

PLANNING PROPOSAL

Amendment to Warringah LEP 2011
Warringah Golf Club, North Manly

Submitted to Northern Beaches Council

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

1 May 2023

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1 INTRODUCTION

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

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

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

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

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

1.1 Background

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

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

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

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

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

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



Figure 1: Proposed Warringah Recreation Centre Masterplan

1.2 Development Application for new clubhouse

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

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

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

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

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

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

DA ISSUE

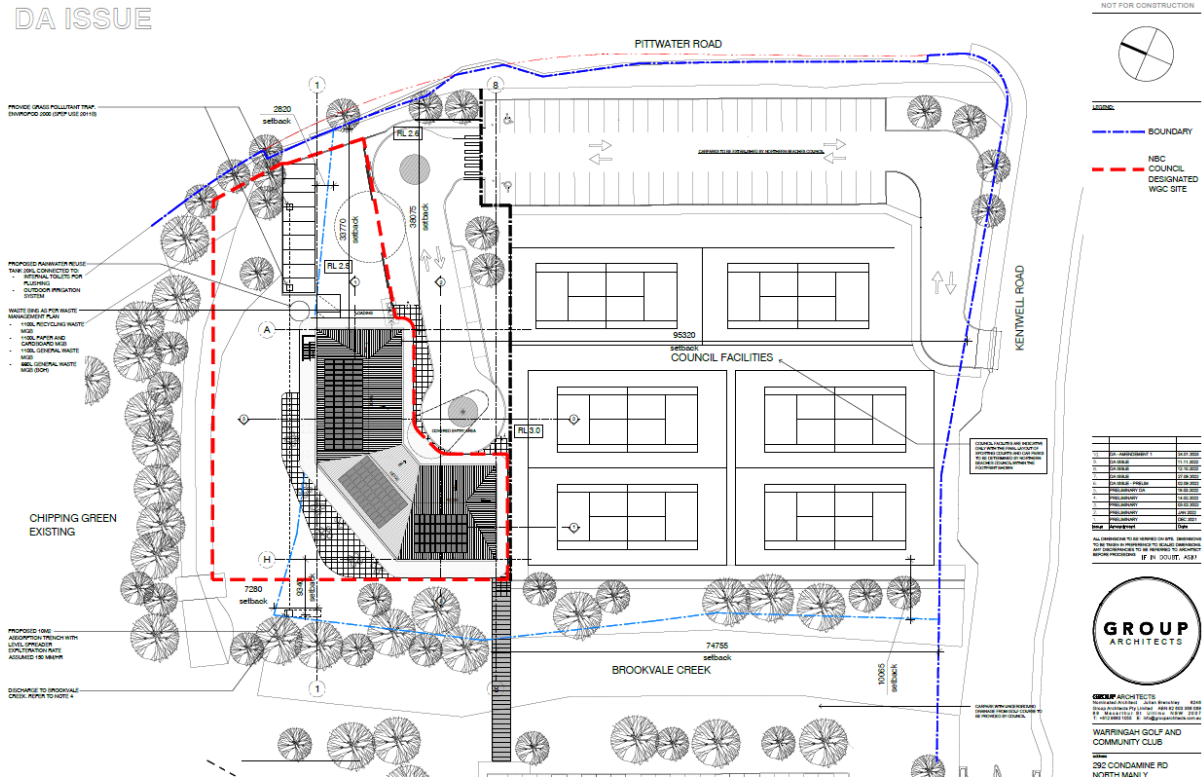


Figure 2: Excerpt from DA architectural plans

2 THE SITE

2.1 Site location and context

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

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

The site's location is shown in Figure 3.

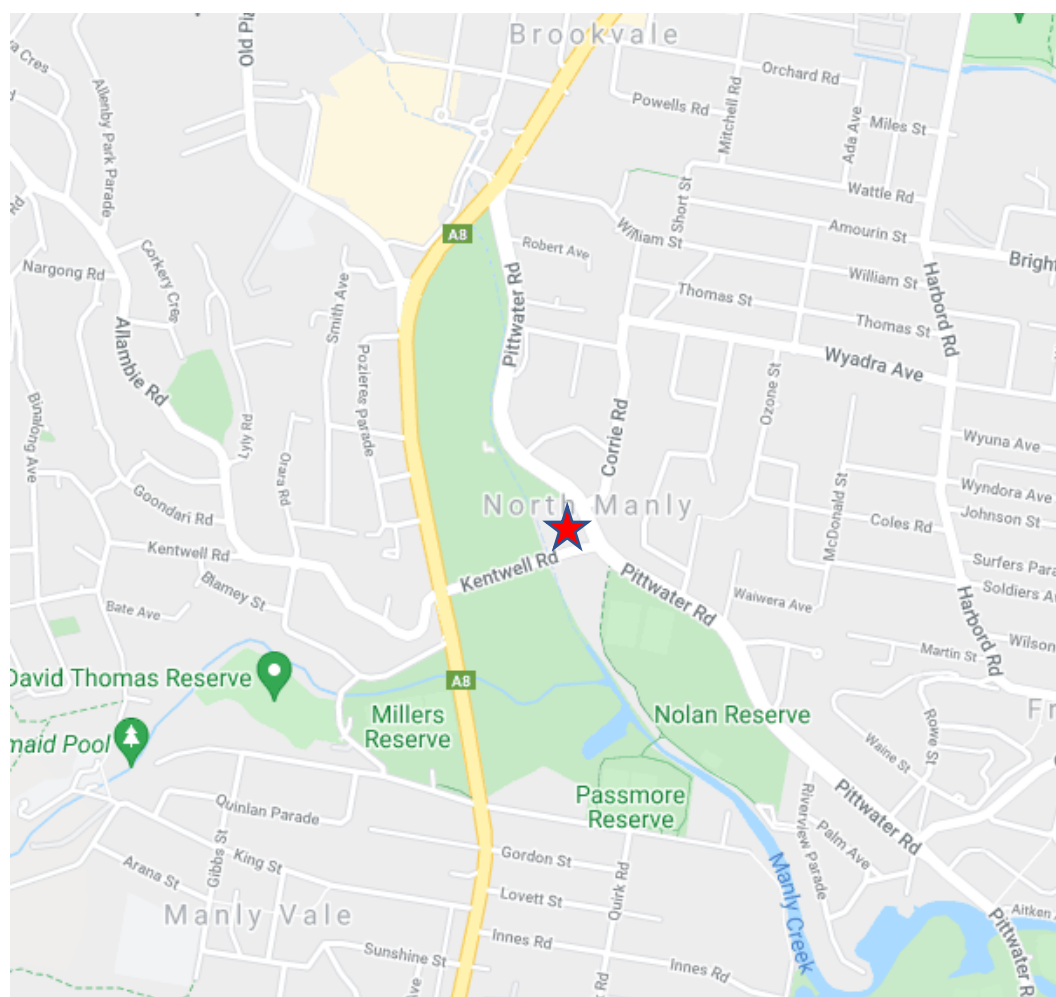


Figure 3: Site location

(Source: www.nearmap.com)

2.2 Site description

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

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

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

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

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



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

2.3 Surrounding context

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

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



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

2.4. Existing planning controls

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

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

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

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

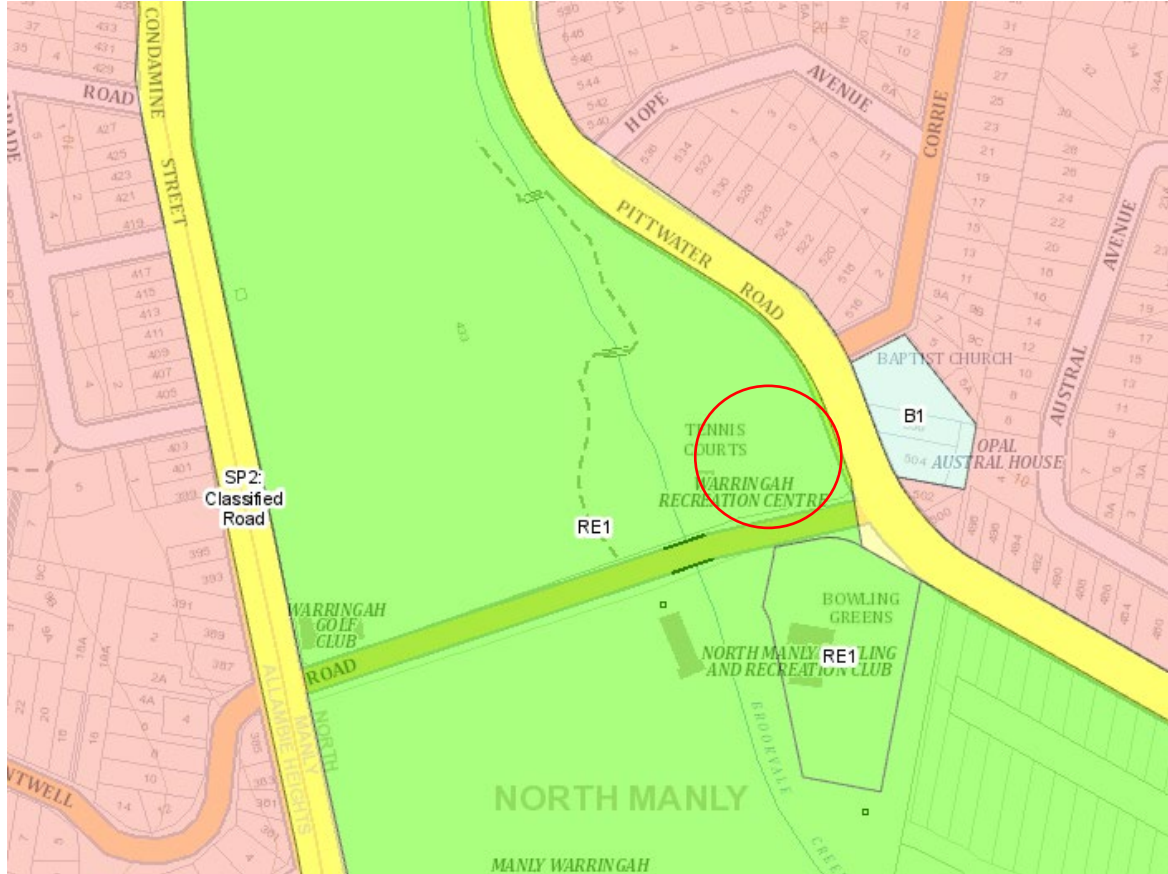


Figure 6: Existing zoning (Source: EPlanning Spatial Viewer)

3 PLANNING PROPOSAL

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

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

3.1 Part 1 Objectives or intended outcomes

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

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

3.2 Part 2 Explanation of provisions

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

3.3 Part 3 Justification

3.3.1 Section A: Need for the Planning Proposal

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

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

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

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

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

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

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

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

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

3.3.2 Section B: Relationship to Strategic Planning Framework

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

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

The Greater Sydney Region Plan - A Metropolis of Three Cities

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

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

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

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

Table 1: Consistency of Planning Proposal with relevant GSRP Objectives

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

North District Plan

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

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

Table 2: Consistency with relevant North District Plan Planning Priorities

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

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

Northern Beaches Local Strategic Planning Statement

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

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

Priority 6 High quality open space for recreation

Priority 11 Community facilities and services that meet changing community needs

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

Community Strategic Plan 2040

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

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

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

Strategies

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

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

District Park Plan of Management

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

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

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



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

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

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

Table 3: Assessment against relevant SEPPs

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

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

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

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

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

Table 4: Assessment against relevant Section 9.1 Ministerial Directions

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

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

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

3.3.3 Section C: Environmental, Social and Economic Impact

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

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

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

- Estuarine Swamp Oak Forest
- Weeds and Exotics.

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

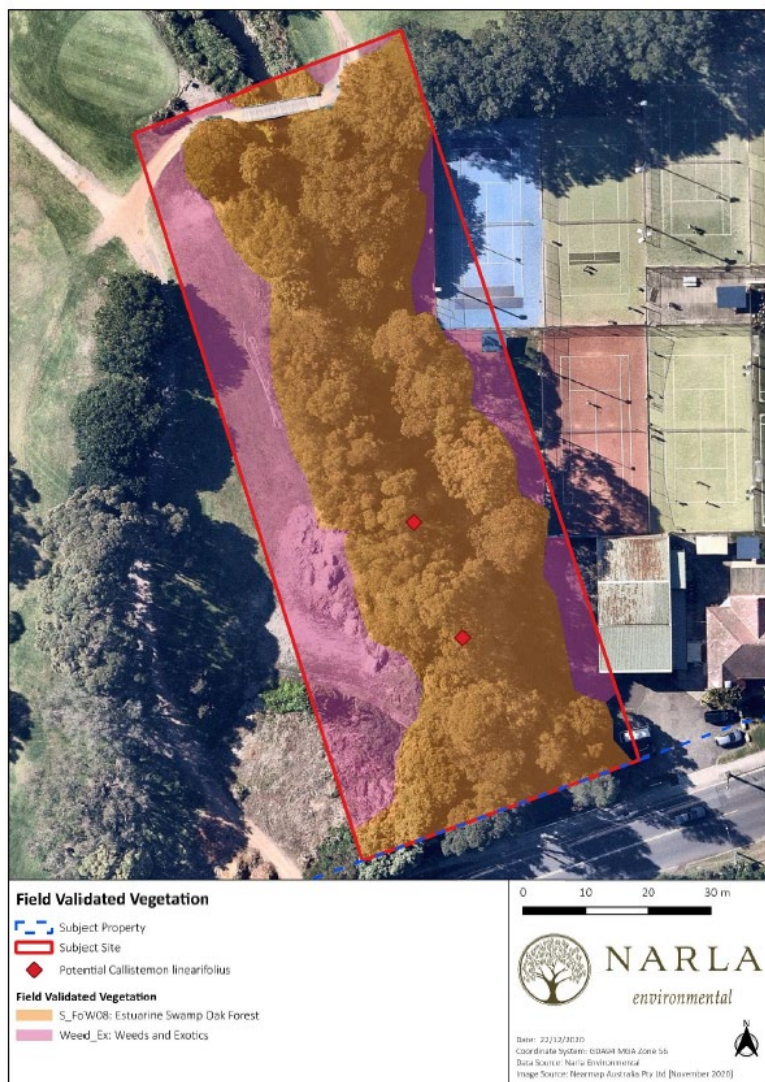


Figure 8: Field validated vegetation

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

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

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

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

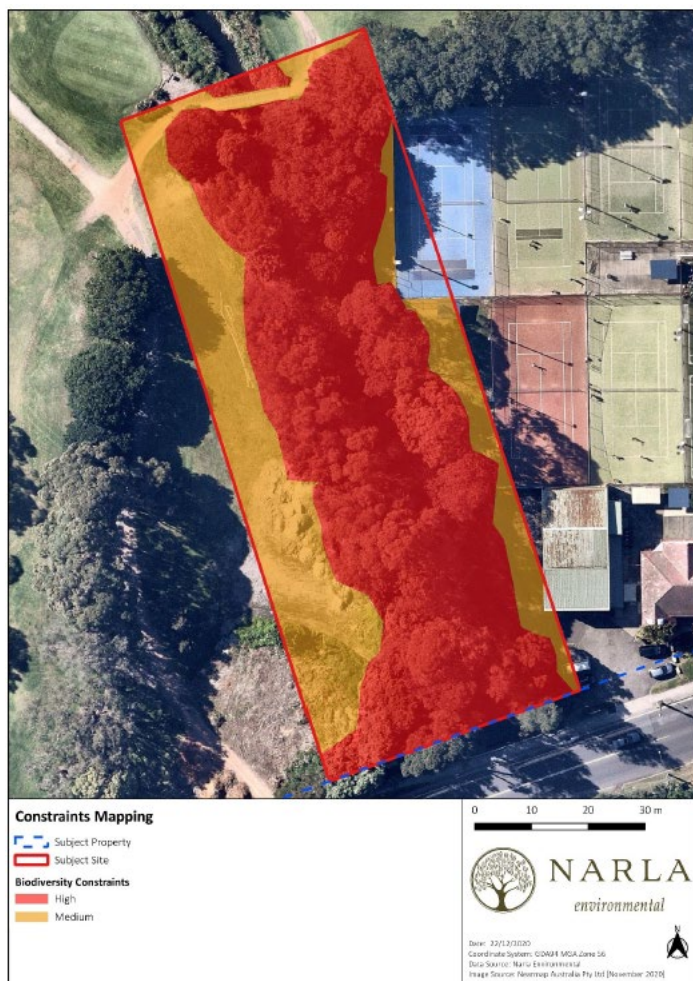


Figure 9: Vegetation constraints map

Table 5: Biodiversity development constraints mapping key

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

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

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

Flooding and stormwater management

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

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

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

Stellen Consulting concludes as follows:

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

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

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

Riparian impacts

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

Traffic

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

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

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

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

Noise

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

Contamination

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

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

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

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

3.3.4 Section D: State and Commonwealth Interests

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

The site has access to all essential services.

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

Relevant public authorities will be consulted following the Gateway determination.

3.5 Part 4 Mapping

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

3.6 Part 5 Consultation

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

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

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

3.7 Part 6 Project Timeline

Table 6 provides an indicative timeframe for the Planning Proposal.

Table 6: Indicative Planning Proposal timeline

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

4 CONCLUSION

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

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

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

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

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

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