

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0622
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Responsible Officer:	Danielle Deegan (Independent Consultant Planner)
Land to be developed (Address):	Lot 2742 DP 752038, 292 Condamine Street NORTH MANLY NSW 2100 Lot 3 DP 829465, 433 Pittwater Road NORTH MANLY NSW 2100
Proposed Development:	Use of part of the golf clubhouse building as a restaurant
Zoning:	Warringah LEP2011 - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Graeme William McMullan

Application Lodged:	24/05/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Community facility
Notified:	06/06/2024 to 04/07/2024
Advertised:	Not Advertised
Submissions Received:	81
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$0.00
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EXECUTIVE SUMMARY

This development application seeks consent for the use of part of the approved Warringah Golf Club clubhouse building (yet to be constructed) as a restaurant. The clubhouse building was approved under Development Application DA2022/2081 by the Sydney North Planning Panel (SNPP) on 19 February 2024.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as Council is the landowner. The proposed application is the subject of Council's policy for the Management of Council related Development Applications, which provides strategies for the management of conflicts for development on Council owned or managed land. The application has been managed and assessed in accordance with this policy and satisfies the requirements under the plan.

The application was exhibited between 06/06/2024 to 04/07/2024. Eighty-one (81) submissions were received, all but one in support of the proposal. The one objection relates to existing traffic and parking concerns during sporting game days at District Park.

Critical assessment issues include permissibility and potential traffic and car parking impacts. The assessment finds that the restaurant use is permissible in the zone and that the traffic and parking impacts are consistent with those assessed under DA2022/2081 and therefore acceptable. As there are no physical building works proposed, there are no environmental impacts.

This report concludes with a recommendation that the NBLPP grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The development seeks approval for the use of part of the Warringah Golf Club clubhouse building (approved under DA 2022/2081) as a restaurant.

The areas within the clubhouse building nominated for use as a restaurant are:

- Ground Floor - garden lounge, terrace and bar/kitchen
- First Floor – dining/function, function, sports bar, terrace, kitchen and bar

The application proposes the following hours of operation:

- 7 days per week – 7 am to 10 pm

The application proposes to maintain the maximum patron capacity for the clubhouse building approved under DA2022/2081 of 320 patrons.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone RE1 Public Recreation

Warringah Development Control Plan – C2 Traffic, access and safety

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 2742 DP 752038, 292 Condamine Street NORTH MANLY NSW 2100 Lot 3 DP 829465, 433 Pittwater Road NORTH MANLY NSW 2100
Detailed Site Description:	<p>The subject site consists of one allotment located on the corner of Pittwater Road and Kentwell Road (refer to Figure 3).</p> <p>The site is irregular in shape with a frontage of approximately 80m to Kentwell Road and 120m to Pittwater Road. The site has a surveyed area of 10,224.6m².</p> <p>The site is located within the RE1 Public Recreation zone and accommodates six (6) tennis courts with synthetic grass and clay surfaces, and a dedicated 'Hot Shots' court. In addition, there are two (2) new synthetic grass futsal courts and three (3) squash courts. There is also a clubhouse with refreshments, pro shop and amenities.</p> <p>There are two (2) vehicular access points to the site off Kentwell Road, one is approximately 75m and the other approximately 40m from the intersection with Pittwater Road. Off-street car parking is available along both internal access driveways within the southern and eastern sections of the site. On-street 90- degree parking is located on the southern side of Kentwell Road.</p> <p>The site is relatively level and is bordered by vegetation on its western, northern and eastern boundaries. Riparian vegetation to the west adjacent to Brookvale Creek has been identified as poor- moderate quality Estuarine Swamp Oak Forest.</p> <p>The site is identified on Council's Flood Hazard Map as a medium risk precinct and the adjoining riparian corridor is identified as a high-risk precinct.</p>

Map:



Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mixture of land use types. The site is bounded by Brookvale Creek to the west, Pittwater Road to the east, Kentwell Road to the south and the adjacent golf course to the north. The golf course extends to the south of Kentwell Road along with Nolan Reserve.

There is a service station and mixed-use development immediately opposite the site on the eastern side of Pittwater Road with residential development located further to the east and north.

The former North Manly Bowling club is located opposite the site on the southern side of Kentwell Road.

The former Warringah Golf Club clubhouse is located at 397 Condamine Street, approximately 100m north of the intersection of Condamine Street and Kentwell Road. Construction works are in progress to convert the former clubhouse building to a childcare centre.

SITE HISTORY

On 14 March 2024, the Sydney North Planning Panel (SNPP) approved Development Application DA2022/2081 for demolition works and construction of a golf clubhouse and associated facilities.

During consideration of the application, the SNPP raised concerns with the threshold issue of permissibility in relation to the relocation of the registered club from 397 Condamine Street. The SNPP requested clarification regarding the proposed use of the dining/function room/bar and associated amenities including licensing, management and potential outsourcing options of each service. The SNPP resolved not to approve the registered club use and imposed a condition to reflect this.

Condition 63 of Development Consent DA2022/2081 states:

63. Non-Approval of Registered Club Use

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

On 11 May 2023, the Council lodged a Planning Proposal (PEX2023/0002) to add a 'registered club' to the Additional Permitted Use clause in the WLEP 2011.

As the planning proposal is pending, with the timing of the gazettal unknown, the applicant's SEE states that a satisfactory interim use is required to permit the sale of alcohol and food within the approved building. Consequently, approval is sought for the use of part of the building as a restaurant, which is a permissible use in the zone.

Condition 3 of Development Consent DA2022/2081 states;

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.

Consequently, as the proposed restaurant use is not approved under Development Consent DA2022/2081, a new development application is required to permit the restaurant use.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are</p>

Section 4.15 'Matters for Consideration'	Comments
environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed use will provide a beneficial social impact for the community by providing a restaurant. It is not anticipated that the development will have any adverse social impacts.</p> <p>(iii) Economic Impact The proposed use will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification and Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The land is owned and managed by Council for the purpose of public recreation. Under section 3.21 of the Crown Land Management Act 2016, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the Local Government Act 1993. The site is classified as ‘community land’ and is part of a public reserve managed by the Northern Beaches Council under the *District Park Plan of Management (PoM)*.

Part 4.2.2 of the PoM anticipates a future Golf clubhouse within the District Park as an opportunity which will provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment. The proposed restaurant use is consistent with this objective and is therefore consistent with PoM.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 06/06/2024 to 04/07/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council received 81 submissions from:

Name	Address:
Maxine Anne Juliet White	498 Pittwater Road NORTH MANLY NSW 2100

Name	Address:
Mr Doug Dowler	205/2 Sylvan Avenue, BALGOWLAH NSW 2093
Mr Scott David Campbell	33 A Austral Avenue NORTH MANLY NSW 2100
Tony Cervonaro	Address Unknown
Mr George Murdocca	32 Lodge Street BALGOWLAH NSW 2093
Ian William Redfern	32 / 1000 - 1008 Pittwater Road COLLAROY NSW 2097
Barbara Enid Myers	20/8 Lady Penrhyn Drive BEACON HILL NSW 2100
Mr Mark William Downey	7 Patrick Street BEACON HILL NSW 2100
Mr Peter James Tomkins	83 Birkley Road MANLY NSW 2095
Mark Sydney Roberts	111 Soldiers Avenue FRESHWATER NSW 2096
Mrs Denise Gail Tomkins	83 Birkley Road MANLY NSW 2095
Chris Scheib	11 / 17 Westminster Avenue DEE WHY NSW 2099
Mr Kelan Patrick Stanley	7 / 24 Goodwin Street NARRABEEN NSW 2101
Garry Ian Fox	43 Gordon Street CLONTARF NSW 2093
Mr Brian Cunningham	8 / 48 Gordon Street MANLY VALE NSW 2093
Mr Phillip Ian Williams	28 Orara Road ALLAMBIE HEIGHTS NSW 2100
Mr Frank Marcar	11 Tuscan Place BEACON HILL NSW 2100
Greg Michael	Address Unknown
Ian Thomas Gallacher	6 Wandella Road ALLAMBIE HEIGHTS NSW 2100
Mrs Janice Antoinette Levido	3 / 86 - 88 Condamine Street BALGOWLAH NSW 2093
Patrick Cateau	18 May Road DEE WHY NSW 2099
Mr Christopher Ernest Pedersen	6 Edgecliffe Esplanade SEAFORTH NSW 2092
Steven John Springall	1 B Cassino Close ALLAMBIE HEIGHTS NSW 2100
Mr Mark Thomas Farrell	137 Wyndora Avenue FRESHWATER NSW 2096
Mr Robert John Peard	3 Henricks Place BEACON HILL NSW 2100
Mr Bradley Stephen Floyd	49 Brighton Street CURL CURL NSW 2096
Mr Martin Conneally	9 C James Street ALLAMBIE HEIGHTS NSW 2100
Benjamin George Coady	6 / 55 Queenscliff Road QUEENSCLIFF NSW 2096
Mr Jason Peter Nieuwenhof	15 Griffin Road NORTH CURL CURL NSW 2099
Fraser Allan	Address Unknown
Mr Craig Alan Brighton	22 Hogan Street BALGOWLAH HEIGHTS NSW 2093
Mr Patrick John Wilson	56 Johnson Street FRESHWATER NSW 2096
Mr Ian William Thomson	25/4-8 Hilltop Crescent FAIRLIGHT NSW 2094
Mrs Carol Anne Richmond	6 / 28 Woods Parade FAIRLIGHT NSW 2094
Mr Wayne John Boyd	12 Wedgewood Crescent BEACON HILL NSW 2100
Angus Hodgett	69 Bennett Street CURL CURL NSW 2096
Mr George Brett Robinson	21 / 89 Dee Why Parade DEE WHY NSW 2099
Mrs Lesley Rice	74 Victor Road NARRAWEENA NSW 2099
Gami Thiess	Address Unknown

Name	Address:
Mr Trevor David Schwab	9 / 69 Evans Street FRESHWATER NSW 2096
Mr John Bruce Newman	30 Mactier Street NARRABEEN NSW 2101
Ms Lynette Mary Schwab	9 / 69 Evans Street FRESHWATER NSW 2096
Oliver Askew	13 / 7 Western Avenue NORTH MANLY NSW 2100
David Hayes	Address Unknown
Mr Brian Kingsford Pilbeam	7 / 51 The Crescent MANLY NSW 2095
Mrs Jennifer Anne Stannard	43 Crown Road QUEENSCLIFF NSW 2096
Mr Allan John Butler	93 Pittwater Road MANLY NSW 2095
Mrs Vicki Dianne Sargeant	5 Beverley Place CURL CURL NSW 2096
Mr Leonard James Sutton	62 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Oscar Carberry	30 Alexander Street MANLY NSW 2095
Mr Bruce Keith Dutfield	9 Reynolds Crescent BEACON HILL NSW 2100
Dawn Merrilyn Garrett	3 Busby Place FRENCHS FOREST NSW 2086
Mr John Shepherd Myers	12 Gardere Avenue CURL CURL NSW 2096
Guy Scott	16 Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Mrs Amanda Janelle Collins	40 Campbell Parade MANLY VALE NSW 2093
Michael Leonard Alexander	75 Harbord Road FRESHWATER NSW 2096
Ms Clair Estelle Baxter	5 / 75 - 79 Oaks Avenue DEE WHY NSW 2099
Mr Patrick William Daley	16 Hope Avenue NORTH MANLY NSW 2100
Ms Doreen June Burkett	Address Unknown
Mr Paul Edward Benbow	5 James Street ALLAMBIE HEIGHTS NSW 2100
John Sidney Mason	15 Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Janice Margaret Angell	64 Earl Street BEACON HILL NSW 2100
Mrs Larelle Kaye Lines	7 / 48 A Consul Road BROOKVALE NSW 2100
Jacob Michael Blake	8 Idaline Street COLLAROY PLATEAU NSW 2097
Mr Christopher Sheehan	53 McIntosh Road DEE WHY NSW 2099
Mr Alan Douglas Fox	52 Penrith Avenue WHEELER HEIGHTS NSW 2097
Mrs Robyn Ann Gidley	12 Mundara Place NARRAWEENA NSW 2099
Mr Kenneth Edward Burke	206 / 404 Sydney Road BALGOWLAH NSW 2093
Mr Christian Mark Catteau	2 Walker Avenue NARRABEEN NSW 2101
Russell John Plunkett	18 Lillie Street NORTH CURL CURL NSW 2099
Mr Richard George Meakins	4 Aitken Avenue QUEENSCLIFF NSW 2096
Robert Charles Park	2 Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Mr Leigh Stanley Trompp	21 Yallaroi Road NARRAWEENA NSW 2099
Mr Robert Graeme Richards	6 Wakefield Street NORTH MANLY NSW 2100
Mr Graeme Bentley Hyslop	15 Sherwood Crescent NARRAWEENA NSW 2099
Mrs Susan Denise McKenty	105 Lady Davidson Circuit FORESTVILLE NSW 2087
Lynne Peterson	1 Paris Street BALGOWLAH NSW 2093
Mr Gregory William Britton	77 William Street NORTH MANLY NSW 2100
Mr Mark Stamopoulos	13 Lewis Street DEE WHY NSW 2099

Of the eighty-one (81) submissions, all but one are in support of the proposal. The one objection relates to existing traffic and parking concerns during sporting game days at District Park.

- **Traffic and parking**

Concerns are raised that the proposal does not adequately consider existing parking and traffic problems in peak periods.

Comment: The approved clubhouse provides nine (9) on-site car parking spaces. As outlined in the Traffic Impact Assessment (TIA) accompanying DA2022/2081, the remaining car parking spaces will be provided by Council within the two off-street car parks (approximately 50 and 70 off-street car parking spaces) which will serve the approved clubhouse and the proposed adjacent Council facilities.

The original TIA confirmed that the surrounding areas would provide sufficient supply for parking demand if the clubhouse was constructed ahead of the Masterplan car park areas.

Council’s Traffic Engineer notes that the traffic volumes generated by the restaurant are consistent with those for the approved clubhouse building under DA2022/2081. Therefore, the proposed restaurant use is assessed as reasonable on traffic and parking grounds.

REFERRALS

Internal Referral Body	Comments:
Building Assessment - Fire and Disability upgrades	<p>Supported, subject to conditions</p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>Supported, subject to conditions</p> <p>This application seeks consent to use part of the approved building for the purpose of a restaurant. The areas to which the restaurant use would relate are as follows: Ground Floor - Garden Lounge / Terrace and bar / kitchen for serving. First Floor – Dining/Function/ Function / Sports Bar / Terrace – Kitchen – Bar for serving.</p> <p>The acoustic report provided with this application has been reviewed by Environmental Health as part of DA2022/2081. The same conditions will be applied. Environmental Health recommends approval subject to conditions.</p>
Environmental Health (Food Premises)	<p>Supported, subject to conditions</p> <p>The proposed development seeks to use designated areas within the approved clubhouse building for the purpose of a restaurant. The areas to which the restaurant use would relate are as</p>

Internal Referral Body	Comments:
	<p>follows:</p> <p>Ground Floor - Garden Lounge / Terrace and bar / kitchen for serving.</p> <p>First Floor – Dining/Function/ Function / Sports Bar / Terrace – Kitchen – Bar for serving.</p> <p>Hours of operation and number of patrons would remain consistent with that under DA2022/2081.</p> <p>DA2022/2081 - Hours of Operation</p> <p>The hours of operation are to be restricted to:</p> <p>Pro Shop 6:00am to 7:00pm Monday to Sunday Office 9:00am to 5:00pm Monday to Friday Garden lounge 7:00am to 10:00pm Monday to Sunday Dining and function rooms 12:00pm to 10:00pm Monday to Sunday Sunday Bar 12:00 to 10:00pm Monday to Sunday Maximum number of patrons as per DA2022/2081. The maximum number of patrons within:</p> <p>The ground-floor outdoor seating area (Garden lounge) shall not exceed 50 at any time. The first-floor dining/function area (including the terrace) shall not exceed 60 at any time. The first-floor function area (including the terrace) shall not exceed 60 at any time. The first-floor sports bar (including the terrace) shall not exceed 50 at any time.</p> <p>Environmental Health recommends approval subject to conditions.</p>
Traffic Engineer	<p>Supported, subject to conditions</p> <p>The proposed development involves using specific areas within the approved clubhouse building for a restaurant. These areas include the Garden Lounge/Terrace and bar/kitchen for serving on the Ground Floor, as well as the Dining/Function/Sports Bar/Terrace, Kitchen, and Bar for serving on the First Floor.</p> <p>The traffic team has reviewed the following documents: The Statement of Environment Effects - Proposed Restaurant prepared by Willowtree Planning Pty Ltd, Plans (Master Set) – designed by GROUP Architects, dated January 2024, Operations Plan of Management, New Warringah Golf Club Clubhouse, and Traffic Engineer Referral Response to DA2022/2081, dated 26/05/2023.</p> <p>Traffic Notes:</p> <p>The SEE notes that the hours of operation and number of</p>

Internal Referral Body	Comments:
	<p>patrons for the proposed clubhouse will remain the same as those permitted under DA2022/2081. Based on DA2022/2081, it was expected that a maximum of 302 patrons would be on-site when the proposed clubhouse operates during typical day-to-day activities and holds a function event simultaneously. However, the Operations Plan of Management indicates that the patron capacity for the proposed restaurant component of the development is 320 patrons. Furthermore, it is anticipated that the staff numbers for the restaurant would range from 15 to 25 in total under normal conditions. It is unclear which patron capacity is the final one for the whole clubhouse, including the proposed restaurant. This needs to be clarified in the SEE report. This will be conditioned.</p> <p>The original Traffic report used a 'first principles' approach and considered an average car occupancy rate of 2.0 persons per car for visitors to the site. This rate was based on surveys conducted for similar developments. The 85th percentile peak demand was evaluated for the recreation and restaurant sections of the development, following the RMS Guide, which suggested that these areas should not be assessed at maximum capacity. Instead, a lower site occupancy rate was recommended.</p> <p>The consultant conducted car parking surveys and patronage surveys on a typical weekday and on the weekend (Saturday operations) along Kentwell Road, within the Warringah Recreation Centre car park, and at the vacant bowling green/Council's car park. The surveys involved counting cars every 90 minutes during the times of day when the proposed clubhouse would be expected to generate peak car parking demand.</p> <p>Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was an abundance of spare car parking spaces on both a typical weekday and Saturday.</p> <p>Two (2) scenarios were assessed in the original Traffic report based on the proposed operations of the clubhouse as below:</p> <ul style="list-style-type: none"> ○ Typical Operations when the proposed clubhouse operates under typical day-to-day activities and accommodates up to a maximum of 182 patrons on-site. ○ Function Events when the proposed clubhouse operates under typical day-to-day activities plus holds a function event at the same time and accommodates up to a maximum of 302 patrons on-site. Any increase in the number of patrons is subject to a further assessment with Council. <p>Using the 'first principles' approach and the 85th percentile peak demand assessment, the development was assessed to generate a demand for 58 car parking spaces during 'typical operations' and 73 car parking spaces during infrequent function events.</p>

Internal Referral Body	Comments:
	<p>The proposed clubhouse has provided nine (9) on-site car parking spaces within its property boundary. As outlined in the original TIA, the remaining car parking spaces will be provided by Council within the two off-street car parks (approximately 50 and 70 off-street car parking spaces) which will serve the proposed clubhouse and the proposed adjacent Council facilities.</p> <p>The original TIA has confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the clubhouse was constructed ahead of the Masterplan carpark areas.</p> <p><u>Traffic Impact</u></p> <ul style="list-style-type: none"> As outlined in the Operations Plan of Management, the traffic volumes generated by the Café/Restaurant have been considered in association with the clubhouse as a whole. Neither the RMS Guide nor RMS Guide Update include traffic generation rates for clubhouse developments. The traffic generation of the proposed clubhouse was determined by considering the 'first principles' approach and modal split. This approach would result in a net increase in traffic generation of 39 vehicle trips/hour, which would then be distributed to the west and east of Kentwell Road as motorists seek to access Pittwater Road and Condamine Street and split in both directions. The proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance. <p><u>Conclusion:</u></p> <p>The SEE and plans can be supported on traffic grounds. Apart from the condition outlined above, no new conditions are proposed with all previously imposed conditions in DA2022/2081 to remain in place.</p>
Waste Officer (Council Land)	<p>Supported</p> <p>Waste Management Assessment Supported - without conditions</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the proposed development as the site is located within a 'coastal environment area' and a 'coastal use area'. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) *coastal environmental values and natural coastal processes,*
 - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - f) *Aboriginal cultural heritage, practices and places,*
 - g) *the use of the surf zone.*

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
 - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposal does not include any physical building work and therefore there will be no impacts on any of the matters listed in clause (1)(a) – (g) above.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - iv) *Aboriginal cultural heritage, practices and places,*
 - v) *cultural and built environment heritage, and*
 - b) *is satisfied that:*
 - i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: As there are no physical works proposed, the existing access arrangements to the edge of the foreshore or Brookvale Creek will be maintained. There will be no adverse impacts on the matters listed in clause(1)(a)(i) – (v) above.

The proposal complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for community purposes for a significant period.

During the assessment of DA2022/2081 Council considered the potential for site contamination and reviewed the findings in the Preliminary Site Investigation N6898, prepared by Neo Consulting, dated 1 February 2023. Based on these findings the site was found to be suitable for the proposed use subject to conditions and to satisfy clause 4.6(1) of the RH SEPP. No further consideration is required under subsection 4.6 (1)(b) and (c) of this Chapter and the land is suitable for the community land use.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections.

Transport for NSW (TfNSW)

Clauses 2.119 of the TI SEPP applies as the site is located adjacent to two Classified Roads, that is Pittwater Road to the east and Kentwell Road to the south. The requirement in clause 2.119 of the SEPP is a pre-condition to the granting of development consent, see extract from SEPP below:

Section 2.119 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,

and

(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.

Comment:

Development Application DA2022/2081 was referred to Transport for NSW (TfNSW) and they did not object to retaining the vehicular access off Kentwell Road, subject to conditions. Given that there are no physical works proposed or changes to traffic arrangements, the restaurant use application is not required to be referred back to TfNSW.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.20 Standards that cannot be used to refuse consent – playing and performing music	Yes
5.21 Flood planning	Yes
5.23 Public bushland	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone RE1 Public Recreation

The proposal is for the use of part of the approved clubhouse building for a restaurant. The relevant definition under WLEP 2011 is as follows:

***restaurant or café** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—*

- (a) an artisan food and drink industry, or*
- (b) farm gate premises.*

The proposed restaurant use is permissible in the RE1 Public Recreation zone.

Objectives of the RE1 zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Comment:

The development is consistent with the relevant objectives of the RE1 zone as follows:

- The proposal retains the existing public open space areas for recreational purposes and complements those activities.

- The proposal complements and enhances the use of the surrounding recreational activities.
- The proposal is within the approved building envelope and will not have a negative impact on the natural environment.
- The proposal maintains the ecological, scientific, cultural or aesthetic values of the land.

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes (see discussion below)
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	N/A	N/A
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations and ecological communities	Yes	Yes
E4 Wildlife Corridors	N/A	N/A
E5 Native vegetation	N/A	N/A
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

E11 Flood Prone Land	Yes	Yes
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C2 Traffic, access and safety and C3 Parking Facilities

The proposal maintains the gross floor area and patron numbers of the approved clubhouse building.

The approved clubhouse has provided nine (9) on-site car parking spaces within its property boundary representing a deficit of 50 spaces. However, as outlined in the Traffic Impact Assessment (TIA) with DA2022/2081, the remaining car parking spaces will be provided by Council within the two off-street car parks (approximately 50 to 70 off-street car parking spaces) which will serve the proposed clubhouse and the proposed Warringah Recreation Centre. The TIA confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the Warringah Recreation Centre car park is not constructed.

Council's Traffic Engineering referral supports the proposed restaurant use subject to recommended conditions.

D3 Noise

No change is proposed to the approved hours of operation:

- 7 days per week – 7 am to 10 pm

The proposal is accompanied by an Acoustic Assessment Report, prepared by Acoustic Logic, dated 12 October 2022. The report was reviewed by Council's Environmental Health (Acoustic) Officer as part of DA2022/2081. Environmental Health supports the proposed restaurant use subject to the same consent conditions.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

As there are no building works proposed, the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the

recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions of relevant Environmental Planning Instruments including the Warringah Local Environment Plan 2011, Warringah Development Control Plan 2011, the District Park Plan of Management and the relevant codes and policies of Council.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the Council is the landowner. The proposed application is the subject of the Council's policy for the Management of Council related Development Applications, which provides strategies for the management of conflicts for development on Council owned or managed land. The application has been managed and assessed in accordance with this policy and satisfied the requirements under the plan.

Critical assessment issues include permissibility and potential traffic and car parking impacts. The assessment finds that the restaurant use is permissible in the zone and that the traffic and parking impacts are consistent with those assessed under DA2022/2081 and therefore acceptable. As there are no physical building works proposed, there are no environmental impacts.

The public notification resulted in eighty-one (81) submissions, all but one in support of the proposal. The one objection relates to existing traffic and parking concerns during sporting game days at District Park.

Overall, the proposal performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal is therefore recommended for approval.

REASON FOR DETERMINATION

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/0622 for the use of part of the building as a restaurant on land at Lot 2742 DP 752038, 292 Condamine Street, NORTH MANLY, Lot 3 DP 829465, 433 Pittwater Road, NORTH MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
GA2020-023-100	-	Ground floor areas	Group Architects	January 2024
-	-	First floor areas	Group Architects	January 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Statement of Environmental Effects		Willowtree Planning Pty Ltd	2024
Acoustic Report	1	Acoustic Logic	12/10/2022
Operations Plan of Management		Warringah Golf Club	undated

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Consent

This consent shall be undertaken in accordance with Development Consent DA2022/2081.

Reason: To ensure compliance with the terms of this consent.

3. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	04.06.2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

4. **Approved Land Use**

The following areas identified on the approved plans;

- Ground Floor - garden lounge, terrace and bar/kitchen
 - First Floor – dining/function, function, sports bar, terrace, kitchen and bar,
- are to be used as a restaurant in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

***restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—*

- (a) an artisan food and drink industry, or*
- (b) farm gate premises.*

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.

5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

6. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by

the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolishedThe person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Plans of Kitchen Design, construction and fit out

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principle certifier. These plans are to be

prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

8. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. Registration of food Business

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

10. Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

11. Mechanical Ventilation certification

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

12. No increase in maximum patron and staff numbers

This development consent does not authorise any increase in the number of patrons and staff

at the proposed restaurant and clubhouse. The number of patrons and staff associated with the clubhouse and restaurant shall remain in accordance with development application number DA2022/2081. Any increase in the number of patrons is subject to a further assessment with Council.

Reason: To ensure parking and traffic impacts are maintained and maintain consistency with previous consent granted.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

13. Outdoor Lighting

Prior to the issue of Occupation Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

14. Ongoing Noise Management

Compliance with acoustic engineer's recommendations (Acoustic Logics Project 20221047.1), including:

- Operating hours for the restaurant, are not to exceed 7 am to 10 pm, Monday to Sunday.
- Speakers, for the proposed bar are to be vibration isolated from the building structure.
- Maximum patrons to be 320 and distributed for each space as recommended.
- Music speakers within the internal spaces not to exceed spatially averaged sound pressure level of 75dB(A)L10.
- External disposal of bottles and waste including mechanical collection should be done prior to 10 pm and not before 7 am.
- Signage to be displayed at the entrance/ exit reminding patrons to minimise noise from departing premises,
- A complaint register to be maintained on site to monitor and act on any complaints. Staff managing people congregating in the carpark at night.

The Plan of Management being updated to include the above measures.

Reason: To minimise noise to neighbouring residential receivers

15. Deliveries and waste service collections

Deliveries and waste service collections shall only occur after 6 am and prior to 10 pm on any day.

Reason: Reason: To minimise the impacts of noise on neighbouring premises.

16. Hours of Operation

The hours of operation of the restaurant are to be restricted to 7 am to 10 pm, 7 days per week:

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 the amenity of the surrounding locality is maintained.

FINAL DECLARATION

A handwritten signature in cursive script, appearing to read 'D. Deegan', written in a light grey or blue ink.

Consultant Name: Danielle Deegan, DM Planning

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.