

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Maxwell Duncan, Planner
Date:	2 May 2024
Application Number:	Mod2024/0174
Address:	Lot 2742 DP 752038 , 2742 / 9999 Condamine Street MANLY VALE NSW 2093
Proposed Modification:	Modification of Development Consent DA2022/2081 granted for Change of use and construction of a golf club house and associated facilities

Background

The abovementioned development consent was granted by the Sydney North Planning Panel (SNPP) on 19 February 2024, with the consent operational from 8 March 2024 for Change of use and construction of a golf club house and associated facilities;

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to modify condition No. 3 (Approved Land Use) and delete condition No. 63 (Non Approval of Registered Club Use) , which 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).

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.

63. Non-Approval of a 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.

Consideration of error or mis-description

Following the releasing of the SNPP determination on 19 February 2024, the panel reviewed the determination on 19 March 2024 and found the errors in the determination and statement of reasons. The panel amended the record of determination on 19 March 2024 via a updated determination record, to accurately reflect the panels decisions.

The updated determination included the following amendments to the conditions.

3. Approved Land Use

The 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).

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

63. Non-Approval of a Registered Club Use
DELETED

Consent Authority.

Section 4.55(1) applications are not required to be referred back to the Sydney North Planning Panel. As noted above, the modification is limited to the correction of a a error in the original SNPP minutes. The updated conditions in this modification, correct the Notice of Determination to ensure compliance with the updated minutes.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2024/0174 for Modification of Development Consent DA2022/2081 granted for Change of use and construction of a golf club house and associated facilities on land at Lot 2742 DP 752038,2742 / 9999 Condamine Street, MANLY VALE, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-426212 MOD2024/0174	The date of this notice of determination	Modification of Development Consent DA2022/2081 granted for Change of use and construction of a golf club house and associated facilities Modify condition 3 - Approved Land Use Delete condition 63 - Non-Approval of a Registered Club Use

Modified conditions

A. Modify Condition 3 - Approved Land Use - to read as follows:

The 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).

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

B. Delete Condition 63 - Non-approval of a Registered Club Use - to read as follows:

63. Non-Approval of a Registered Club Use
DELETED

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Maxwell Duncan, Principal Planner

The application is determined on 02/05/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments