
From: John Flower
Sent: 29/12/2023 11:33:14 AM
To: Council Northernbeaches Mailbox
Cc: [REDACTED]
Subject: Northern Beaches Council Development Application Number: DA2022/2081

Dear Sir/Madam

I note that on the Portal for the above DA further submissions have been added in response to the Planning Panel's recommendations.

While I am fully in favour of the proposed Golf Club building, I am also concerned that the use of their proposed premises may be severely detrimentally affected should the application proceed as is currently proposed.

Attachment 3 includes various responses to the deferred commencement condition as proposed by the panel.

None of those responses give any surety for the Golf Club members of two fundamental things:-

- 1 There is no guarantee that the access to the street is available to the Club House in perpetuity.
- 2 There is no guarantee that the car parking will be available to the Club House when the Club House construction is completed.

Re Point 1

At the panel meeting it was recommended that the consent conditions include that the Occupation Certificate for the Club House should not be approved until after the Occupation Certificate for the car parking and street access is approved.

Unless this sequence is followed the Golf Club could expend around eight million dollars building a Club House only to find that they must wait, with an unoccupied building, for the street access and parking to be completed.

There are no guarantees that prevent this possibility.

There is nothing in any of the consent documentation as proposed to say that the car parking and street access need to be completed before the Club House is completed.

Re Point 2

Without a formal condition that connects the parking and street access to the consent for the Club House there would be nothing to prevent a future council from legally removing that access and thus render the club building's occupation in breach of a legal development consent.

That is to say that a consent for a development without access to a "public" road is not permitted under the legislation.

In Attachment 3 on page 1 it suggests that the Golf Club...

1. Submit amended DA drawings to include in the scope the car park and driveway access off Kentwell Road to negate the requirement for the deferred commencement condition.

This recommendation makes good sense for the Golf Club members. It would also provide the Golf Club members with some comfort if the curtilage containing the carpark and street access were included in their lease agreement. This two actions in consort would remove all the risks noted above.

It should also be noted that the plans in Attachment 2 should be accompanied with a report or comment from a suitably qualified Traffic Consultant to show, or state, that the swept paths for the various service vehicles, in the plans as proposed, meet the current Australian Standards.

regards,

John

