

DATE OF DETERMINATION	19 March 2024
DATE OF PANEL DECISION	19 February 2024 (decision updated on 19 March 2024 to reflect the correct decision of the Panel)
DATE OF PANEL MEETING	14 February 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurrán, Annelise Tuor
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 25 January 2024.

MATTER DETERMINED

PPSSNH-391 – Northern Beaches - DA2022/2081, 292 Condamine Street, North Manly

Demolition works and construction of a golf club house and associated facilities (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel’s decision was unanimous.

REASONS FOR DECISION

The Panel determined to approve the DA for the reasons set out below and in the original and Supplementary Assessment Reports from the Independent Assessor.

The Panel met several times to consider the DA. A public meeting was held on 27th November 2023 and following that meeting the Panel deferred determination to seek further information as detailed below.

The Panel requested urgent clarification from the Applicant, through the Independent Assessor, of the proposed use of the dining / function / room / bar and associated amenities including, licensing, management and potential outsourcing options of each service.

The record of deferral also indicated the SNPP would seek legal advice, as follows: *“Given the Panel remains unconvinced of the merits of the Applicant’s arguments in relation to the threshold issues of permissibility and the Applicant’s reliance on car access and parking which are not part of the DA under consideration, the Panel resolved to defer the matter to seek Departmental legal advice on those issues.”*

In December, the Applicant submitted the requested information to the Independent Assessor who provided a Supplementary Assessment Report. The Panel also obtained legal advice from the Department and this advice was available to the Panel in January. The Panel then reconvened on 14th February to discuss the project with the Applicant and Independent Assessor.

The Panel formed the view that the Supplementary information had satisfactorily resolved issues raised by the Panel with two exceptions – approval as Registered Club and Car Parking / Access.

During the meeting, the Panel sought Applicant and Council views on amending conditions to not approve the Registered Club use. If the Panel pursued that option then facilities could be built and used as a Club House but not as a Registered Club until further approval was sought. The Applicant and Council indicated such a condition would be acceptable.

Secondly, after discussions with Council, the Applicant and the Independent Assessor, a new condition was added for the construction of a Temporary Construction Driveway as detailed below.

With those two changes to conditions and the deletion of the Deferred Commencement Condition, the Panel determined it would be in the community interest to approve the DA.

CONDITIONS

The Development Application was approved subject to the conditions submitted in the Council Assessment Report/Supplementary Memo with amendment to Condition 3 relating to non-approval of Registered Club Use, a new condition in relation to requirements for a Temporary Construction Driveway and the deletion of the Deferred Commencement Condition.

3. Approved Land Use

This consent shall authorise the use of site for the purpose of a recreational facility (outdoor), in accordance with the Dictionary of the recreational facility (outdoor), Warringah Local Environmental Plan 2011, as follows:

means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

This consent authorises the use of the club house building for ancillary uses detailed on the approved plans comprising pro-shop/workshop, administration area, foyer, amenities, back of house and meeting rooms as depicted on ground floor drawing GA2020-023-102 (revision 12), drawn by Group Architects, dated 25/08/2023 and listed at condition 1.

No approval is granted at this time for use of the clubhouse building as a 'registered club' as defined in the Warringah Local Environmental Plan 2011. Any such use shall require approval via a separate development consent.

Any variation to the approved land use beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

Temporary construction driveway



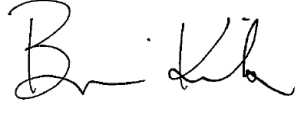
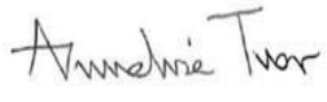
A 4m wide temporary construction driveway is to be established utilising the existing eastern vehicle crossover on the Kentwell Street frontage extending from the existing bitumen carpark adjacent to the eastern boundary, including the grassed area at the north-west termination point of the bitumen carpark and over part of the hardstand futsal and tennis courts terminating at the approved clubhouse building footprint and carpark.

The temporary construction driveway shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration of construction works.

Reason: To enable construction sequencing of the clubhouse and the future Warringah Recreation Centre carpark and to minimise disturbance to trees and reduce or prevent the transport of sediment from the construction site onto public roads.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 71 written submissions made during public exhibition and heard from members of the public who addressed the November public meeting. Issues of concern included Permissibility, Traffic and Parking and Reliance on the Warringah Recreation Centre Masterplan. The Panel considers that concerns raised by the community have been adequately addressed in the Independent Assessor's Assessment Reports, by responses from the Applicant and Council during the public meeting and in the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-391 – Northern Beaches - DA2022/2081
2	PROPOSED DEVELOPMENT	Demolition works and construction of a golf club house and associated facilities
3	STREET ADDRESS	292 Condamine Street, North Manly
4	APPLICANT/OWNER	Applicant – Graeme McMullan - WARRINGAH GOLF CLUB LTD Owner - Northern Beaches Council
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M – Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Warringah Local Environmental Plan 2011 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Draft environmental planning instruments: Nil • Development control plans: • Warringah Development Control Plan 2011 • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Supplementary Memo dated 21 December 2023 • Council Assessment Report dated 04 November 2023 • Attachment 1: Draft Conditions of Consent • Attachment 2: Plans (architectural, landscape and stormwater) • Attachment 3: Preliminary Site Investigation • Attachment 4: Acid Sulphate Assessment • Attachment 5: Acid Sulphate Management Plan • Attachment 6: Aboricultural Impact Assessment • Attachment 7: Flora and Fauna Assessment Report and Waterway Impact Statement • Attachment 8: Aboriginal Due Diligence Assessment Report • Attachment 9: Applicants RFI response • Attachment 10: District Park Plan of Management • Attachment 11: Traffic Impact Assessment • Attachment 12: Warringah Golf Club advice on clubhouse permissibility • Written submissions during public exhibition: Seventy-one (71) submission. This includes fifty-seven (57) in support of the proposal, and fourteen (14) objecting to the proposal. • Verbal submissions at the public meeting: (22 November 2023) <ul style="list-style-type: none"> • Members of the community – John Flower, Andras Kovacs, Ann Sharp • Council Assessment Officers – Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • On behalf of the applicant – Graeme McMullan, Kate Garnock and Andrew Cowan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 28 June 2023 – 1st Kick off briefing • <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk • <u>Council assessment staff</u>: Steven Findley, Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • 19 July 2023 – 2nd Kick off briefing • <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrans • <u>Council assessment staff</u>: Adam Richardson, Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • <u>Applicant</u>: Graeme McMullan, Ruby Burns • 22 November 2023 – Public meeting (Matter deferred) <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrans, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • 14 February 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrans, Annelise Tuor ○ <u>Council assessment staff</u>: Maxwell Duncan, Scott McInnes

		<p>(Independent Consultant Planner), Steven Findley</p> <ul style="list-style-type: none"> ○ <u>Applicant:</u> Graeme McMullan, Andrew Cowan, Tony Hatzis, Anthony Whealy, Scott Campbell, Paul Benbow, Mark Stamopoulos
9	COUNCIL RECOMMENDATION	Deferred Commencement Consent
10	DRAFT CONDITIONS	Attached to the Council Assessment Report/Supplementary Memo, as amended by the Panel