

WILLOWTREE PLANNING



1 September 2023

REF:WTJ22-150

Maxwell Duncan
Northern Beaches Council
1 Belgrave Street,
Manly NSW 2095

Attention: Maxwell Duncan

**RE RESPONSE TO REQUEST FOR FURTHER INFORMATION DA2022/2081
PROPERTY AT 292 CONDRAMINE STREET, NORTH MANLY (LOT 2742 DP 752038)**

Dear Maxwell,

We write in response to the request for further information (RFI) letter received on 13 June 2023, in relation to DA2022/2081 for the proposed for change of use and construction of a golf club house and associated facilities at 292 Condamine Street, North Manly (subject site), formally known as Lot 2742 DP 752038.

Following review of Council's comments in relation to the DA, the matters raised have been taken into consideration and are accurately addressed in the response matrix below to supplement the following additional information:

- **Appendix 1** Updated Architectural Plans
- **Appendix 2** Flora and Fauna Assessment and Waterway Impact Statement
- **Appendix 3** Draft Heads of Agreement
- **Appendix 4** Updated Stormwater Management Plan
- **Appendix 5** Updated Arboricultural Impact Assessment
- **Appendix 6** Updated Acoustic Report
- **Appendix 7** Updated Construction Management Plan
- **Appendix 8** Response to Submissions
- **Appendix 9** Updated Landscape Plans
- **Appendix 10** Permeability Report
- **Appendix 11** Preliminary Slope Stability Assessment
- **Appendix 12** Acoustic Response to RFI
- **Appendix 13** Aboriginal Due Diligence Assessment Report
- **Appendix 14** Updated Waste Management Plan
- **Appendix 15** Updated Plan of Management
- **Appendix 16** Arboricultural Impact Assessment Report
- **Appendix 17** Copy of WGC Lease

ACN: 146 035 707 ABN: 54 146 035 707
Suite 1, Level 10, 56 Berry Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 9929 6974



SYDNEY | NEWCASTLE | GOLD COAST | BRISBANE

TABLE 1. RESPONSE TO RFI LETTER 13TH JUNE 2023

Issue	Response
1. Biodiversity	
<p>a) The Flora and Fauna Constraints Assessment Report (FFCAR) provides an overview of ecological constraints on site. These include a section of Estuarine Swamp Oak Forest</p> <p>b) Endangered Ecological Community (EEC) declared under the BC Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The report has also identified the presence of 2 specimens of <i>Callistemon linearifolius</i> within the site. In addition, the vulnerable Eastern Osprey has been recorded within the development footprint and adjoining land. However, the report does not provide threatened species tests of significance for these threatened entities. In accordance with NSW and Commonwealth biodiversity legislation, tests of significance are required to be undertaken for any threatened entities likely to be impacted by a development.</p> <p>c) The FFCAR has not quantified the area of native vegetation to be cleared, nor has it assessed whether the Biodiversity Offsets Scheme applies.</p> <p>d) The Arboricultural impact assessment (AIA) has concluded that a total of 33 prescribed trees would have to be removed to accommodate the proposed footprint in its current form. However, no accurate location of the trees has been indicated on the survey plans. Please refer to the landscape referral response for additional detail.</p> <p>e) The landscape proposal includes a total of 26 replacement canopy "trees" following the recommendations established in the FFA. However, additional canopy replacements need to be provided to avoid a net canopy loss.</p>	<p>Refer to the Flora and Fauna Assessment Report (FFAR) and Waterway Impact Statement prepared by Narla Environmental in Appendix 2 which addressed (a) – (c).</p> <p>The FFAR assesses any potential impacts associated with the proposed development on terrestrial ecology, particularly threatened species, populations, ecological communities listed under the BC Act and EPBC Act. The FFAR also recommends mitigation measures for any potential impacts in line with all applicable policies; including SEPPs, WLEP2011, WDCP2011 and Warringah Council Waterways Impact Statement Guidelines.</p> <p>Table 10 within the FFAR quantifies the area of native vegetation to be cleared. In total, 0.19ha of the local occurrence EEC is proposed to be impacted. The vegetation proposed to be cleared is in poor condition with a predominately exotic ground layer with common canopy and mid-storey species present, making it unlikely the composition of the community within the locality would be reduced.</p> <p>It is concluded that the proposed development does not exceed the Biodiversity Offsets Scheme (BOS) threshold and therefore a Biodiversity Development Assessment Report (BDAR) is not required.</p> <p>An Updated Arboricultural Impact Assessment (AIA) has been prepared and included in Appendix 5, including an updated Tree Survey Plan that is reflected in both the AIA and Updated Landscape Plans in Appendix 9.</p> <p>As shown on the 'Existing Tree Management Plan' in Appendix 9, a total of 51 trees are proposed to be removed; comprising 39 native species and 12 exempt/weed/dead species.</p> <p>The proposed replacement tree planting included in Appendix 9 includes 39 replacement native and endemic tree species to replace those removed for construction providing a 1:1 replacement ratio.</p>
2. Landscaping	
<p>a) The Arborist's Report locates the trees on a plan in general location rather than identifying each tree and Demolition Plan shows trees</p>	<p>The following documents have been updated as part of this RFI Response:</p> <ul style="list-style-type: none"> ▪ Demolition Plan in Appendix 1;



<p>to be removed from a detailed a Survey Plan. (Fig. 2 below).</p>	<ul style="list-style-type: none"> ▪ Updated Arboricultural Impact Assessment in Appendix 5; ▪ Updated Landscape Plans in Appendix 9; and ▪ Updated Survey Plan in Appendix 14.
<p>b) The trees should be identified on the Survey Plan so that each tree is identified via their corresponding number in the Report. The trees' Tree Protection Zones and Structural Root Zones are also required to be shown on the plan to enable assessment of impacts of the proposed works and to clearly identify the trees to be removed and trees to be retained as applies to this application.</p>	<p>The abovementioned documents include consistent survey information and tree numbering of all existing trees at the subject site. Refer to the 'Existing Tree Management Plan' in Appendix 9 for further details.</p> <p>As shown on the 'Existing Tree Management Plan' in Appendix 9, a total of 51 trees are proposed to be removed; comprising 39 native species and 12 exempt/weed/dead species.</p>
<p>c) The Arborist's report appears to refer to trees being removed adjacent to the existing tennis courts whereas the Demolition Plan does not identify these trees to be removed.</p>	<p>The proposed replacement tree planting included in Appendix 9 includes 39 replacement native and endemic tree species to replace those removed for construction providing a 1:1 replacement ratio.</p>
<p>d) The additional information referred to above is required to be provided to enable proper assessment of the impacts to be made and, in the event of providing conditions, a clear plan identifying trees to be retained and removed.</p>	
<p>3. Aboriginal Heritage Office</p>	
<p>The area of the proposed development is considered as having high potential for unrecorded Aboriginal sites. Given the high potential, the AHO recommends a full and comprehensive Aboriginal heritage assessment be carried out for the land by a qualified Aboriginal heritage professional, including consideration for subsurface archaeological testing. This would provide an assessment of any unrecorded or potential Aboriginal sites within the allotment, and advice on potential (direct or indirect) impacts to any Aboriginal site.</p>	<p>An Aboriginal Due Diligence Assessment Report has been prepared by OzArk Environment & Heritage and included in Appendix 13.</p> <p>Following further correspondence with the AHO (via Council), it was agreed that a Aboriginal Due Diligence Assessment Report would be sufficient for the proposed development.</p> <p>A visual inspection was carried out of the study area with the Metropolitan Local Aboriginal Land Council and no Aboriginal sites or areas with potential to contain subsurface deposits were identified. The Report concludes that the proposed development will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposed development.</p> <p>The Report recommends the following:</p> <p><i>'Aboriginal Heritage Impact Permit application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work, and notify Heritage NSW (02) 9873 8500 (heritagemailbox@environment.nsw.gov.au). If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.'</i></p> <p>It is recommended that the above is included as a condition of consent.</p>
<p>4. Engineering</p>	



<p>The stormwater concept plan has insufficient details for assessment and does not satisfy DCP provision C4 Stormwater. The proposal is to discharge via a absorption system however no details are provided. Where absorption is proposed the system shall be sized based on a measured infiltration rate for the site in accordance with Appendix 3 of Council's Water Management for Development Policy. The applicant shall provide a geotechnical report by a suitably qualified Geotechnical Engineer to confirm the infiltration rate for the site. The proposed absorption system shall be appropriately sized based on a measured infiltration rate. The applicant shall provide a stormwater plan by a suitably qualified engineer.</p>	<p>An Updated Stormwater Management Plan (SMP) has been prepared by Stellen Consulting in Appendix 4.</p> <p>The Updated SMP has been prepared in consultation with Council engineers to ensure WDCP2011 is complied with.</p> <p>A Permeability Report has been prepared by Ideal Geotech and included in Appendix 10. This Report includes the actual absorption rate to inform the absorption system shown within the Updated SMP. The Permeability Report in Appendix 10 has been prepared by a suitably qualified Geotechnical Engineer and accredited for compliance with ISO/IEC 17025 NATA Accreditation No. 19226.</p>
5. Riparian	
<p>In general the level of detail regarding impacts to Brookvale Creek and the riparian zone are insufficient. The development appears to be removing trees from within the riparian zone and proposing to create a new stormwater outlet into Brookvale Creek.</p>	<p>A Waterway Impact Assessment (WIA) has been prepared by Naria Environmental and included in Appendix 2.</p>
<p>As required by the DCP, a Waterway Impact Statement is to be provided which includes a waterway analysis, an assessment of impacts, an assessment of compliance with the DCP, and the provision of mitigation measures. Further requirements regarding Waterway Impact Statements can be found in the WDCP.</p>	<p>The WIA includes a waterway impact survey, including a site assessment of the water quality, recording of any litter or pollutants, potential development-related impacts on water quality, channel form, erosion rate or bank stability, potential fauna habitat, establishing any landscaping impacts, assessing the current state of bank stability and determination any potential modifications to natural creek lines or overland flow.</p> <p>The WIA concludes that the proposed development is unlikely to result in adverse impacts on the waterway. Brookvale Creek is already heavily disturbed with turbid water and weed dominated riparian vegetation. The overall impact to the waterway as a result of the proposed development is minimal with no instream works proposed.</p> <p>It is recommended that a condition of consent is included to prepare a detailed Vegetation Management Plan (VMP) ahead of any works commencing on site.</p>
6. Police	
<p>a) It is recommended that an emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the</p>	<p>It is requested that Council include this recommendation as a condition of consent.</p> <p>Items (b) and (C) have been addressed in the Updated Architectural Plans in Appendix 1.</p>

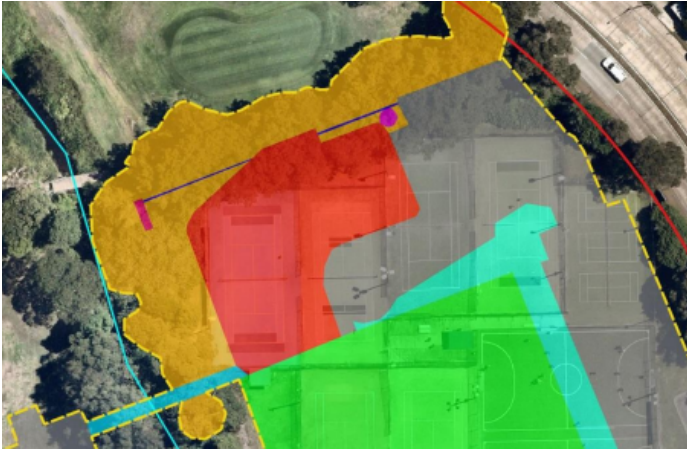


<p>building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW http://www.emergency.nsw.gov.au or Emergency Management Australia http://www.ema.gov.au.</p>	
<p>b) It is recommended that the external walls and fencing (if installed) on ground level are painted in a graffiti resistant paint which is easier to clean if tagged.</p>	
<p>c) Details of the bin storage area are to be shown, this area is to be designed so they are adequately secured, cannot be easily accessed and cannot be used as climbing aid.</p>	
7. Plan of Management	
<p>The Plan of Management (PoM) needs further information to address the following:</p> <p>a) The NSW Police have stated that rapid removal of graffiti is the best prevention strategy. Rapid removal is best practised when completed within 24 hours of the graffiti and should be included in the PoM.</p>	<p>An Updated Plan of Management (PoM) has been prepared by Warringah Golf Club (WGC) and included in Appendix 15.</p> <p>The Updated PoM addresses (a) – (f), as follows:</p>
<p>b) The NSW Police have recommended the installation of a CCTV camera system which is likely to be imposed as a condition of consent, despite this the PoM shall include details of the surveillance system that identifies both indoor and outdoor areas monitored by cameras, camera technical specifications (eg recording capacity, frames per second).</p>	<p>a) The clubhouse building fabric has been specified as graffiti resistant and the Plan of Management has included a note that every possible effort is made to remove any graffiti within 24 hours.</p> <p>b) The Plan of Management has been extended to confirm Indoor and Outdoor areas will be monitored by a comprehensive Network video recorder (NVR) CCTV camera system.</p> <p>The network video recorder (NVR) will record video footage and store it on a hard disk, mass storage device or utilize cloud storage.</p> <p>The NVR will be paired with digital internet protocol (IP) cameras to create a video surveillance system.</p> <p>The NVR CCTV camera system will operate multiple cameras, located both internally and externally, to provide maximum coverage of all areas of the premises recording at 20 slides per minute, recorded daily, be stored for up to 90 days and have record, playback and copy functionality.</p>
<p>c) Transport for NSW have commented on the proposal and require the PoM to adopt mitigation measures to ensure minimal impact on general traffic and bus operations.</p>	<p>c) Section 14 of the Plan of Management addresses mitigation of impacts on bus and traffic operations</p>
<p>d) The noise recommendations listed at section 3 of the PoM are inconsistent with the acoustic recommendations listed at section 7 of the DA acoustic assessment, prepared by Acoustic Logic and dated 12 October 2022.</p>	<p>d) The noise recommendations from the Acoustic report have been adopted in full in the PoM with section 4 specifically including the speakers within the premises and the other recommendations being adopted as appropriate through the PoM.</p>
<p>e) Approximate number of staff across all uses within the club house.</p>	<p>e) Staff numbers have been addressed in section 10.</p>
<p>f) More detail is required regarding the complaints register, the register shall include:</p>	<p>f) The complaints register arrangement has been expanded to include as a minimum all items identified in the RFI and is provided in section 10.</p>



<ul style="list-style-type: none">Complaint date and timeName, contact and address details of person(s) making the complaint.Nature of the complaintName of staff on dutyAction taken by premises to resolve the complaint, andFollow-up.																			
8. Trading hours																			
<p>Clarification is required regarding the operational hours of the garden lounge, the Statement of Environmental Effects and PoM nominate 10am to 7pm; however the DA acoustic assessment, prepared by Acoustic Logic and dated 12 October 2022 nominates hours of 10am to 10pm which and also states that the garden lounge (including the outdoor terrace) is one of the major noise sources. This inconsistency requires the reports to be amended to ensure consistency.</p>	<p>An Updated Acoustic Report has been prepared by Acoustic Logic and included in Appendix 6.</p> <p>The proposed Hours of Operation in the Updated Acoustic Report and PoM are consistent, as follows:</p> <table><tr><th>Day</th><th>Hours of Operation</th><th>Days Open</th></tr><tr><td>Pro Shop</td><td>Winter 6:30am-6pm Summer 6am-7pm</td><td>Monday-Sunday</td></tr><tr><td>Commercial office/meeting</td><td>9am-5pm</td><td>Monday-Friday</td></tr><tr><td>Garden Lounge</td><td>7am-10pm</td><td>Monday-Sunday</td></tr><tr><td>Dining & function Rooms</td><td>12pm-10pm</td><td>Monday-Sunday</td></tr><tr><td>Bar</td><td>10am-10pm</td><td>Monday-Sunday</td></tr></table> <p>Provided the Recommendations in Section 7 of the Updated Acoustic Report in Appendix 6 are adhered to, noise emissions to all nearby receivers are compliant with the noise emissions guidelines. The Recommendations in Section 7 are reflected in the Updated PoM in Appendix 16.</p>	Day	Hours of Operation	Days Open	Pro Shop	Winter 6:30am-6pm Summer 6am-7pm	Monday-Sunday	Commercial office/meeting	9am-5pm	Monday-Friday	Garden Lounge	7am-10pm	Monday-Sunday	Dining & function Rooms	12pm-10pm	Monday-Sunday	Bar	10am-10pm	Monday-Sunday
Day	Hours of Operation	Days Open																	
Pro Shop	Winter 6:30am-6pm Summer 6am-7pm	Monday-Sunday																	
Commercial office/meeting	9am-5pm	Monday-Friday																	
Garden Lounge	7am-10pm	Monday-Sunday																	
Dining & function Rooms	12pm-10pm	Monday-Sunday																	
Bar	10am-10pm	Monday-Sunday																	
9. State Environmental Planning Policy (Transport and Infrastructure) 2021 - Division 15 Railways and Division 17 Roads and traffic																			
<p>The site shares a frontage with a classified road being Pittwater Road and Kentwell Road and is pursuant to the provisions prescribed by Clause 2.119 of the SEPP. To satisfy subclause 2.119(c) of the SEPP Council requires the applicant to demonstrate whether:</p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p> <p>A written statement or amendments to the plans detailing the type of mitigation measures is required to enable Council to discharge this pre-condition.</p>	<p>Refer to the Acoustic Statement prepared by Acoustic Logic in Appendix 17.</p> <p>Clause 2.12 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) states that assessment of impact of road noise is mandatory for the following development types near busy roads:</p> <p><i>(a) Residential accommodation,</i> <i>(b) A place of public worship;</i> <i>(c) A hospital</i> <i>(d) An education establishment or centre-base child care facility.</i></p> <p>Clause 2.12 of the Transport and Infrastructure SEPP is therefore not applicable to the proposed development, being for an ancillary clubhouse to outdoor recreation facility. A written statement is included in Appendix 17.</p>																		
10. Warringah Local Environmental Plan 2011																			
<p>a) Clause 5.23 Public bushland The Statement of Environmental Effects, prepared by Willow Tree Planning and dated 23/11/22 has not considered if the public bushland</p>	<p>Clause 5.23 of the WLEP2011 defines ‘public bushland’ as follows:</p> <p>public bushland means land— <i>(a) on which there is vegetation that is—</i></p>																		



<p>provisions at Clause 5.23 apply to the proposal (refer to item 1(c)). In the event it does apply, Council draws your attention to the pre-condition at Clause 5.23(3) of the LEP and the requirement to explore alternative designs, minimise the amount of bushland to be disturbed and measures to remediate disturbed bushland.</p>	<p>(i) a remainder of the natural vegetation of the land, or</p> <p>(ii) representative of the structure and floristics of the natural vegetation of the land, and</p> <p>(b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.</p> <p>As shown in Figure 1 below the proposed development is located primarily on existing cleared land comprising sports facilities as part of the WRC.</p>  <p>Figure 1: Proposed Development (Source: Narla Environmental, 2023)</p> <p>The proposed development complies with Clause 5.23(3) of the WLEP2011, as follows:</p> <ul style="list-style-type: none"> ▪ The FFAR included in Appendix 2 includes a detailed assessment of the existing vegetation on the subject site. ▪ The proposed development will require approximately 0.19ha of native vegetation to be cleared at the subject site and within the context of the wider site parameters, does not trigger the BOS or BDAR pursuant to the BC Act. ▪ The vegetation proposed to be cleared is in poor condition with a predominately exotic ground layer with common canopy and mid-storey species present, making it unlikely the composition of the community within the locality would be reduced. ▪ The proposed removal of native bushland, revegetation is proposed to enhance the long-term survival of the community present and protect retained vegetation during and following construction. ▪ There are no mapped areas of 'native vegetation' on the WDCP2011 Map within the subject site. ▪ A Vegetation Management Plan will be implemented for the continued enhancement and protection of the EC within and adjacent to the subject site as set out in Section 1.8.5 of the FFAR.
<p>b) Clause 6.2 Earthworks The submitted Waste Management Plan (WMP) does not provide the volume and destination of fill</p>	<p>An Updated Waste Management Plan (WMP) has been prepared by AusWide and included in Appendix 14.</p>



material being transported from site in order to satisfy Clause 6.2(3)(e) of the LEP. Further, WMP focuses on the waste generated during the operation of the clubhouse but does not include a breakdown of demolition, excavation and construction waste contrary to Part C8 of the WDCP.	Table 1 of the Updated WMP includes the volume and destination of fill material and additional details of demolition, excavation and construction Waste in accordance with Clause 6.2(3) of the WLEP2011 and Part C8 of the WDCP2011.
c) Clause 6.4 Development on sloping land The Statement of Environmental Effects, prepared by Willow Tree Planning and dated 23/11/22 defers to the Geotechnical report in order to satisfy Clause 6.4; however upon review it does not contain sufficient information to enable Council to discharge pre-condition Clause 6.4(3) of the LEP .	Refer to Updated Geotechnical Report prepared by Ideal Geotech in Appendix 11 . The subject site is mapped within 'Area A' on Council's Landslip Risk Map (LSR_008). Section 6 of the Report concludes that the subject site is currently in a stable condition, based on a very low to low risk level of instability relating to shallow soil slips and active or deep-seated land slide. The Report concludes the subject site is suitable for the proposed development and will not be subject to subsidence, slip, slope failure or erosion, provided all construction is carried out in accordance with good engineering and hill slope practices. Therefore, the proposed development complies with Clause 6.4(3) of the WLEP2011. Refer to Appendix 11 for further details.
11. Submissions	
At the time of writing this letter 72 submissions had been submitted. Council requires you to make an informal GIPA request for all submissions and prepare a submissions report responding the issues and identifying mitigation measures and amendments that may resolve the concerns raised by the general public.	A Response to Public Submissions has been prepared by Willowtree Planning and included in Appendix 8 .

TABLE 2. RESPONSE TO RFI LETTER 22ND AUGUST 2023

Issue	Response
1. Biodiversity	
a) Any BDAR submitted for this site is to incorporate the whole of the subject site including the club house and ancillary facilities (tennis court) as detailed on the site plan. The BDAR is to determine whether the application is to be considered under Part 4 (Local Development Pathway) or Part 5 (Activity Pathway).	As concluded by the FFAR prepared by Narla Environmental in Appendix 2 , a BDAR is not required for the proposed development as the BOS is not triggered by the BC Act. Based on the conclusions of the FFAR and the submitted DA.2022/2081, the Development Application is to be considered under Part 4 (Local Development Pathway).
2. SNPP Briefing	
a) Concern was raised by Mr Kirk that the proposal was not ancillary to an outdoor recreation centre and was instead consistent with a registered club which is prohibited in the zone. He stated that the application should not be considered until the planning	(a) As outlined in Section 4.4.1.2 of the submitted Statement of Environmental Effects for DA/2022/2081, the proposed development is considered an ancillary building to the Warringah Golf Course. The Golf Course is defined as an Outdoor Recreation Facility pursuant to WLEP2011 and is permitted with consent under the RE1 Public Recreation Zone. This position is confirmed by Council in the pre-lodgement meeting minutes submitted with DA/2022/2081.



<p>proposal to permit a registered club is gazetted.</p> <p>b) Mr Kirk also stated that for the clubhouse to be ancillary development its trading hours shall not extend beyond the trading hours of the golf course. He suggested the applicant consider the principles in an application recently determined by the Western Regional Panel for the Oberon Sporting Complex. (SNPP ref: PPSWES-82).</p> <p>c) Council's Planning Manager suggested that the applicant review the Mona Vale Golf Club application/ assessment (DA2022/0581) for assistance.</p> <p>d) Finally, Mr Kirk suggested that a review of the landownership and lease arrangement for the subject site be undertaken as it may affect the proposed golf club.</p>	<p>recreation 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).</p> <p>The proposed clubhouse is considered to be subordinate and subservient to the predominate use of the wider site for the Warringah Golf Course. The clubhouse could not be characterised as an independent use, as it integrates with the primary functions of the Warringah Golf Course (Recreation Facility Outdoor).</p> <p>The proposed development is located on the same land as the existing Golf Course and directly adjacent to the existing Chipping Green, being Lot 2742 DP752938.</p> <p>The classification of the proposed clubhouse as ancillary depends on whether it will be service to, or serve as a means of furthering the predominant purpose of the site – Warringah Golf Course; and accordingly, does not, and cannot, by definition, operate as a use independent to that of the primary Warringah Golf Course on-site. The predominate use of the subject site is to operate for the purposes of an Outdoor Recreation Facility, being a Golf Course, for which the proposed Ancillary Clubhouse would be supportive of and also contemplated under the WLEP2011. The proposed development is located on the same land as the existing Golf Course and directly adjacent to the existing Chipping Green, being Lot 2742 DP752938.</p> <p>This position is reflected in the following recent determination of DA/2022/0581 by the by the North Sydney Planning Panel (NSPP) on 7th September 2022. A summary of the determination of DA/2022/0581 and the permissibility of the ancillary clubhouse use is outlined below.</p> <ul style="list-style-type: none"> ▪ DA/2022/0581 – Alterations and Additions to a Recreation Facility Outdoor (Mona Vale Golf Club). ▪ The Mona Vale Golf Clubhouse is situated on the same land as the golf course, despite being contained within a separate lot to the Golf Course. ▪ The proposed development (clubhouse) DA/2022/2081 is situated on the same land as the Warringah Golf Course, being Lot 2742 DP752938. ▪ The NSPP determined that as DA/2022/0581 is made in relation to the lots comprising the Golf Course and the Mona Vale Golf Club has a lease over the subject site, the clubhouse which sits on
---	---



	<p>the same site, is ancillary to the Mona Vale Golf Course.</p> <ul style="list-style-type: none"> ▪ This arrangement is reflected in the proposed development DA/2022/2081 as Warringah Golf Club holds a current 20-year lease that commenced on 01/09/2020 for the Warringah Golf Course and the HoA in Appendix 3 between WGC and Council covers the lease of Lot 2742 DP752038 (WRC). ▪ The NSPP determined that the proposed development pursuant to DA/2022/0581 is appropriate defined as ancillary development to a 'Recreation Facility (Outdoor)' which is a permissible use within the RE1 Public Recreation zone under the LEP. <p>Based on a consideration of the principles, as set out above, the proposed clubhouse under DA/222/2081 supports and subserves the primary Warringah Golf Course use on-site and is properly characterised as ancillary given the lease arrangement and both the Golf Course and Clubhouse are located on the same land, being Lot 2742 DP752938.</p> <p>(b) There is no legal definition for 'ancillary' in NSW Planning Legislation and therefore the proposed hours of operation should be considered on balance with the proposed development.</p> <p>(c) Noted. The Applicant has reviewed DA/2022/0581 and concurs the ancillary development position is evidenced by the decision for DA/2022/0581. Refer to response to (a) above.</p> <p>(d) The draft Heads of Agreement (HoA) between Council and WGC are included in Appendix 3 and a copy of the existing 20-year lease included in Appendix 17.</p> <p>The registered landowner for both the Warringah Golf Course and Warringah Recreation Centre is Northern Beaches Council (Council). Warringah Golf Club holds a current 20-year lease that commenced on 01/09/2020 for the Warringah Golf Course.</p> <p>The HoA between WGC and Council covers the lease of Lot 2742 DP752038 (WRC). Clause 1 refers to the 20-year lease term. The intention is to align both the WRC and WGC lease once DA/2022/2081 is determined to extend the term of the WGC lease.</p>
--	---

It is considered that this information now provides Council with all the necessary facts and relevant particulars in relation to the proposed development therefore, enabling determination of this DA to proceed. Should you wish to discuss further, please contact Willowtree Planning.

Your sincerely,
Willowtree Planning Pty Ltd
encl.

