



9 April 2024

REF: WTJ22 -150

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why
NSW 2099

Attention: Maxwell Duncan

**Section 4.55(1) Modification Application
DA2022/2081 - Change of use and construction of a golf club house and associated facilities**

Dear Maxwell,

Reference is made to development consent DA2022/2081 that was granted by the Sydney North Planning Panel on 8 March 2024.

Following review of the planning panel meeting minutes, dated 19 March 2024, it is apparent that the development consent dated 8 March 2024 has been issued in error and requires correction as requested by the applicant in this letter. The relevant matters noted in the minutes of 19 March 2024 and changes required are addressed as follows:

- A. Condition 3 of the development consent dated 8 March 2023 reads as follows:

~~3. Approved Land Use~~

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

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~~Any variation to the approved land use and/occupancy of any unit 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.~~

In accordance with the minutes issued, condition 3 is to be amended to read as follows:

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.

The above condition would sufficiently regulate use of the land, until such time as the LEP amendment is gazetted to permit a Registered Club on the site.

B. Condition 63 has been imposed as follows:

~~63. Non-Approval of Registered Club Use~~

~~Nothing in this Development Consent authorises the use of the clubhouse building other than for purpose of a 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.~~

~~Reason: To ensure the land use is lawful.~~

Given the implementation of condition 3 above, condition 63 is not considered necessary to regulate the development and is therefore to be deleted.

The above changes are considered necessary to ensure the proper function of the development consent as it relates to the site. As the conditions were imposed in error and in contradiction to the



outcome of the planning panel meeting, the changes requested are made pursuant to Section 4.55(1) of the Environmental Planning and Assessment Act 1979.

Should you require further information, please contact the undersigned.

Your sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Cowan".

Andrew Cowan
Director
Willowtree Planning (NSW) Pty Ltd

Enclosed:

- Meeting minutes dated 19 March 2024

