

29 January 2024



The Mona Vale Golf Club Ltd  
C/- DFP Planning Pty Ltd PO Box 230  
PENNANT HILLS NSW 1715

Dear Sir/Madam

**Application Number:** Mod2023/0564  
**Address:** Lot 2 DP 1275526 , 1 Golf Avenue, MONA VALE NSW 2103  
Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108) , 3 Golf Avenue, MONA VALE NSW 2103  
Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108) , 3 Golf Avenue, MONA VALE NSW 2103  
**Proposed Development:** Modification of Development Consent DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Steven Findlay  
**Manager Development Assessments**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0564 PAN-379539
<b>Applicant:</b>	The Mona Vale Golf Club Ltd C/- DFP Planning Pty Ltd PO Box 230 PENNANT HILLS NSW 1715
<b>Property:</b>	Lot 2 DP 1275526 1 Golf Avenue MONA VALE NSW 2103 Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108) 3 Golf Avenue MONA VALE NSW 2103 Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108) 3 Golf Avenue MONA VALE NSW 2103
<b>Description of Development:</b>	Modification of Development Consent DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	29/01/2024
<b>Date from which the consent operates:</b>	29/01/2024

Under Section 4.55 (1a) Minor Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

### Signed

On behalf of the Consent Authority



Name

Steven Findlay, Manager Development Assessments

Date

29/01/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN# - 379539 MOD# - Mod2023/0564	The date of this notice of determination	Modification of Development Consent DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club  Add Condition No. 1A Modify Condition No. 36 Modify Condition No. 39 Modify Condition No. 40

### Modified conditions

#### **A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Acoustical Report	-	Koikas Acoustics Pty Ltd	3 October 2023
Operational Management Plan – Ground Floor Function Room	-	The Mona Vale Golf Club October 2023	

#### **B. Modify Condition 36. Compliance with acoustic report to read as follows:**

##### **36. Compliance with acoustic report**

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with the recommendations of the acoustic report by Koikas acoustics dated 3 October 2023 and referenced as 5255R20231003asMonaValeGC\_S455.

##### **Specific Acoustic Requirements**

- Windows and doors in the function room must be closed during functions and/or events with amplified entertainment.
- The design occupancy of the balcony is maximum of 30 patrons at any one time.
- The external doors from the function room must have self-closing mechanisms.
- No speakers, live music or amplification of any kind to be positioned on the external balcony.
- All external doors from the function room must have self-closing mechanisms applied prior to Occupation Certification.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent.

Reason: To ensure compliance with the noise amenity as per the Acoustic Report.

**C. Modify Condition 39. Compliance with operational plan of management (POM) to read as follows:**

**39. Compliance with Operational Plan of Management (POM)**

The details of the document Mona Vale Golf Club Operational Plan of Management shall be updated to include all recommendations in the acoustic report by Koikas Acoustics dated 3 October 2023 and referenced as 5255R20231003 as MonaVale GC\_S455. The POM is to be complied with in perpetuity for the life of the development. The POM shall at a minimum be updated to include the following:

- Windows and doors in the function room must be closed during functions and/or events with amplified entertainment.
- The design occupancy of the balcony is maximum of 30 patrons at any one time.
- The external doors from the function room must have self-closing mechanisms.
- No speakers, live music or amplification of any kind to be positioned on the external balcony.
- All external doors from the function room must have self-closing mechanisms applied prior to Occupation Certification

After 10pm on Friday, Saturday and Sunday nights (or any function/event), the Club shall provide appropriately trained staff or security personnel until all patrons have moved on from the premises and Club carpark.

CCTV shall be provided at the front of the Club entry/exit at all times and be available for review by NSW Police and Council Officers on request. A minimum of 2 months footage is to be maintained by the Club at all times of the entry exit and internal areas of the Club including the deck areas.

No speakers, live music or amplification of any kind to be positioned on the external balcony.

Reason: To protect Acoustic amenity.

**D. Modify Condition 40. Hours of Operation to read as follows:**

**40. Hours of Operation**

The hours of operation of the restaurant located on the ground floor of the clubhouse are to be restricted to:

- Monday to Sunday and Public Holidays – 8:00am – 11:00pm
- No kitchen exhaust fans are to operate after 10:00pm

The hours of operation for all other activities on site are to be restricted to:

- Monday to Sunday and Public Holidays – 8:00am - 9:00pm

No more than 1 (one) ancillary function/event to the approved land use shall occur per week which

operates until midnight (12:00am). Note: this requirement does not preclude the number of ancillary functions/events held within the above hours of operation.

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.

## Important Information

This letter should therefore be read in conjunction with DA/2022/0581 dated 31 August 2022.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building

or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel.