

DATE OF DETERMINATION	27 November 2023
DATE OF PANEL DECISION	27 November 2023
DATE OF PANEL MEETING	22 November 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurrán, Graham Brown, Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 22 November 2023, opened at 1.33pm and closed at 2.36pm.

MATTER DEFERRED

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

Demolition works and construction of a golf club house and associated facilities (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel unanimously resolved to defer the development application to seek further information.

The proposed development seeks consent to demolish structures and construct a clubhouse for the Warringah Golf Club (WGC) on part of the land at 292 Condamine Street, North Manly. The development includes facilities for the Golf Club including pro shop, meeting rooms, dining/function room, amenities and landscaping works, and a realigned drainage swale.

The Panel considered the documentation and the Independent Assessor’s Report and heard extensively from the community, Applicant and Independent Assessor during the public meeting.




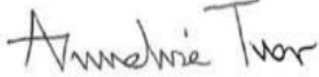
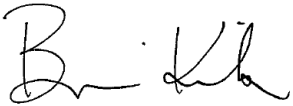
The issue of permissibility was discussed at length with the Applicant and Independent Assessor during the public meeting. The Applicant notes the proposed Golf clubhouse land use is ancillary to the existing recreation facility (outdoor) given that it is subordinate and subservient to the dominant land use, which is permissible within the RE1 zone. The Applicant suggests the clubhouse could not be characterised as an independent use, as it integrates spatially and operationally with the primary functions of the WGC.

Additionally, the project relies upon the construction of driveway access as part of the Warringah Recreation Centre Master Plan, which is a Council led project. The driveway development is proposed to occur concurrently and a deferred commencement condition for this DA was proposed to ensure the proposed development begins construction at the same time as the Warringah Recreation Centre driveway access. Similarly, the DA before the Panel relies upon car parking, which is not conditioned as part of the proposal.

Given the Panel remains unconvinced of the merits of the Applicant’s arguments in relation to the threshold issues of permissibility and the Applicant’s reliance on car access and parking which are not part of the DA under consideration, the Panel resolved to defer the matter to seek Departmental legal advice on those issues.

Additionally, the Panel requests urgent clarification from the Applicant, through the Independent Assessor, of the proposed use of the dining / function room / bar and associated amenities including, licensing, management and potential outsourcing options of each service.

Once the Panel has received legal advice and the requested further information from the Independent Assessor, the Chair will reconvene a Panel meeting to determine the matter as soon as possible by electronic determination.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Graham Brown
 Nicole Gurrán	 Annelise Tuor
 Brian Kirk	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-391 – Northern Beaches - DA2022/2081
2	PROPOSED DEVELOPMENT	Demolition works and construction of a golf club house and associated facilities
3	STREET ADDRESS	292 Condamine Street, North Manly
4	APPLICANT/OWNER	Applicant – Graeme McMullan - WARRINGAH GOLF CLUB LTD Owner - Northern Beaches Council
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M – Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Warringah Local Environmental Plan 2011 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Draft environmental planning instruments: Nil • Development control plans: • Warringah Development Control Plan 2011 • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report dated 04 November 2023 • Attachment 1: Draft Conditions of Consent • Attachment 2: Plans (architectural, landscape and stormwater) • Attachment 3: Preliminary Site Investigation • Attachment 4: Acid Sulphate Assessment • Attachment 5: Acid Sulphate Management Plan • Attachment 6: Aboricultural Impact Assessment • Attachment 7: Flora and Fauna Assessment Report and Waterway Impact Statement • Attachment 8: Aboriginal Due Diligence Assessment Report • Attachment 9: Applicants RFI response • Attachment 10: District Park Plan of Management

		<ul style="list-style-type: none"> • Attachment 11: Traffic Impact Assessment • Attachment 12: Warringah Golf Club advice on clubhouse permissibility • Written submissions during public exhibition: Seventy-one (71) submission. This includes fifty-seven (57) in support of the proposal, and fourteen (14) objecting to the proposal. • Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Members of the community – John Flower, Andras Kovacs, Ann Sharp • Council Assessment Officers – Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • On behalf of the applicant – Graeme McMullan, Kate Garnock and Andrew Cowan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 28 June 2023 – 1st Kick off briefing • <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk • <u>Council assessment staff</u>: Steven Findley, Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • 19 July 2023 – 2nd Kick off briefing • <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrans • <u>Council assessment staff</u>: Adam Richardson, Maxwell Duncan, Scott McInnes (Independent Consultant Panner) • <u>Applicant</u>: Graeme McMullan, Ruby Burns • 22 November 2023 - Final briefing and Public meeting <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrans, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Maxwell Duncan, Scott McInnes (Independent Consultant Panner)
9	COUNCIL RECOMMENDATION	Deferred Commencement Consent
10	DRAFT CONDITIONS	Attached to the Council Assessment Report