledging Aboriginal connections to the coast, and promoting sustainable coastal economies.

As detailed in **Section 4.2.7** below the subject site is mapped within the Coastal Environmental Area and Coastal Use Area. An assessment of the proposal against the objects of the CM Act is provided at **TABLE 8** below.



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| TABLE 8. CM ACT OBJECTS | |
|---|--|
| Clause | Response |
| (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and | The proposal will safeguard and enhance coastal processes and environmental values by maintaining the area's natural character and scenic quality. It will also contribute to the resilience and integrity of local ecosystems, supporting biodiversity and ensuring the sustainability of the coastal environment. Refer to the Flora and Fauna Assessment at Appendix 15 for further details |
| (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and | The proposed recreation facility will support the social and cultural values of the coastal zone by enhancing public access and amenity while ensuring the safety and enjoyment of the community. Designed for public use, the facility will contribute to the area's cultural vibrancy and social engagement, providing a space that is accessible and welcoming. |
| (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and | The proposed squash court facility will acknowledge Aboriginal peoples' spiritual, social, customary, and economic use of the coastal zone by providing a space that fosters social interaction and promotes health and fitness activities. While the facility will primarily serve the community's recreational needs, its design and use will respect the cultural significance of the coastal area, ensuring that the development aligns with the broader recognition and preservation of Aboriginal connections to the land. This approach not only supports community well-being but also honours the ongoing relationship between Aboriginal people and the coastal environment. |
| (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and | While the proposal does not directly facilitate economic activities, it plays a vital role in providing community facilities that contribute to economic prosperity. By offering a recreational space like the proposed squash court, the development supports the well-being of the local population, which in turn fosters a more vibrant and sustainable coastal economy. The facility enhances the area's appeal as a community hub, indirectly benefiting the coastal zone's economic health through increased social interaction and public engagement. |



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| TABLE 8. CM ACT OBJECTS | |
|---|--|
| Clause | Response |
| (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and | The proposal facilitates ecologically sustainable development in the coastal zone through the careful selection of building materials. The use of lightweight, translucent cladding, light-coloured face brick, and ribbed metal cladding not only reduces the building's environmental footprint but also promotes energy efficiency and durability. These materials are chosen to harmonize with the natural surroundings while minimizing impact, aligning with sustainable land use planning principles. This approach ensures that the development is both environmentally responsible and well-integrated into the coastal setting, supporting long-term sustainability in the area. |
| (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and | The proposed development effectively mitigates flood risks, with floor levels set at 3.6 m AHD to protect against 1% AEP and PMF floodwaters. The development improves site flood storage with a net cut volume of 128 m ³ and provides safe evacuation routes through Kentwell Road. These measures ensure compliance with Council flood planning requirements and enhance resilience against coastal hazards, considering climate change impacts. Refer to the Flood Management Report at Appendix 12 for further information. |
| (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and | The proposed development takes into account the dynamic nature of the shoreline and the potential for coastal land loss as considered in the flood study and geotechnical report (refer to Appendix 12 and Appendix 11 respectively). The design ensures stability by following the recommendations for footing foundations and excavation practices made within the Geotechnical Report. By setting building floor levels above critical flood elevations (3.6 m AHD for the squash court), the design addresses the risks associated with coastal processes and potential land loss. Additionally, the development improves site flood storage and provides evacuation routes, demonstrating a proactive approach to managing coastal use and ensuring resilience against changes in coastal conditions. |



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| TABLE 8. CM ACT OBJECTS | |
|--|--|
| Clause | Response |
| (h) to promote integrated and co-ordinated coastal planning, management and reporting, and | The proposed development promotes integrated and coordinated coastal planning by adhering to comprehensive guidelines and regulatory requirements. The proposed development is supported by a geotechnical assessment, a detailed flora and fauna report, and comprehensive soil erosion and stormwater management plans. These combined efforts ensure alignment with Northern Beaches Council's standards, supporting effective coastal management and contributing to cohesive reporting and oversight of coastal issues. |
| (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and | The proposed development encourages and promotes strategies to enhance the resilience of coastal assets by implementing elevated building floor levels, adhering to geotechnical and flood management recommendations, and incorporating robust soil erosion and stormwater management plans. These measures ensure the facility is well-prepared for the impacts of an uncertain climate future and extreme storm events, thereby safeguarding coastal assets and maintaining their functionality and safety. |
| (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and | The proposed development has been assessed against all applicable guidelines, policies and legislation. |
| (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and | The proposed development supports public participation in coastal management as this DA will be publicly notified for a minimum of 28 days, in accordance with Council's policy, thereby enhancing community awareness and engagement. |
| (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and | The subject site is land owned by Northern Beaches Council. |
| (m) to support the objects of the <i>Marine Estate Management Act 2014</i> . | Noted. |

The proposal is consistent with the aims and objects of the CM Act.



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4.2.4 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

The subject site comprises a watercourse known as Brookvale Creek (as shown in **Figure 16** below) however the development area is setback approximately 43.88m from the watercourse as shown in **Appendix 3**. Therefore, the proposal does not require any further consideration against the WM Act.

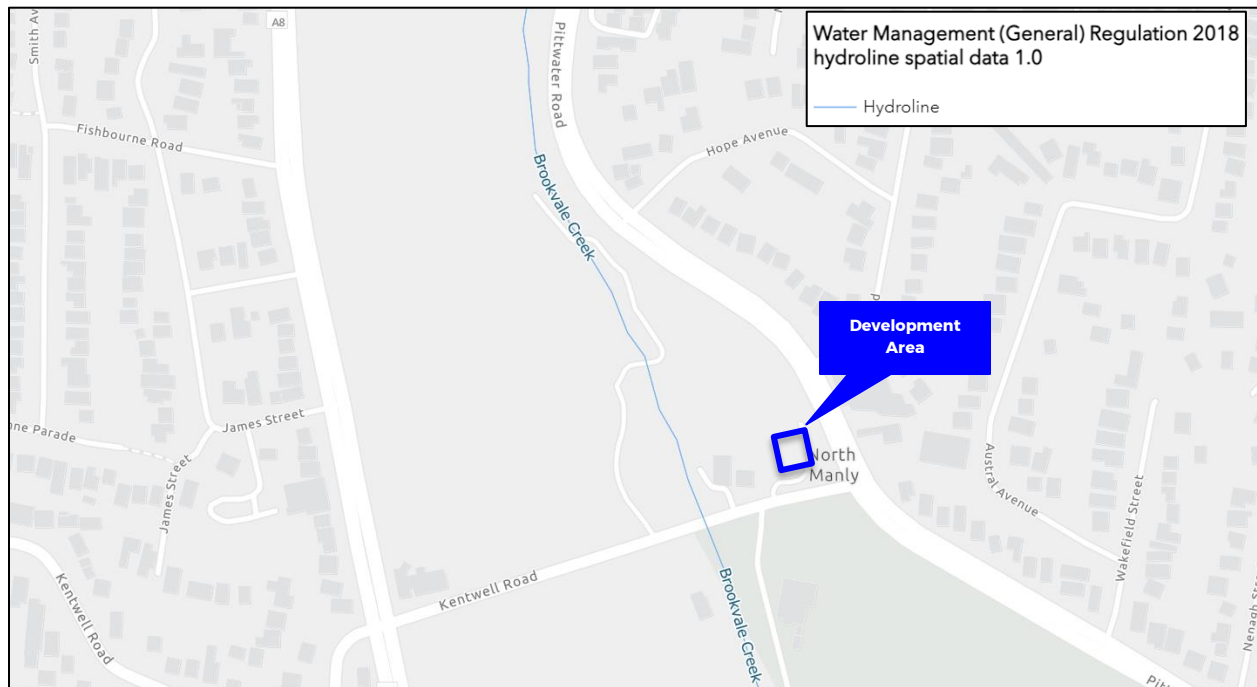


Figure 10. Water Management Regulation 2018 Hydrolines (Source: NSW Legislation, 2024)

4.2.5 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the Biodiversity Conservation Regulation 2017 (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.



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The proposed development will require approximately 0.01ha of native vegetation to be cleared within the subject site. Trees proposed for removal are identified in the Flora and Fauna Assessment at **Appendix 15**.

As shown in **Figure 11** below, the subject site does not contain any areas of Biodiversity Value (BV) and therefore further consideration of the BC Act is not required.

The Flora and Fauna Assessment confirms that the proposal is not required to be accompanied by BDAR.



Figure 11. Biodiversity Values Map (Source: NSW Legislation, 2024)

4.2.6 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal does not constitute a Scheduled Activity and does not require an Environmental Protection Licence.

4.2.7 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:



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- land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the subject site, the following matters are highlighted.

Chapter 2 – Coastal management

Section 5 of the Coastal Management Act 2016 provides that the coastal zone means the area of land comprised of the following coastal management areas—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

The subject site is mapped within the Coastal Zone under the Resilience and Hazards SEPP, as outlined below:

- Coastal Environmental Area (refer **Figure 12** below); and
- Coastal Use Area (refer **Figure 13** below).



Figure 12. Coastal Environment Area Map (Source: NSW Legislation, 2024)



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Figure 13. Coastal Use Area Map (Source: NSW Legislation, 2024)

Clause 2.10 of the Resilience and Hazards SEPP is applicable to development on land within the coastal environment area, as follows:

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—
- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - (b) coastal environmental values and natural coastal processes,
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
 - (f) Aboriginal cultural heritage, practices and places,
 - (g) the use of the surf zone.
- (4) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—



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- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.'*

The proposed development has carefully considered the sites proximity to Brookvale Creek to the west, and further discussions were had with Council due pre-lodgement phase to resolve the stormwater and coastal hazard position.

The attached Stormwater Management Plan in **Appendix 14** and the Flood Management Report in **Appendix 12**, provides further details regarding the coastal management provisions, as follows:

- Consideration of the existing biophysical, hydrological and ecological environment, namely Brookvale Creek and its tributaries.
- Identification of the riparian zone and existing ecological values within Brookvale Creek to inform the proposed development footprint and wider Masterplan.
- Sediment and Erosion Control Plan included within the Stormwater Management Plan, including the nomination of sediment (protection) fencing for the proposed development to ensure coastal management provisions and ecological values are appropriately managed.
- The water quality of Brookvale Creek, including native vegetation and fauna and their habitats.
- Access to existing public open space (i.e., Warringah Recreation Centre) via an elevation pedestrian boardwalk as shown within the Council Masterplan and to ensure impacts to ecological and surface conditions are minimised.
- Proposed landscaping and stormwater management solution in accordance with NSW Office of Water Guidelines and Council's Protection of Waterways and Riparian Land Policy.

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

An Acid Sulphate Soils Assessment has been prepared by Ideal Geotech and included in **Appendix 13**. This Site Investigation provides preliminary advice on the potential for contamination to be present at the subject site and the consequent implications on the site's suitability for its intended use.



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The Acid Sulphate Soils Assessment notes that an acid sulphate management plan will be required for excavation activities on the site.

The conclusions and recommendations contained in Section 7.0 of the Acid Sulphate Soils Assessment are summarised below:

- An exposure classification of A2 for concrete with the soil mildly aggressive to concrete and non-aggressive to steel structures;
- Laboratory sample analysis indicates that test levels exceeded the action criteria in SPOCAS testing; and
- It has been determined that an acid sulphate management plan will be required for excavation activities on the site.

4.2.8 State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) details the triggers for regionally significant development. Schedule 6, Section 3 of the Planning Systems SEPP refers to Council related development as follows:

Development that has an estimated development cost of more than \$5 million if—
(a) a council for the area in which the development is to be carried out is the applicant for development consent, or
(b) the council is the owner of any land on which the development is to be carried out, or
(c) the development is to be carried out by the council, or
(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

The subject site is land owned by Northern Beaches Council however the estimated development cost does not exceed \$5 million and therefore the proposal does not constitute regionally significant development.

4.2.9 State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) contains planning provisions relating to:

- employment land in western Sydney.
- advertising and signage in NSW.

The subject site is not located within the Western Sydney Employment Area (WSEA), however does propose signage therefore the provisions of Chapter 3 are required for assessment as follows.

Chapter 3 Advertising and Signage



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The proposal involves the erection of identification signage as detailed in the Architectural Plan attached in **Appendix 3**. Consideration of the relevant provisions under Chapter 3 Advertising and Signage is below.

Aims and Objectives of Chapter 3 Advertising and Signage

Chapter 3 aims:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed signage will achieve the aims and objectives of Chapter 3 as it will be integrated with the subject site layout and reflective of the overall design of the built form. The siting, design and scale of the signage will be consistent with the visual character of the area, and through high quality detail and finish, the signage will contribute to the desired visual amenity of the subject site and surrounding area. The signage will effectively identify the subject site, thereby promoting legibility for all site users.

Assessment Criteria

The assessment criteria under Schedule 5 of the Industry and Employment SEPP are addressed in **TABLE 9**.

| TABLE 9. SCHEDULE 5 ASSESSMENT CRITERIA | |
|--|--|
| CRITERIA | PROPOSAL COMPLIANCE |
| 1 Character of the area | |
| Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | The signage will continue to be compatible with the existing and desired future character of the locality. |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The signage will be consistent with the recreational character of the subject site and surrounding area. |
| 2 Special areas | |
| Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation | No. Whilst the signs will be viewed from the roads immediately surrounding the subject site, the proposed signage will not materially affect the |



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| TABLE 9. SCHEDULE 5 ASSESSMENT CRITERIA | |
|---|---|
| CRITERIA | PROPOSAL COMPLIANCE |
| areas, open space areas, waterways, rural landscapes or residential areas? | significance of any environmentally sensitive areas, open space or heritage items. |
| 3 Views and vistas | |
| Does the proposal obscure or compromise important views? | The signage will not obscure or compromise any important views. |
| Does the proposal dominate the skyline and reduce the quality of vistas? | The signage is positioned below the building line and as such will not dominate the skyline and reduce the quality of vistas. |
| Does the proposal respect the viewing rights of other advertisers? | The signage will not obstruct the views of any existing signage on or in the vicinity of the subject site. The proposed signage will provide identification of the future unit tenants. |
| 4 Streetscape, setting or landscape | |
| Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The scale, proportion and form of the signage is appropriate for the streetscape of the development, refer to renders and elevations at Appendix 3 . |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | The signage will be a modest design and will effectively identify the built form from the surrounding road network and development. |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | The signage will reflect the proposed built form and will not result in visual clutter. |
| Does the proposal screen unsightliness? | The signage will not screen unsightliness, rather it reflects the design and character of the building. |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | The signage does not project above the height of the building. The signage will provide visual interest and articulation. |
| Does the proposal require ongoing vegetation management? | The signage will not require ongoing vegetation management. |
| 5 Site and building | |
| Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | The signage is compatible with the scale and proportion of the proposed building. |



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| TABLE 9. SCHEDULE 5 ASSESSMENT CRITERIA | |
|---|---|
| CRITERIA | PROPOSAL COMPLIANCE |
| Does the proposal respect important features of the site or building, or both? | The signage will not compete with any proposed important building or site features. |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both? | The signage will appropriately relate to their location and are attractive in design. |
| 6 Associated devices and logos with advertisements and advertising structures | |
| Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | No. |
| 7 Illumination | |
| Would illumination result in unacceptable glare? | Not applicable. Illuminated signage is not proposed. |
| Would illumination affect safety for pedestrians, vehicles or aircraft? | Not applicable. Illuminated signage is not proposed. |
| Would illumination detract from the amenity of any residence or other form of accommodation? | Not applicable. Illuminated signage is not proposed. |
| Can the intensity of the illumination be adjusted, if necessary? | Not applicable. Illuminated signage is not proposed. |
| Is the illumination subject to a curfew? | Not applicable. Illuminated signage is not proposed. |
| 8 Safety | |
| Would the proposal reduce the safety for any public road? | The location of the signage does not reduce the safety for any public road. |
| Would the proposal reduce the safety for pedestrians or bicyclists? | The location of the signage does not propose any adverse impacts on pedestrian or cyclist safety. |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | The signage will not significantly obscure sightlines from public areas. |

Based on the above, the proposal is considered to be consistent with the provisions of Chapter 3.

4.2.10 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains planning provisions relating to:



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- Infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.
- Child-care centres, schools, TAFEs and Universities.
- Planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).
- Land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.

Of these, the proposed development must have regard to the following chapters:

Chapter 2 - Infrastructure

Schedule 3 of the Transport and Infrastructure SEPP lists the types of development that are defined as Traffic Generation Development. The referral thresholds for 'Any other purpose':

- 200 or more motor vehicles per hour (site with access to a road (generally); or
- 50 or more motor vehicles per hour (site with access to classified road or to road that connects to classified road (if access is within 90m of connection, measured along alignment of connecting road).

As outlined in the attached TIA in **Appendix 16**, the proposed development results in approximately a maximum of 15 additional vehicles per hour during 'typical operations'. The proposed development therefore does not constitute Traffic Generating Development pursuant to the Transport and Infrastructure SEPP.

4.2.11 State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for both residential and non-residential development and contributes to NSW's target of achieving net zero by 2050.

Chapter 3 - Standard for non-residential development

Chapter 3 applies to non-residential development as follows:

- (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or*
- (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.*

The proposed development does not have an estimated development cost greater than \$5 million and therefore further consideration against the Sustainable Buildings SEPP is not required.



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4.3 LOCAL PLANNING CONTEXT

4.3.1 Warringah Local Environmental Plan 2011

The WLEP2011 is the primary Environmental Planning Instrument that applies to the subject site.

The relevant provisions of WLEP2011 as they relate to the subject site are considered in the following subsections.

4.3.1.1 Zoning and Permissibility

The subject site is located within the RE1 Public Recreation zone under the WLEP2011 as shown in **Figure 14**.

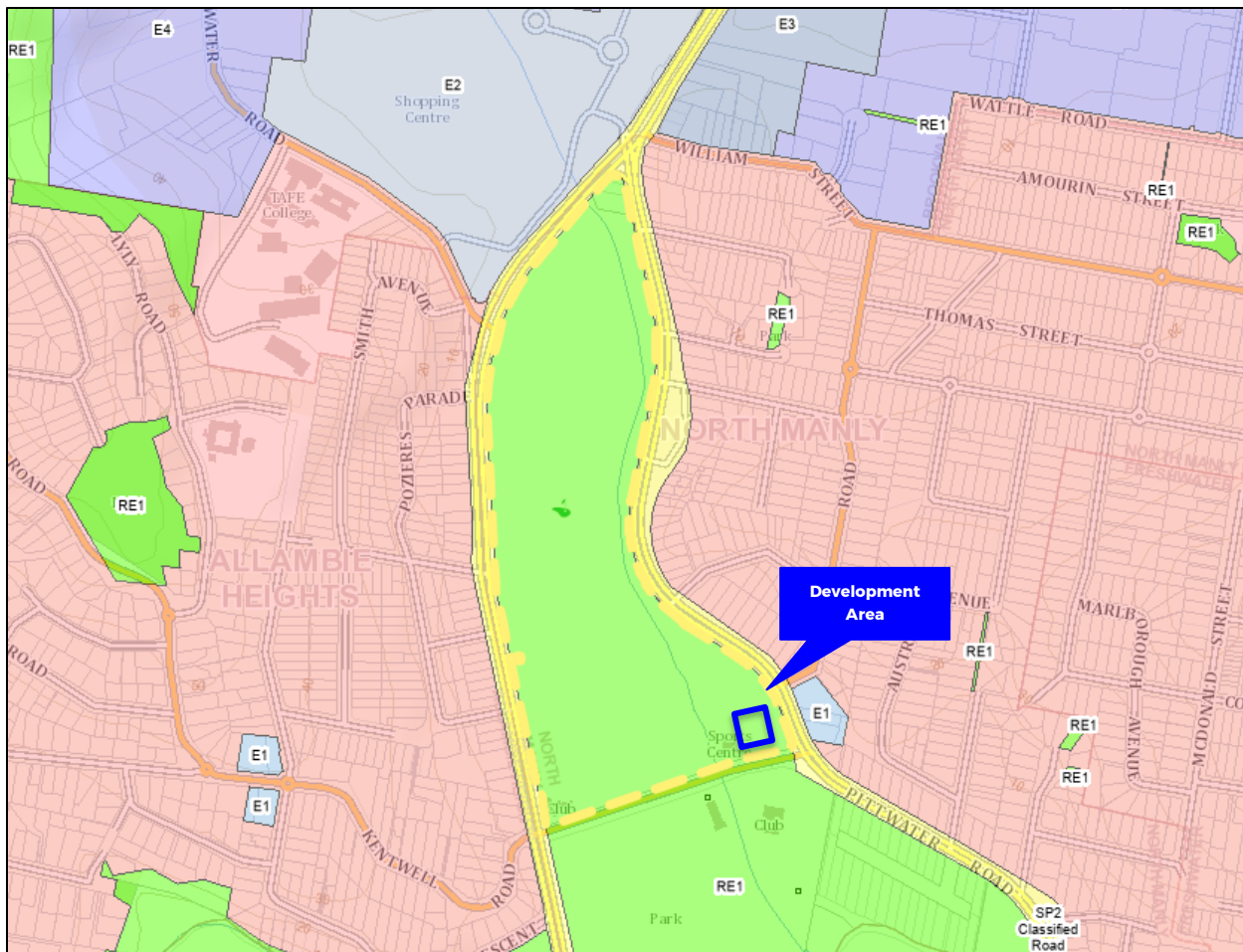


Figure 14. WLEP2011 Zoning Map (Source: NSW Legislation, 2024)

The objectives of the RE1 Public Recreation zone include:



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- *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.*

Within the RE1 zone, the following development is permitted without consent:

- *Environmental facilities; Environmental protection works; Roads*

Within the RE1 zone, the following development is 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*

Within the RE1 zone, the following development is prohibited:

- *Any development not specified in item 2 or 3*

The proposed development is permissible in the RE1 Public Recreation zone and meets the objectives for the zone through providing a range of recreational settings and activities and compatible land uses.

4.3.1.2 Development Standards

TABLE 10 outlines the developments consistency and compliance with the relevant development standards and controls under WLEP2011.

| TABLE 10. DEVELOPMENT STANDARDS | |
|----------------------------------|---|
| Clause | Comment |
| Clause 4.1 – Minimum Lot Size | The site is not subject to a Minimum Lot Size pursuant to WLEP2011. Clause 4.1 of WLEP2011 does not apply. |
| Clause 4.3 – Height of Buildings | The site is not subject to a Maximum Building Height pursuant to WLEP2011. Clause 4.3 of WLEP2011 does not apply. |
| Clause 4.4 – Floor Space Ratio | The site is not subject to a Maximum Building Height pursuant to WLEP2011. Clause 4.3 of WLEP2011 does not apply. |



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| TABLE 10. DEVELOPMENT STANDARDS | |
|--|---|
| Clause | Comment |
| Clause 4.6 - Exceptions to development standards | N/A |
| Clause 5.10 - Heritage | The site is not identified as containing a heritage item or being within a heritage conservation area pursuant to WLEP2011. The site is also not located in proximity to any heritage items or heritage conservation areas. Clause 5.10 of WLEP2011 does not apply. |
| Clause 5.21 - Flood Planning | The subject site is identified in the Manly Lagoon Flood Study (2013) as being located in the Medium Flood Risk Precinct. A Flood Management Report has been prepared by ACOR Consultants and included in Appendix 12 to address Clause 5.21(2) and (3) of WLEP2011. Further details are contained in Section 5.6 of this Report. |
| Clause 6.1 - Acid Sulfate Soils | <p>As shown in Figure 15 below, the subject site is subject to the following classes of Acid Sulfate Soils pursuant to WLEP2011.</p> <ul style="list-style-type: none"> • Class 2 • Class 5 <p>An Acid Sulphate Soils Assessment has been prepared by Ideal Geotech and included in Appendix 13 to address Clause 6.1 of WLEP2011.</p> |
| Clause 6.2 - Earthworks | <p>Earthworks are proposed as part of the site preparation works to facilitate the proposed development. Cut and Fill Plans (Civil Design Plans) have been prepared by ACOR Consultants and included in Appendix 17.</p> <p>Further details are contained in Section 5.15 of this Report.</p> |
| Clause 6.4 - Development on sloping land | <p>As shown in Figure 16 below, the site is subject to the following WLEP2011:</p> <ul style="list-style-type: none"> • Area A - Slope <5. <p>Area A is considered a low-risk area and the development would not cause significant detrimental impacts on the stability of existing or adjoining land.</p> <p>A Geotechnical Investigation Report has been prepared by Ideal Geotech and included in Appendix 11 for further details.</p> |



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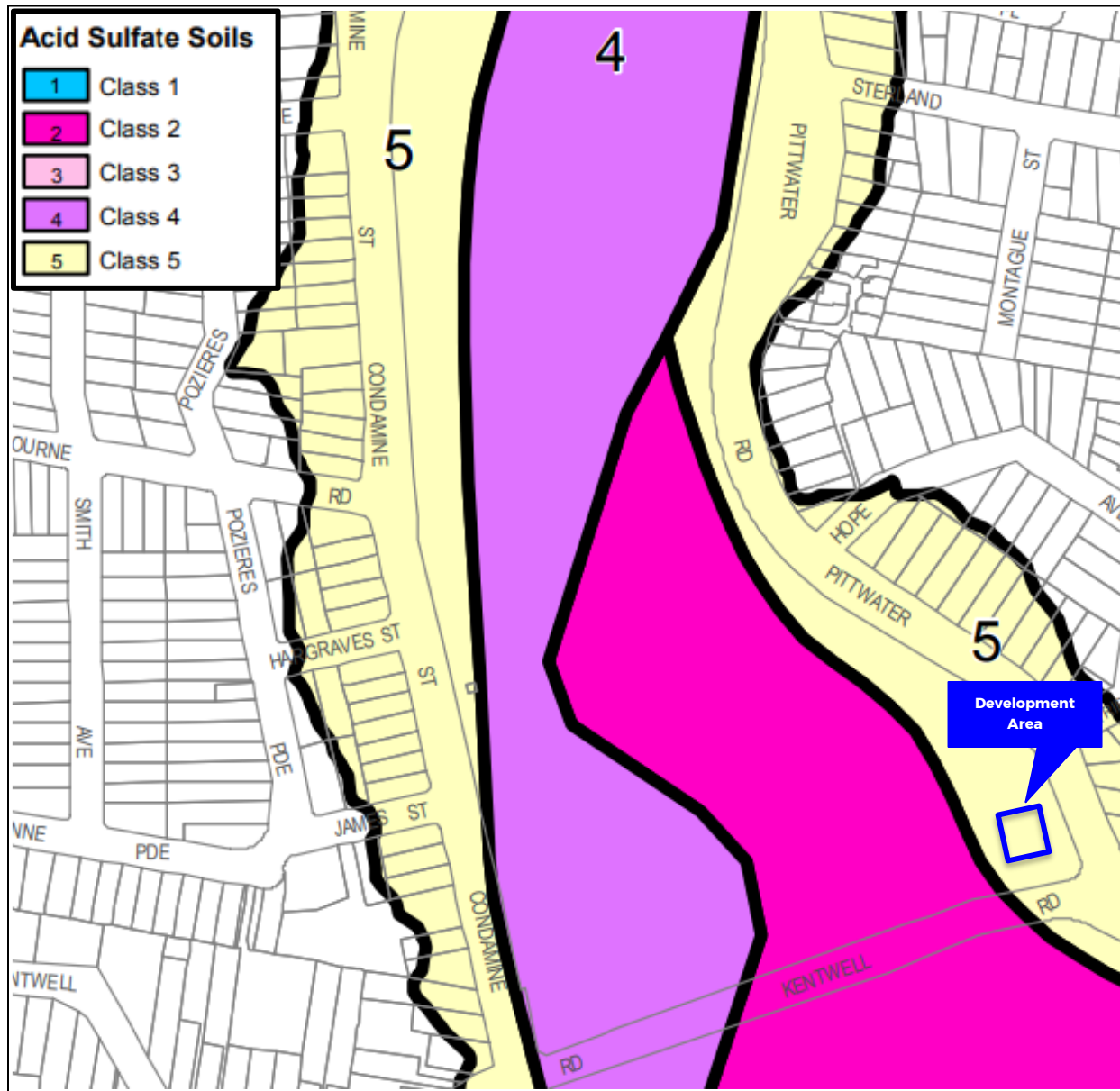


Figure 15. Acid Sulfate Soils Map (Source: NSW Legislation, 2024)



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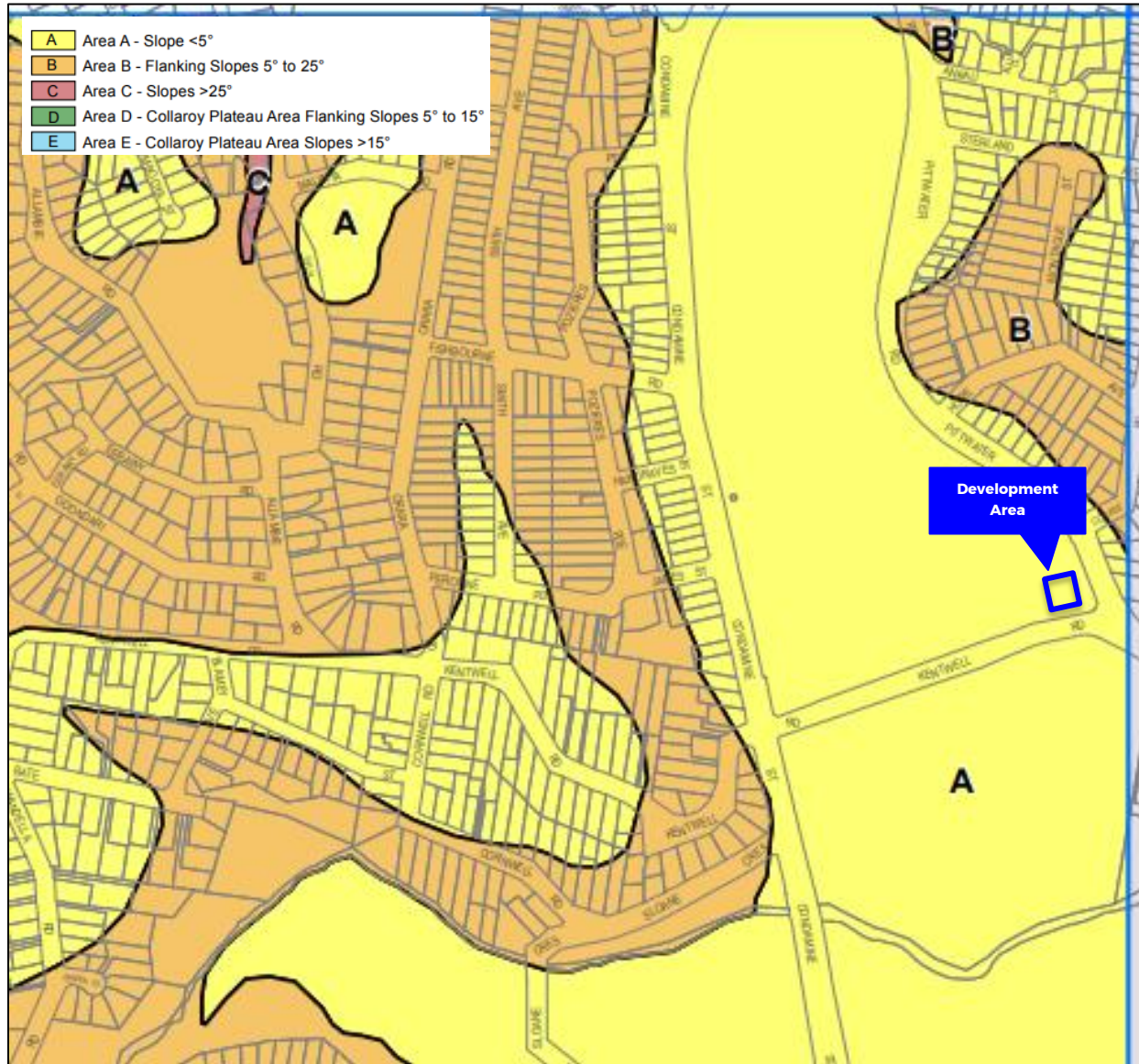


Figure 16. WLEP2011 Landslip Risk Map (Source: NSW Legislation, 2024)



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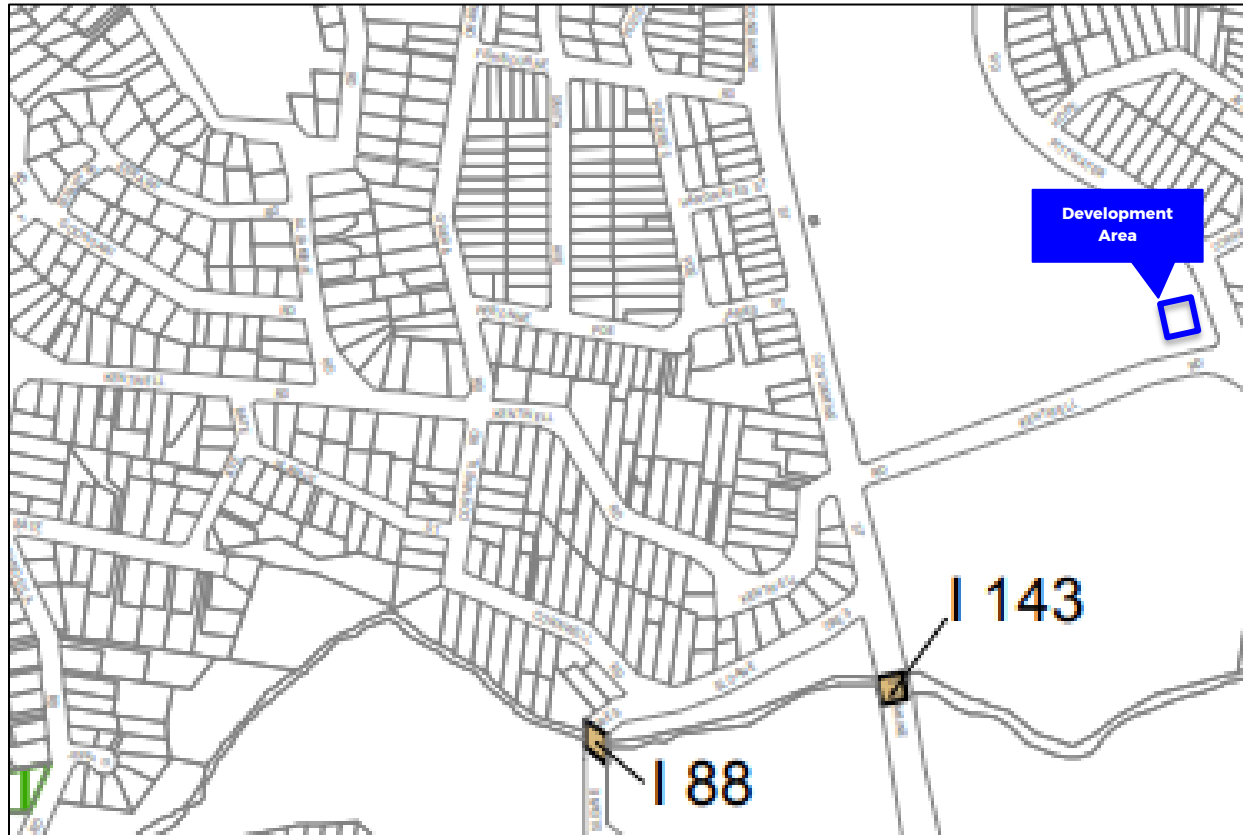


Figure 17. WLEP2011 Heritage Map (Source: NSW Legislation, 2024)

4.3.2 Warringah Development Control Plan 2011

The WDCP2011 provides detailed planning and design guidelines to support the planning controls of the WLEP2011.

An assessment of the proposal against the relevant sections of the WDCP2011 is provided at **Appendix 6**.

4.3.3 Northern Beaches Contributions Plan 2022

The Northern Beaches Section 7.12 Contributions Plan 2022 is applicable to the subject site. **TABLE 11** below summaries the applicable Section 7.12 rates.

| TABLE 11. DEVELOPMENT CONTRIBUTIONS | |
|---|-------------------|
| Development with cost of works: | Levy Rate |
| Up to and including \$100,000 | Nil |
| More than \$100,001 and up to and including \$200,000 | 0.5% of that cost |
| More than \$200,000 | 1% |



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4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

As outlined in Section 2 of the Section 10.7(2) and (5) Planning Certificate in **Appendix 2**, the site is subject to the following Draft State Environmental Planning Policies:

- Draft State Environmental Planning Policy (Environment);
- Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55).
- Planning Proposal - PEX2023/0002 for land at Warringah Recreation Centre
Alteration of Gateway Determination: 21 March 2024

There are no other Draft Local Environmental Plans applicable to the subject site.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The subject site, interchangeably known as 292 Condamine Street and 433 Pittwater Road, North Manly, is legally described as Lot 2742 DP 752038. Located at the corner of Kentwell Road and Pittwater Road, the 17.23-hectare area includes Brookvale Creek running along its western edge. This site comprises the Warringah Recreation Centre, which currently features tennis courts, soccer fields, and squash courts. The proposed development does not affect the adjacent Warringah Golf Course.

The proposal includes site preparation involving earthworks and the removal of 0.1 hectares of trees, along with the construction of a new single-storey squash court building with a maximum height of 7.35 meters. The building will include squash courts that meet World Squash Federation standards, a corridor with spectator seating, and various amenities. These amenities will feature a main entry foyer, a bottle filler/drinking fountain, a kitchenette, and accessible and standard toilets and showers, along with an airlock and mechanical ventilation.

The development is designed to be compatible with the surrounding residential and recreational land uses, ensuring that it does not adversely impact local amenity.

5.2 BUILT FORM

The building will feature lightweight, translucent cladding that filters natural light, reducing the need for artificial lighting and enhancing energy efficiency. This cladding, combined with the building's light colour, helps to integrate the structure aesthetically with the surrounding precinct, softening its bulk and improving street appeal.

The design of the proposed Squash Court Building is low-scale, one-storey, squash court building and has been designed to integrate within the existing setting between the Warringah Golf Club Fairway and Recreation Centre.

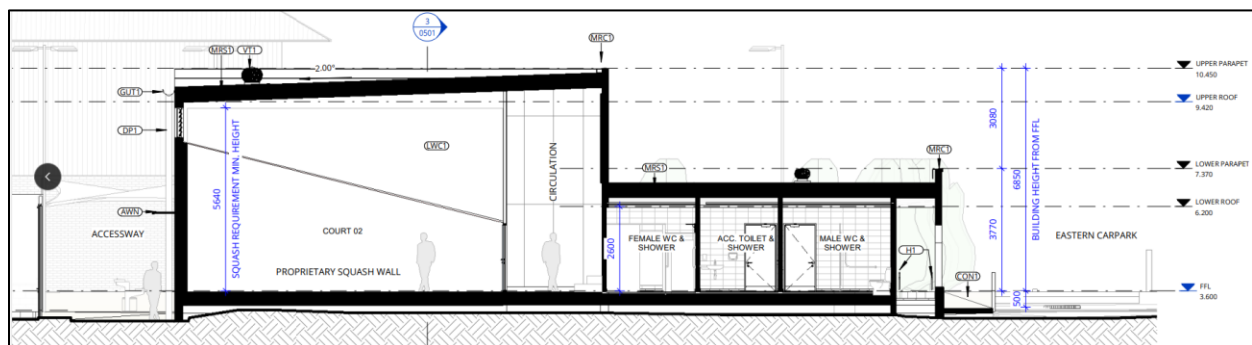


Figure 18. Long section of the Squash Court Building (Source: Webber Architects, 2024)



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5.3 LANDSCAPING

Mass planting of shrubs, grasses and groundcovers is proposed at the southern facades and main entrance to the Squash Court Building. Three shade trees to the northeastern corner of the site are proposed with mass planting of ground covers. Refer to **Appendix 4** for further information.

5.4 SOLAR ACCESS AND OVERSHADOWING

The summer and winter solar access and overshadowing of the proposed Squash Court Building is depicted below in **Figure 19** and **Figure 20**. The proposal will ensure adequate solar access is maintained across the subject site.



Figure 19. Winter solar access and overshadowing diagram (Source: Webber Architects, 2024)



Figure 20. Summer solar access and overshadowing diagram (Source: Webber Architects, 2024)

5.5 TRAFFIC FLOW & TRANSPORT

A Traffic Impact Assessment (**Appendix 16**) has been prepared by PDC Consultants to assess the traffic and parking implications of the proposed development.

5.2.1 Traffic Generation



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Under RMS Guide, the proposed Squash Court Building within the Warringah Recreational Centre is expected to generate a maximum of 15 vehicles per hour. Cumulative, the Warringah Recreational Centre is forecast to generate 35 vehicle trips per hour during the evening peak hour, resulting a net decrease of 10 vehicle trips per hour compared to the existing Warringah Recreation Centre. These trips will be distributed to the west and east of Kentwell Road as motorists seek to access Pittwater Road and Condamine Street and split in both directions due to the inbound and outbound movements (refer to **Appendix 16**).

5.2.2 Parking

The proposed Squash Court Building development application does not incorporate car parking, however, it would be serviced by the proposed carparking arrangements (Council Masterplan). The car parking proposed via the Council Masterplan is considered to be commensurate as assessed against the RMS Guide.

The WDCP does not stipulate car parking rates for recreational facilities. Accordingly, the car parking provision is assessed against the RMS Guide. Under the RMS guide, the Squash Building is expected to generate a demand for 15 car parking spaces and combined with the tennis courts and 30 car parking spaces and approved Warringah Golf Club, a total demand for 103 car parking spaces are required. The joint demand for 103 car parking spaces will be served by the two-off streetcar parks, which will provide a total of 125 car parking spaces (refer to **Appendix 16**).

5.2.3 Access and Loading

Subject to the appropriate implementation of a Traffic Management Plan (TMP), servicing trucks up to 10.5 metres in length that come on-site are to undertake a three-point turn within The Warringah Golf Club loading / servicing area. This will result in forward entry and forward exit from the eastern car park (refer to **Appendix 16**).

5.6 STORMWATER & EROSION & SEDIMENT CONTROL

The engineering objectives for the proposed development are to respond to the local topography and constraints of the land, whilst meeting the stormwater and flood planning requirements. The stormwater management objectives seek to provide a best practice system in Water Sensitive Urban Design (WSUD). A Stormwater Management Plan has been prepared by ACOR Consultants and included in **Appendix 14**.

The proposed stormwater system for the new squash court building has been designed in accordance with the relevant national design guidelines, Australian Standard Codes of Practice, Northern Beaches Council and accepted engineering practices, as follows:

- Australian Standard AS3500.3 (2021) – Plumbing and Drainage: Part 3 Stormwater Drainage; and
- Northern Beaches Council – Water Management for Development Policy (2021).



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5.7 FLORA AND FAUNA

The Flora and Fauna Assessment at **Appendix 15** details that approximately 0.01ha of native vegetation is to be cleared within the development area. Please note demolition of all existing structures and vegetation within the development area has been previously approved under DA2022/2081.

Trees required and previously approved for removal are identified in the Flora and Fauna Assessment at **Appendix 15** and provided in **Figure 21** below. The existing vegetation in this area is identified as both estuarine swamp oak twig-rush forest and exotic dominated vegetation.



Figure 21. Existing Trees Located Within Proposed Building Footprint (Source: Narla, 2024)

5.8 SEDIMENT CONTROL & EROSION CONTROL

Sediment fences will be installed as shown on plans and elsewhere at the discretion of the principal's representative to contain soil as near as possible to their source.

Sediment fences will not have catchment areas exceeding 900 square metres and have a storage depth of at least 0.6 metres. Sediment removed from any trapping devices will be relocated where further pollution to downslope lands and waterways cannot occur. Temporary sediment traps will remain in place until after the lands they are protecting are completely rehabilitated.

Water will be diverted from the permanent drainage system until the catchment area is permanently landscaped or water is treated by an approved device. Site access will be stabilised to prevent soil tracking



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onto public roads and to ensure all-weather entry and exit. Earth batters will be constructed with the flattest gradient possible, except as otherwise specified. Additionally, all waterways, drains, spillways, and their outlets will be built to remain stable in a 1:20 year ARI, Time of Concentration storm event.

Waterways and other areas subject to concentrated flows after construction are to have a maximum groundcover c-factor of 0.05 (70% ground cover) within 10 working days from completion of formation. Flow velocities are to be limited to those shown in table 5-1 of "*Managing Urban Stormwater - Soils and Construction*", Department of Housing 2004 (Blue Book). Foot and vehicular traffic will be prohibited in these areas.

Permanent rehabilitation of lands post-construction will target a ground-cover c-factor of less than 0.1, reducing to below 0.05 within 60 days. Newly planted areas will be regularly watered until effective cover is established and plants are growing well, with follow-up seed and fertiliser applied as needed. Re-vegetation will focus on re-establishing natural species, replacing natural surface soils, and using non-persistent annual cover crops.

5.9 FLOODING

The subject site is identified as land subject to flood pursuant to the WDCP2011 and stated in the Section 10.7 Planning Certificate (**Appendix 2**).

The subject site for the proposed development is identified in the Manly Lagoon Flood Study (2013) as being located in the Medium Flood Risk Precinct. Brookvale Creek and part of the proposed car park area on the western side of the Creek are identified as being within the High Flood Risk Precinct. Refer to **Figure 22** below.



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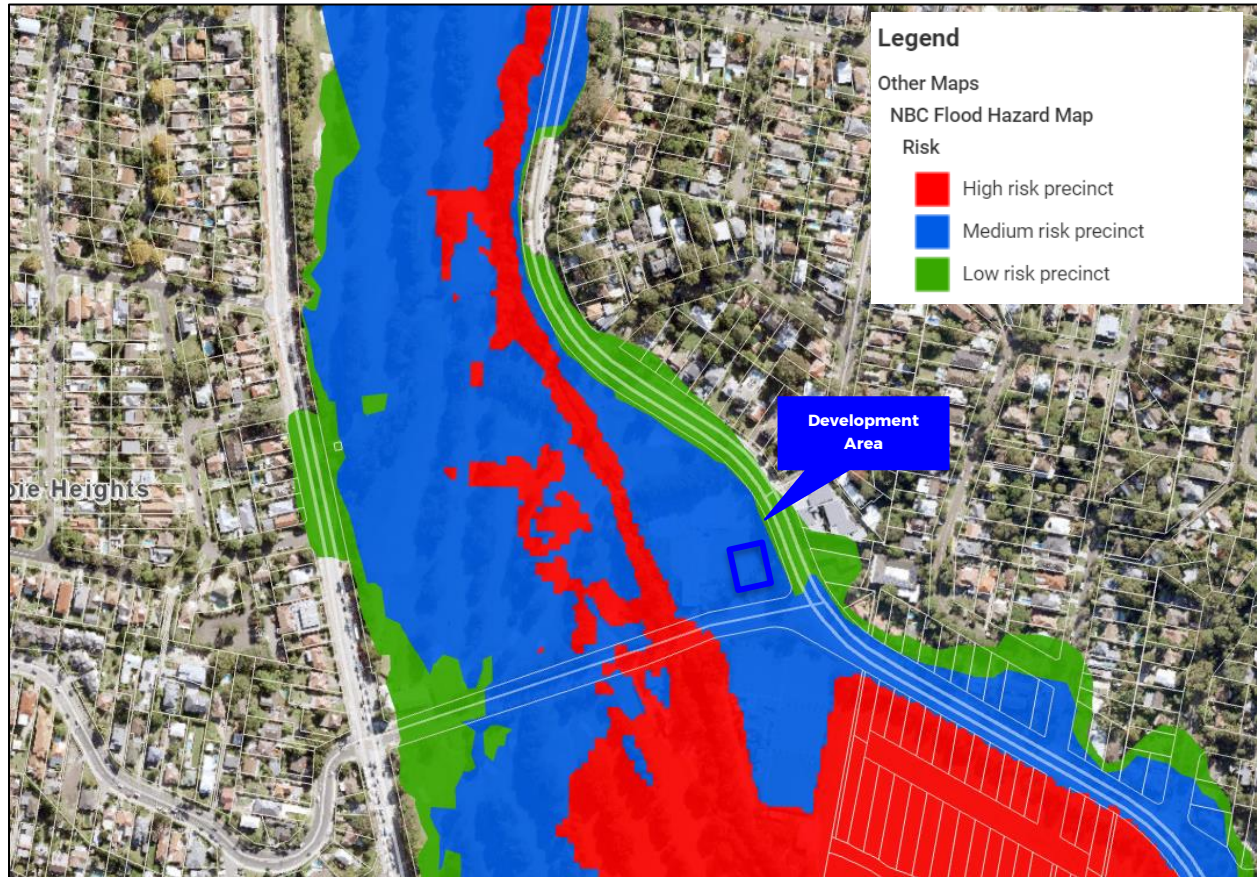


Figure 22. Northern Beaches Council Flood Hazard Map (Source: Northern Beaches Council, 2024)

The proposed squash court building will have floor levels set at 3.6 m AHD, above the 1% AEP floodwaters which impact the site at 3.3 m AHD and the PMF floodwaters at 5.69 m AHD. This elevation ensures resilience against flooding events, including the Probable Maximum Flood (PMF). Furthermore, the development will not worsen the flood affectation of the site; rather, it improves flood storage with a net cut volume of 128 m³. The site's evacuation routes through Kentwell Road to higher ground on Corrie Road also enhance safety during smaller flood events.

Overall, the proposal aligns with Northern Beaches Council flood planning requirements and contributes to reducing flood risk in the context of evolving climate conditions.

5.10 GEOTECHNICAL

A Geotechnical Assessment by Ideal Geotech is provided in **Appendix 11**. The fieldwork for the assessment was undertaken in June 2024. The assessment states that all footings should be founded below any uncontrolled fill or deleterious materials. All footings for the same structure should be founded on strata of similar density and reactivity to minimise the risk of differential movements.



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All footing excavations should be inspected prior to installation of structural steel by Ideal Geotech or a suitably experienced engineer or geotechnical consultant to confirm that the founding conditions are as described in this report. All loose material should be cleared from the footing excavations before concrete is poured.

It is understood that excavation will be required during the construction phase. Excavations or trenches in the sand could not be expected to stand vertical in the short-term. Where personnel are to enter excavations, options for short-term excavations include benching or battering back of excavations to 1H:1V.

In the event fill is to be placed Ideal Geotech recommends the placement of engineered fill be carried out in accordance with AS3798-2007 "Guidelines on Earthworks for commercial and residential developments".

5.11 ECOLOGICAL

The Flora and Fauna Assessment indicates that the relevant biodiversity conservation provisions of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the WLEP 2011 and the WDCP 2011 have been fulfilled.

The proposed development will require the removal of the following vegetation within the subject site:

- 0.01a of Estuarine Swamp Oak Twig-rush Forest which conforms to the BC Act listed Swamp Oak Floodplain Forest in the NSW North Coast, Sydney Basin and South East Corner Bioregions and EPBC listed Coastal Swamp Oak (*Casuarina glauca*) Forest of South-east Queensland and New South Wales; and
- 0.01ha of Exotic Dominated Vegetation.

No threatened species are expected to be significantly impacted by the proposed development. One (1) threatened species, *Callistemon linearifolius* (Netted Bottle Brush), does occur in close proximity to the site, however it has been purposely avoided.

If the appropriate recommendations of the Flora and Fauna Assessment are followed, the proposed DA will have minimal ecological impacts.

5.12 EMISSIONS

5.14.1 Noise

A Noise Impact Assessment is included as **Appendix 7**. The report summarises the predicted noise emissions from the construction and operation phase as well as traffic noise generation.

Noise and vibration emissions during construction should be assessed and managed in accordance with the EPA Interim Construction Noise Guideline, as indicated in Section 7 of the Noise Impact Assessment (**Appendix 7**).



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Noise emissions from the operational phase of the project were assessed using Noise Policy for Industry guidelines. The site emissions from the development have been predicted and assessment against criteria adopted from the trigger levels determined using the Policy. The proposed development is considered to comply with noise criteria established for the site.

Traffic noise data obtained from the traffic report indicated the proposed development will generate less traffic movements compared to the existing. No traffic noise generation on the public road from the proposed development is anticipated.

5.13 WASTE

A Waste Management Plan (WMP) has been prepared and included in **Appendix 10**.

The WMP has been prepared in accordance with Council's Waste Management Guidelines. A lockable designated bin enclosure is provided to accommodate rubbish and recycling. The bin enclosure totals 2m² in size.

5.14 BUILDING CODE OF AUSTRALIA

A BCA Report has been prepared and is provided at **Appendix 8**. The architectural design documentation prepared have been assessed against the relevant provisions of the BCA. This assessment was limited to an assessment of the BCA in order to identify any items that may necessitate a modified development consent or additional key items that must be included in the design. It is considered that the documentation complies or is capable of complying with the BCA subject to sufficient construction documentation is provided in order to undertake a full assessment prior to the application for Construction Certificate.

5.15 ACCESSIBILITY

An Accessibility Report has been prepared and is provided at **Appendix 8**. The proposed development incorporates the construction of a new building; therefore, the entire building must comply with the Premises Standards. An assessment of the building against the relevant requirements of the BCA applicable to access for people with a disability, is equivalent to an assessment against "Schedule 1 Access Code for Buildings" of the Premises Standards. Therefore, confirmation of compliance with the BCA should also be taken as confirmation of compliance with the Premises Standards.

5.16 SOCIAL AND ECONOMIC IMPACTS

The proposed Squash Court Building will continue to provide recreational uses at the Warringah Recreation Centre site. It will contribute and reinforce the recreational activities on site.

5.17 SERVICES

The new squash court building would be connected to all existing services.



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5.18 SUITABILITY OF SITE FOR DEVELOPMENT

The proposed squash court building will further enhance the existing range of recreation activities in the area. Accordingly, the subject site is considered to be suitable for the proposed development.

The subject site is located within an established recreation area and is permissible within the Zone RE1 Public Recreation pursuant to WLEP2011. The proposed development is considered to be compatible with the objectives of the zone and is highly consistent with surrounding development.

5.19 SUBMISSIONS

No submissions have been received in relation to the proposed development to date; however, the applicant is willing to address any submissions, should they be received by Council.

5.20 THE PUBLIC INTEREST

The proposed development is in the public interest as it:

- Is consistent with the objectives of the RE1 zone and provides a squash court building to an established recreation area, and is therefore commensurate with the existing use of the wider site and locality;
- Shall not create any measurable environmental or amenity impacts on the surrounding sites or public domain; and
- Delivers a publicly accessible squash court building.

The proposed development will have no adverse impact on the public interest and is in accordance with the aims and objectives of the WGH2011 and WDCCP2011.

The development of the subject site will be carried out to support the continued use of the site through the provision of an indoor recreation facility that is commensurate to the sites surrounds and shall result in a positive recreational impact for the Northern Beaches LGA and the broader region.



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PART F CONCLUSION

The purpose of this SEE has been to present the proposed squash court building for 292 Condamine Street, North Manly and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposed development seeks a new squash court building for the Warringah Recreation Centre upgrade works in line with the Council master plan. The proposed development incorporates:

- Site preparation works;
 - Earthworks;
- New one storey squash court building including:
 - squash courts, of 63m² each, that are to comply with 'Specifications for Squash Courts – Recommended Standards approved by the WSF (World Squash Federation) Jan 2013';
 - 76m² corridor with circulation space for two tier spectator bench expected to seat 12 people per court;
 - Wheelchair zone at spectator seating;
 - 27m² Main entry foyer;
 - Bottle filler / drinking fountain;
 - 2m² kitchenette / tea point;
 - 31m² amenity spaces including:
 - 7m² Accessible toilet and shower;
 - 9m² female WC and shower;
 - 9m² Male WC and shower;
 - 6m² Airlock; and
 - Mechanical ventilation switched to lighting;
 - 7m² store.
- Installation of signage.

The subject site is owned by Council and the new proposed squash court building is proposed as part of a wider master plan for Warringah Recreation Centre.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and

The proposal is considered to warrant a favourable determination for the following reasons:

- The proposed development will positively contribute to the established Zone RE1 Public Recreation objectives;
- Meets the everyday requirements of the community through provision of recreation facilities;
- Integrates with and complements the existing recreation facilities;
- Minimises environmental and amenity impacts to surrounding land uses;



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- The development is compatible with surrounding development and the local context; and
- It is in accordance with the relevant provisions of the WLEP2011 and WDCP2011, compliance is generally achieved.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

