



Section 4.55 Modification Report

Modification to
Wakehurst Couvert Tennis Courts

August 2025

Document Control

Project Title:	Voyager TA - Upper Clontarf Street. Allambie Heights
Project Address:	163 Upper Clontarf Street, Allambie Heights
Job No.	25SA0006
Client:	Voyager Tennis Pty Ltd.

Document Issue

Issue	Date	Prepared by	Reviewed by
Draft 1	15/05/2025	Rebecca Boresch	Rebecca Johnston
Final	29/05/2025		Rebecca Johnston
Final 0.1	19/08/2025	Sahana Sarvesh	Rebecca Johnston

Signed



Sahana Sarvesh
Planner
M. Urbanism



Rebecca Johnston
Director
BTP (Hons), MBA, Registered Planner +EIA PIA

SMART APPROVALS PTY LTD
ABN 85 680 548 458

PLANNING@SMARTAPPROVALS.COM.AU
WWW.SMARTAPPROVALS.COM.AU

Contents

1. Introduction	5
1.1 Supporting Documentation	5
2. Proposed Modification.....	6
2.1 Summary of Modification	6
3. Evaluation	8
3.1 Section 4.55(2) Modification	8
3.2 Section 4.55(3).....	9
3.3 Section 4.15(1)(b), the likely impacts of the development	13
3.3.1 Bushfire	13
3.3.2 Visual Impacts	14
3.3.3 Waterways	15
3.3.4 Social Impacts.....	17
3.3.5 Economic Impacts	17
3.4 Section 4.15(1)(c), the suitability of the site for the development:	17
3.5 Section 4.15(1)(d), any submissions made:	17
3.6 Section 4.15(1)(e), the public interest:.....	17
4. Conclusion.....	17

Figures

Figure 1 Location of Works Source: Voyager Tennis 7

Figure 2 Asymmetrical Lighting Fixture Source: Voyage Tennis 14

Figure 3 Location of Lighting Pole Fixture Source: Synthetic Sports Group 15

Figure 4 Location of Modified Source: Warringah DCP Mapping Waterways and Riparian Land 16

Tables

Table 1 Section 4.55(2) Assessment 8

Table 2 Environmental Planning Instruments..... 9

Table 3 Assessment of Warringah Development Control Plan 2011..... 11

1. Introduction

This 4.55(2) Modification Report has been prepared to support a request to modify Development Consent No. 85/153 relating to DA1985/56 determined on 19 April 1985 by Warringah Council for *ten tennis courts, being a recreational facility and the floodlighting of the tennis courts*. The modification will reconfigure the remaining synthetic tennis courts into new padel and pickleball courts and extend the hours of operation.

1.1 Supporting Documentation

The modification is supported by the documentation listed in the table below.

Document	Author	Date	Rev
Current Site Plan	Michal J Burg	24/02/2025	-
Proposed Site Plan	Michal J Burg	24/02/2025	Voyager Markup
Elevations	AFN Sports	-	-
Cross Section Detail and Layout	Synthetic Sports Group	Undated	-
Light Specifications	AFN` Sports	29/02/2024	-
Geotechnical Report	Structerre Consulting Engineers	27/03/2025	-
Concrete Scans	Concrete Scanning Services	19/03/2025	-
Waste Management Report	Voyager Tennis Pty Ltd	Undated	-
Partial Detail Survey	Michal J Burg	24/02/2025	-
Identification Report	Michal J Burg	30/06/2025	-
Bushfire Assessment and Bush Fire Certificate	Bushfire Hazard Solutions		

This documentation has been uploaded to the NSW Planning Portal.

2. Proposed Modification

The subject site is known as the Wakehurst Couvert Tennis Courts (WCTC)¹ which are located within the Manly Warringah War Memorial Park. The courts form part of a lease associated with the Wakehurst Golf Club. It is zoned RE1 Public Recreation and is part of a Crown Reserve (68892) managed by the Northern Beaches Council under the Manly Warringah War Memorial Plan of Management (POM). The POM enables the continued use of the tennis courts, not to be expanded beyond the current footprints (excludes minor adjustments or give and take rationalisation, but with no further bushland removal).

It is noted that previous works converted two approved hardcourt tennis courts into eight 8 pickleball courts. Accordingly, the site contains eight (8) tennis courts and eight (8) pickleball courts.

2.1 Summary of Modification

The proposed modification seeks to reconfigure two existing hardcourt tennis courts into three panoramic padel courts, two additional pickleball courts, and install replacement fencing and new lighting. The works are summarised below:

- The manicuring of the existing concrete surface to make it level and good.
- Footings for courts and netting to be drilled into concrete (60mm x 600mm at a depth of 2.5m) with reinforcement cages, formed and filled with concrete.
- Installation of three padel courts, each measuring 20m x 10m, comprising aluminium padel posts and frames, glass panels (4m x 2.4m or 4m x 2.024m each), mesh panels and lighting poles.
- Laying of synthetic turf, line marking, dispersion of sand and grooming.
- Asphalt in Pickleball court locations to be cleaned, resealed and line marked to form two courts, each measuring 6.1m wide and 13.4m long.
- Removal of existing fencing to be replaced with new black powder-coated posts, 3.15mm mesh fencing 3.6m in height.
- Trenching and conduit for lighting installation and works to be made good.
- Installation of 24 lights around the courts.

The location of the works is shown within the following Figure.

¹ Pages 8, 62. "Manly Warringah War Memorial Park Plan of Management", 25 March 2014: Warringah Council.



Figure 1 Location of Works Source: Voyager Tennis

The modification also changes Condition 20, relating to the hours of operation for the WCTC. The approved development allows operation daily from 8 am to 6 pm and from 6 pm to 10 pm two days a week. The proposal seeks to modify the hours from 7 am to 10 pm seven days a week.

3. Evaluation

Under Section 4.55, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, subject to and per the regulations, modify the consent if the provisions of Section 4.55 are met. An assessment of the section relevant to the proposed modification is provided for consideration.

3.1 Section 4.55(2) Modification

Table 1 Section 4.55(2) Assessment

Provision	Comment
<i>(a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).</i>	The reconfiguration enables alternate racquet sports that align with the tennis community to be provided. The hardstand area associated with the original consent remains unchanged. Minor works are required to facilitate the adapted uses, which remain objectively substantially the same.
<i>(b) It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	<p>The land is government property and identified as a Crown reserve (68892) for Public Recreation, as gazetted on 8 December 1939 and is managed by the Northern Beaches Council. It is understood that the Council will consult with the Minister for Crown Lands as required, should the delegation not extend to the Council.</p> <p>The site is a State-listed heritage item issued with an exemption under 57(2) of the Heritage Act 1977. The works are consistent with the exemption provided under SHR#02073. Concurrence from the Minister is not required.</p>
<i>(c) it has notified the application in accordance with.</i>	It is understood that the proposed development will be notified as required by the Regulations and the Council's Community Participation Plan.
<i>(i) The regulations, if the regulations so require, or</i>	
<i>(ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising</i>	

Provision	Comment
<i>of applications for modification of a development consent.</i>	
<i>(d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	Should any submissions regarding the proposed modification be made, we will respond to the concerns raised to assist the Council with its assessment.

3.2 Section 4.55(3)

Under Section 4.55(3), the matters referred to in Section 4.15(1) relevant to the development must be considered. An assessment of these matters is provided below for consideration.

Section 4.15(1)(a), the provisions of:

(i) any environmental planning instruments (EPIs)

The following environmental planning instruments apply to the development.

Table 2 Environmental Planning Instruments

Environmental Planning Instrument	Comment
SEPP (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in non-rural areas	No vegetation will be removed to enable the proposed works. The proposed development is consistent with the provisions of this policy.
SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of land	The proposed development is considered consistent with the provisions under Section 4.6. It has been operational as a recreation facility (outdoor) since 1985, with the Plan of Management for the Site not identifying any contamination associated with the land. The continuation and modification of this use is deemed suitable and does not require further investigation.
Warringah LEP 2011	
2.3 Zone objectives and Land Use Table	The site is zoned RE1 Public Recreation. Recreational facilities (outdoor) are a use permitted with consent within this zone. The modified use is consistent with the zone objectives by providing additional activities that are compatible with the current use of the land.
4.3 Height of Buildings	The site is shown on the height of buildings map with a maximum of 8.5m. The padel court

Environmental Planning Instrument	Comment
	enclosure has a height of 4 m, and the lighting fixtures have a height of 7 m (refer Elevation drawings prepared in support of this report). Therefore, the structures and fencing proposed by the modified development are less than 8.5m and consistent with the provisions of this clause.
5.10 Heritage Conservation	<p>The site forms part of the Manly Warringah War Memorial Park, listed as a State Heritage Listed item (SHR#02073) on 13 January 2003, as a Cultural Landscape. The listing provides an exemption allowing works under Section 57(2). The existing tennis courts were granted consent and established before the gazettal of the listing and are exempt under Part 2 Wakehurst Golf Club, clause 2.1(viii) (viii) Maintenance, repair and resurfacing of golf course playing surfaces and other sports infrastructure, including the tennis courts and futsal courts using like for like materials and same locations.</p> <p>On this basis, the proposed development is minor and not likely to impact the significance of the item. No further heritage assessment is required.</p>

(ii) any proposed planning instruments

A draft LEP (Northern Beaches) is in progress and is awaiting Gateway Determination. The objectives of the RE1 Zone and assessments relating to clauses 4.3, 5.10 and 5.12 will remain unchanged from the provisions within the current LEP applying to the land.

(iii) any development control plans

The Warringah Development Control Plan 2011, last amended 1 June 2022, applies to the development.

Table 3 Assessment of Warringah Development Control Plan 2011.

Clause	Provision	Comments
Part C	Siting Factors	
C2	Traffic, Access and Safety	The existing arrangements for parking and pedestrian access remain unchanged. Parking is provided on Lot 2730 DP 752038 and is shared with the Wakehurst Golf Club.
C3	Parking Facilities	Parking facilities remain unchanged and are deemed consistent with these controls.
C4	Stormwater	The reconfigured courts will have the same capacity and drain to the existing infrastructure. The existing courts drain to the north to an existing pit and pipe and connect to the existing stormwater system.
C8	Demolition and Construction	A Waste Management Plan has been provided to support the application. The plan confirms the location of the waste storage area, the amount, type and management of waste proposed.
C9	Waste Management	A Waste Management Plan has been provided to support the application. The plan confirms the location of the waste storage area, the amount, type and management of waste proposed.
Part D	Design	
D17	Tennis Courts	The modification relates to existing tennis courts with approved illumination. The replacement fencing is dark and consistent with the minimum setback requirements.
D18	Accessibility and Adaptability	The site provides existing access arrangements from the car park to the courts via a staircase and an accessible ramp. The modified courts will retain the 100mm kerb between the existing footpath and the court space. These courts can be made accessible via a threshold ramp

<i>Clause</i>	<i>Provision</i>	<i>Comments</i>
		(specification can be provided on request) from the footpath onto the court. A 1m walkway is provided between Courts 2 and 3 (north-south orientation) and 1.5m between these courts and Court 1 (east-west orientation) to provide circulation and turning space for patrons using a wheelchair as required.
<i>D20</i>	<i>Safety and Security</i>	The modified development retains existing access and security provisions, sufficient lighting, and natural and passive surveillance throughout the complex, ensuring the security and safety of the community are maintained.
<i>Part E</i>	<i>Natural Environment</i>	
<i>E1</i>	<i>Preservation of Trees or Bushland Vegetation</i>	No vegetation removal is proposed. The existing vegetation surrounding the development will be retained and managed. Vegetation is managed and maintained by the Plan of Management and is consistent with these controls.
<i>E2</i>	<i>Prescribed Vegetation</i>	The modified development avoids areas containing prescribed vegetation on the site. Vegetation is managed and maintained by the Plan of Management and is consistent with these controls
<i>E3</i>	<i>Threatened Species, Populations, Ecological Communities listed under State or Commonwealth Legislation, or High Conservation Habitat.</i>	The modified development is not on land mapped as containing prescribed vegetation or threatened and High Conservation Habitat on the site. Surrounding vegetation is managed and maintained by the Plan of Management and is consistent with these controls
<i>E4</i>	<i>Wildlife Corridors</i>	The modified development is not located within a mapped wildlife corridor. Surrounding vegetation is managed and maintained by the Plan of Management and is consistent with these controls
<i>E5</i>	<i>Native Vegetation</i>	The modified development is not on land mapped as containing native vegetation. The surrounding vegetation is managed

Clause	Provision	Comments
		and maintained by the Plan of Management and is consistent with these controls
E6	<i>Retaining Unique Environmental Features</i>	The modified development retains the remnant bushland and vegetation surrounding the site and is consistent with the objectives of this control.
E8	<i>Waterways and Riparian Lands</i>	The original consent considered the impacts of the development relative to the waterway. A Waterways Impact Statement is provided under Section 3.3.3 of this report.
E10	<i>Landslip Risk</i>	The site is mapped within 'Area A' with a slope of less than 5 degrees. A geotechnical report from Structerre classifies the site as 'P', a problem site with a bearing capacity of between 20mm and 40mm and soil type 'M', being moderately reactive to moisture changes. The geotechnical report was considered for the footing design and works required for the existing slab. It was considered suitable for recreational use and unlikely to impact subsurface flow conditions.

(iv) any planning agreement or draft planning agreement

No planning or draft planning agreements applied to the land at the time of the report.

(v) the regulations

This modification has been prepared per the requirements under Part 5 of the Environmental Planning and Assessment Regulations 2021.

3.3 Section 4.15(1)(b), the likely impacts of the development

Under Section 4.15(1)(b), a consent authority must consider the likely impacts of the development, not addressed within the LEP or DCP controls including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:

3.3.1 Bushfire

Part of the site associated with the WCTC is mapped as Vegetation Buffer, with the remainder of the site as Vegetation Category 1 and Vegetation Buffer. A Bushfire Assessment and Bushfire Certificate

have been prepared by the Bushfire Hazard Solutions in support of this report. The assessment was undertaken in accordance with Section 4.14 of the Environmental Planning and Assessment Act 1979 (the Act) and complies with the bushfire protection measures of the Planning for Bush Fire Protection 2019 (PBP).

The assessment identifies that the proposed development is classified as a Class 10b structure under the National Construction Code (NCC) and is located 6m from any dwelling. According to the Section 8.3.2 of the PBP there are no applicable bushfire requirements for 10b structures. The assessment concludes that the proposal will provide a reasonable and satisfactory level of bushfire protection to the subject development and therefore supports the modification application.

Pursuant to Clause 4.14(1)(b) of the EP&A Act, a Bushfire Certificate is provided by a qualified consultant recognised by NSW Rural Fire Service, confirming that the development complies with the relevant specifications and requirements.

3.3.2 Visual Impacts

The lighting configuration associated with this part of the site will be modified. The courts are currently lit by flood lighting located within four light poles on the east and western sides of the tennis courts. The reconfiguration retains the flood lights on the fence to service the new pickleball courts on the western side. Each of the proposed Padel courts will have lighting installed on four 7m high poles adjacent to the glass panels on each side and each end of the courts. Two asymmetric LED light fixtures with an average of 550 lux, similar to the type shown in Figure 2 below, will be installed on each 'C' and 'D' posts as shown in Figure 3.



Figure 2 Asymmetrical Lighting Fixture Source: Voyage Tennis

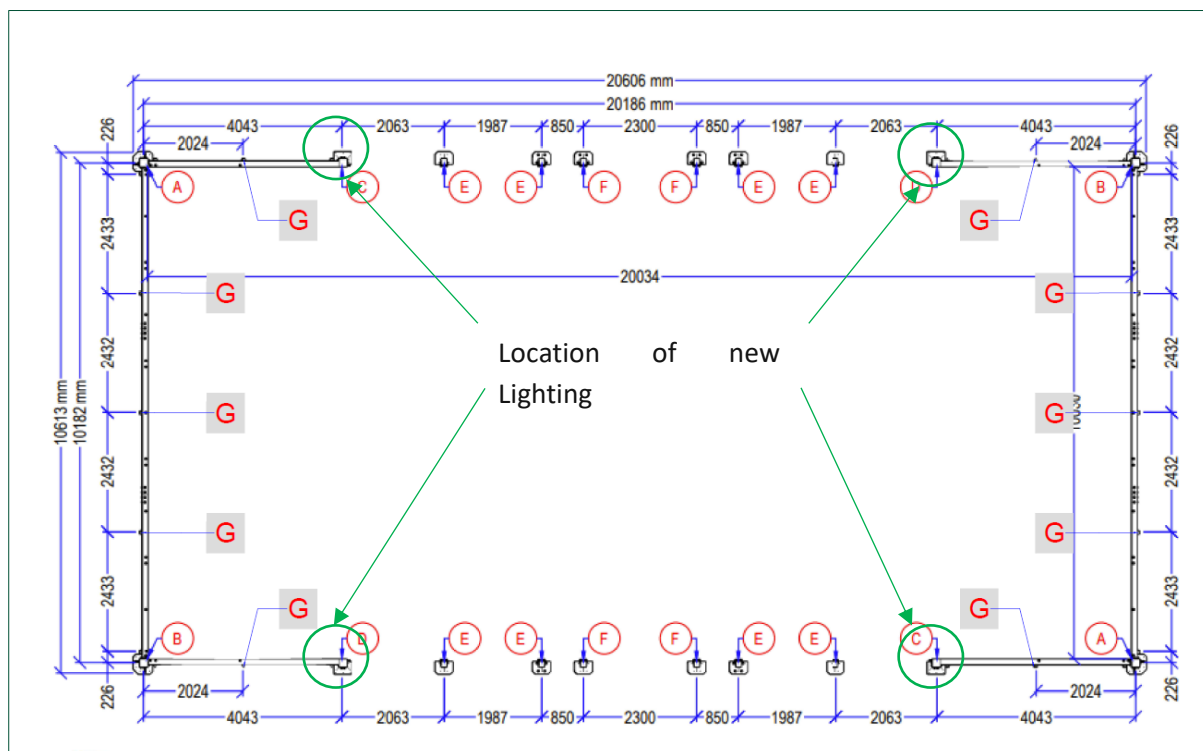


Figure 3 Location of Lighting Pole Fixture Source: Synthetic Sports Group

Padel Courts requires between 300 Lux for general play and up to 750 Lux for competition to meet AS2560.2:2021 – Sports Lighting Part 2: Specific Applications. Lighting specifications for the courts have been prepared by EXELUX. The specifications show the extent of illumination on the court and externally to achieve the 550 lux over the fullest extent of the court. The impact of the lighting is reduced to 250 lux along the edge of the courts and continues to reduce with distance from the court. When considering the existing foliage and fencing, the cumulative effects of the existing and proposed lighting, the new courts will incur a minor change. The cumulative light spill impacts are contained within the site.

3.3.3 Waterways

The development is mapped as Waterway and Riparian Land within the Warringah DCP 2011. A Waterway Impact Statement (WIS) is required to support the modified development. After reviewing the Guidelines, the work proposed is minor and does not warrant a detailed report. An assessment of the WIS requirements is provided below for consideration.

A. Waterway Analysis

The site is located within the catchment of Manly Creek. The Warringah Council Creek Management Study describes the sections of the creek in this location as low value compared to the upstream locations, likely to improve over time as rehabilitation activity continues. The existing developed area is within the catchment area for Manly Creek. The land in this location has been fully developed and is connected to an existing stormwater management system. The development and impacts on the

waterway were initially assessed under the original development, mitigating and managing the quality and capacity of stormwater entering the catchment.

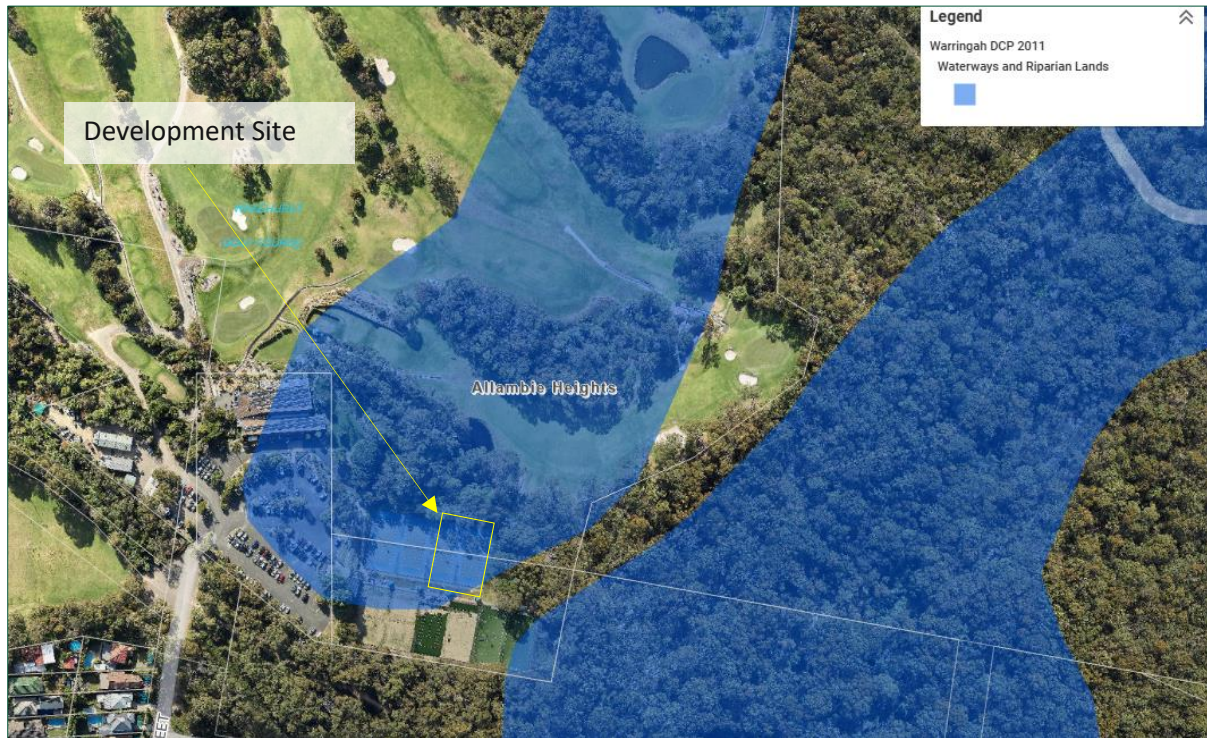


Figure 4 Location of Modified Source: Warringah DCP Mapping Waterways and Riparian Land

B. Assessment of Impacts

The modified development is contained within an existing developed area involving minor earthworks to install footings within the existing slab. Soil and sediment control measures (silt fencing) will be used to contain the soil removed to complete the footings and relocate it to the waste storage location for disposal. The extent of work replaces mostly like-for-like materials, maintains existing site levels, connects to the existing stormwater systems and is unlikely to result in on-site or off-site changes to the physical characteristics of the waterway, riparian land, and the surrounding bushland, flora or fauna.

C. Assessment of Compliance with the Warringah Development Control Plan

Refer to Table 3, previously completed within this report, detailing compliance with the Warringah Development Control Plan 2011.

D. Provision of Mitigation Measures

The site will continue to be managed per the management regimes detailed within the Manly Warringah War Memorial Park Plan of Management for the land, incorporating the mitigation outcomes detailed within the WIP Guideline. The modified development remains consistent with the Council's Protection of Waterways and Riparian Land Policy (PL740) and the Warringah DCP.

3.3.4 Social Impacts

The modification provides positive social benefits to the local community. Diversifying the court offerings enables opportunities for social interactions, inclusion of various abilities and increased physical health.

3.3.5 Economic Impacts

The modification provides court spaces for the emerging court sports of pickleball and Padel, which generate an alternative income stream from the general tennis economy. The construction of facilities encourages investment, additional job opportunities, and alternative revenue streams through merchandise sales.

3.4 Section 4.15(1)(c), the suitability of the site for the development:

The proposed modification is consistent with the objectives of the RE1 Public Recreation Zone and the Manly Warringah War Memorial Plan of Management. It reconfigures the court spaces within the existing development footprint with like-for-like materials and some new materials consistent with the approved use that do not significantly alter the development. Minor earthworks are required to install footings within the existing slab, with environmental impacts sufficiently managed. The site is suitable for modified development.

3.5 Section 4.15(1)(d), any submissions made:

Any submission received relating to the proposal will be considered.

3.6 Section 4.15(1)(e), the public interest:

The modified development aligns with the original approved use, the zone objectives and the relevant plan of management adopted for the land. The development remains substantially the same, a recreational facility (outdoor) for tennis courts. The modified development does not jeopardise public interest, given that the use has been adapted to facilitate community expectations in providing adjacent court sports that are in demand and will provide positive social and economic benefits.

4. Conclusion

Based on the above assessment, the modification to the application should be supported as it will have a minimal impact on the environment. The relevant parts of section 4.55(2) of the EP&A Act have been considered, including an assessment under section 4.15(1). The considerations above conclude that the amendment to the proposal satisfies the requirements of the EP&A Act and should be supported.