

28 February 2024

Sydney North Planning Panel
12 Darcy Street, Parramatta NSW
2124

Our Ref: 2024/135165

Dear Peter Debnam (Chair),

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

I would like to request the panel to consider a couple of potential minor errors/improvements from the conditions of consent for DA2022/2081 – 292 Condamine Street, North Manly which was approved on 19 February 2024, appearing in the Determination and Statement of Reason. Council has not issued the notice of determination at this stage and would like consideration of the following.

I suggested that the panel review these concerns and instructs Council that the following conditions be amended prior to the Notice of Determination being sent to the applicant. The issues can be summarised as follows:

A. Council's Condition 79 Hours of Operations

The Panel's imposition of the condition 67A restricts the use of the approved building so as not give consent for the use as a Registered Club.

However, condition 79 relating to *Hours of Operation* was not amended to delete the references to the uses associated with the prohibition. It is suggested that condition 79 be amended to read as follows (removing the changes in strikethrough).

Hours of Operation

The hours of operation are to be restricted to:

<i>Use</i>	<i>Hours of operations</i>	<i>Days</i>
<i>Pro Shop</i>	<i>6.00am to 7.00pm</i>	<i>Monday to Sunday</i>
<i>Office</i>	<i>9.00am to 5.00pm</i>	<i>Monday to Friday</i>
<i>Garden lounge</i>	<i>7.00am to 10.00pm</i>	<i>Monday to Sunday</i>
<i>Dining and function rooms</i>	<i>12.00pm to 10.00pm</i>	<i>Monday to Sunday</i>

<i>Bar</i>	<i>12.00pm to 10.00pm</i>	<i>Monday to Sunday</i>
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Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

B. Condition 3 Approved Land Use

Council’s Condition 3 could be improved in order to be clearly interpreted. The condition below contains the suggested new wording in blue text and deletion of strikethrough text. It is recommended that the condition be changed removing the strikethrough.

Approved land use

Nothing in this consent shall authorise the use of **the site as a clubhouse** (ancillary) **as** detailed on the approved plans for any land use ~~of the site~~ **other than** 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:

***recreational facility (outdoor)** 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).*

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.

C. Condition 67A – Non-Approval of Registered Club Use

This condition imposed and numbered by the Panel, locates it into the section *Prior to Occupation Certificate*. It is assumed that intention of the Panel was this should be an operational condition and that this condition should be located within the consent in the section headed: *On-going condition that must be complied with at all times*.

Could you please confirm the Panel’s position on these 3 points in order that Council can issue the Notice of Determination.

Should you wish to discuss any issues raised in this letter, please contact Maxwell Duncan on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Robinson', with a stylized flourish at the end.

Peter Robinson
Executive Manager, Development Assessment