

# AGENDA

## **DEVELOPMENT DETERMINATION PANEL MEETING**

Notice is hereby given that a meeting of the Development Determination Panel will be held via Teleconference on

**MONDAY 29 JANUARY 2024**

**Ashleigh Sherry**  
**Manager Business System and Administration**

**Agenda for a Meeting of the Development Determination Panel  
to be held on Monday 29 January 2024  
via Teleconference  
Commencing at 10:00 AM**

<b>1.0</b>	<b>APOLOGIES &amp; DECLARATIONS OF INTEREST</b>	
<b>2.0</b>	<b>MINUTES OF PREVIOUS MEETING</b>	
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3.1	Mod2023/0564 - 1 & 3 Golf Avenue MONA VALE - Modification of Development Consent No. DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club.....	4

## **ACKNOWLEDGEMENT OF COUNTRY**

As a sign of respect, the Northern Beaches Development Determination Panel acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

### **1.0 APOLOGIES & DECLARATIONS OF INTEREST**

Nil

### **2.0 MINUTES OF PREVIOUS MEETING**

#### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD ON 13 DECEMBER 2023**

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#### **RECOMMENDATION**

That the Panel note that the minutes of the Development Determination Panel held 13 December 2023 were approved by all Panel Members and have been posted on Council's website.

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### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

ITEM 3.1	MOD2023/0564 - 1 & 3 GOLF AVENUE MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT NO. DA2022/0581 GRANTED FOR ALTERATIONS AND ADDITIONS TO A RECREATION FACILITY (OUTDOOR) - MONA VALE GOLF CLUB
REPORTING MANAGER	Steve Findlay
TRIM FILE REF	2024/038975
ATTACHMENTS	1 <a href="#">↓</a> Assessment Report

#### PURPOSE

To refer the attached application for determination as required under adopted delegations of the Charter.

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#### RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority **approves** Development Consent to Mod2023/0564 for Modification of Development Consent No. DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club on land at Lot 2 DP 1275526 and Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108), 1 & 3 Golf Avenue MONA VALE, subject to the conditions set out in the Assessment Report.

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## MODIFICATION APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2023/0564
<b>Responsible Officer:</b>	Andrew Martin Planning Pty Ltd
<b>Land to be developed (Address):</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>Proposed Development:</b>	Modification of Development Consent No. DA2022/0581 granted for Alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club
<b>Zoning:</b>	RE1 Public Recreation SP2 Infrastructure
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	DDP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	NSW Government - Department of Industry - Lands
<b>Applicant:</b>	The Mona Vale Golf Club Ltd
<b>Application Lodged:</b>	06/11/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	20/11/2023 – 18/12/2023
<b>Advertised:</b>	Yes
<b>Submissions Received:</b>	5
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval subject to conditions
<b>Estimated Cost of Works:</b>	Nil

## EXECUTIVE SUMMARY

This section 4.55(1A) application seeks to modify DA2022/0581 for alterations and additions to the Mona Vale Golf Club approved by the NBLPP on 31 August 2022.

The proposed modification is referred to the Development Determination Panel (DDP) as Council's exhibition of the application attracted 5 submissions in objection to the proposal. Being a Section 4.55(1A) modification application, the subject application does not require determination by the Local Planning Panel in accordance with the Ministerial *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent* issued on 6 September 2023 and the Conflict of Interest Management Strategy prepared by Council in relation to this application, dated 13 November 2023.

There were 5 submissions made in response to the public exhibition of the application. The key theme of the submissions relate to unacceptable noise levels associated with late night trading of the restaurant. An acoustic report prepared by Koikas Acoustics Pty Ltd has been submitted with the modification application confirming that the maximum noise levels associated with the proposed extension of hours can be managed such that they are less than the sleep disturbance criterion measured at the boundary of the most affected residential property.

The Koikas report includes operational management recommendations to mitigate noise impacts. These recommendations have been reviewed and supported by Council's Environmental Health Officer and form the basis of the additional conditions of consent.

The proposed modification will provide for a more feasible retail operation that better supports the night-time economy without adversely impacting on neighbouring residential amenity.

This report concludes that the Panel **APPROVE** the section 4.55(1A) application, subject to the amended conditions proposed.

## PROPOSED DEVELOPMENT IN DETAIL

Consent is sought to modify Condition No.40 of DA2022/0581 relating to the approved hours of operation of the existing ground floor restaurant space in the clubhouse by extending the daily closure times from 9pm until 11pm, 7 days a week.

The proposed modified condition is as follows:

### ***"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*

*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 (12:00). 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."*

The applicant has submitted an updated Operational Management Plan (OMP) which includes the noise mitigation recommendations in the amended Acoustic Report dated 3 October 2023.

Generally, the updated OMP indicates that the proposed modification results in no material changes to the existing operations of the club.

### **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 we note the following:

- 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;
- 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 and specifically the acoustic report that was updated during the course of the modification to include more stringent fixed passive acoustic measures);
- 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.

### **Council-related Development Applications Policy**

The Council-related Development Applications Policy applies to the development. Specifically, the Policy requires referral to the Executive Manager Development Assessment for a conflict-of-interest assessment and preparation of a Management Statement. This Statement was duly prepared and the application was sent out for external planning assessment and publicly exhibited for 28 days.

### **SUMMARY OF ASSESSMENT ISSUES**

Pittwater 21 Development Control Plan - C2.12 Protection of Residential Amenity

### **SITE DESCRIPTION**

<b>Property Description:</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>Detailed Site Description:</b>	The subject site is colloquially known as the Mona Vale Golf Club / Course and sits on land zoned for RE1 Public Recreation pursuant to the Pittwater Local Environmental

	<p>Plan 2014.</p> <p>The site presently accommodates a two storey club house with associated parking (the portion of the site relevant to this application), greens, storage sheds and other infrastructure interspersed across the large site.</p>
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Map:



#### Detailed Description of Adjoining/Surrounding Development

The site is bound to the east by Monna Vale Beach; west by Barrenjoey Road/Pittwater Road; north by apartment buildings; and south by Monna Vale hospital.

#### SITE HISTORY

The subject property has been operated as a golf course with associated facilities for an extended period of time. A search of Council's records has revealed the following relevant history:

DA2022/0581 - Alterations and additions to a Recreation Facility (Outdoor) - Monna Vale Golf Club – Approved 31 August 2022.

Prior to the approval of DA2022/0581, there is a history of the existing ground floor restaurant being operated until 11.00pm, however no valid consent could be located, and Condition 40 was imposed on the whole clubhouse, including the ground floor restaurant.

#### NOTIFICATION & SUBMISSIONS RECEIVED

The subject section 4.55(1a) application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Northern Beaches Community Participation Plan 2020.

As a result of the public exhibition process council is in receipt of 5 submissions from:



Name:	Address:
Mrs Lynette Butcher	1/44-46 Golf Avenue, Mona Vale
Mrs Lynette Dewey	1/40 Golf Avenue, Mona Vale
Mrs Sally McNamara	1/34-36 Golf Avenue, Mona Vale
Mr Steven Loveday	2/34-36 Golf Avenue, Mona Vale
Mr John Birrell	3/34-36 Golf Avenue, Mona Vale

The key theme of the submissions relate to unacceptable noise levels associated with late night trading of the restaurant. An acoustic report prepared by Koikas Acoustics Pty Ltd has been submitted with the modification application confirming that the maximum noise levels associated with the proposed extension of hours can be managed such that they are less than the sleep disturbance criterion measured at the boundary of the most affected residential property.

The Koikas report includes operational management recommendations to mitigate noise impacts. These recommendations have been reviewed and supported by Council's Environmental Health Officer and form the basis of the additional conditions of consent.

## REFERRALS

Internal Referral Body	Comments
Urban Design	<p><b>Supported without conditions.</b></p> <p>No objections raised to the proposed modification</p>
Environmental Health (Industrial)	<p><b>Supported with conditions.</b></p> <p><b>Original Comments – 16/11/2023 (Superseded)</b> This application is seeking consent for alterations and additions to Mona Vale Golf Club.</p> <p>This application relates to modifying hours of operation of the restaurant on the ground floor of the clubhouse from 8:00am - 9:00pm to 8:00am to 11:00pm.</p> <p>The acoustic report, prepared by Koikas Acoustics dated 3 October 2023, has stated:</p> <p><i>'Noise control recommendations are provided in this report to achieve this compliant outcome (within project noise limits). Generally, the proposal will not impact the residential receivers and the only recommendation to be adhered to is for windows and doors to remain closed during functions that include live/amplified music or entertainment.'</i></p> <p>Council does not agree that behavioural noise controls are an effective way of controlling potential negative noise impacts. The noise producing activities on the ground level within the function room need to be managed using design conditions. Residential receivers are less than 100m away.</p> <p>The Operational Management Plan dated October 2023 also includes behavioural conditions such as;</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>- Function Room windows and doors to be closed when amplified entertainment is occurring inside the premises;</li> <li>- Regularly patrol the external areas of the premises at the commencement, during, and after conclusion of functions to ensure that all patrons coming and going are conducting themselves appropriately and are not causing unnecessary disturbances; and</li> <li>- Ask any patrons loitering in the external areas, and/or after the conclusion of a function, to depart the premises quickly and quietly.</li> <li>- Display signage at the exit reminding patrons to be mindful of neighbours and keep noise when departing to a minimum.</li> </ul> <p>These behavioural management strategies are not enforceable or easy to manage. The noise from patrons and music within the licensed area needs to be further considered with design control measures suggested by the acoustic consultant.</p> <p>The acoustic consultant is to review the report and provide design controls to be implemented into the building development. This can include design details to windows, doors, music noise dB maximum output, etc.</p> <p>Environmental Health recommends refusal at this time. The proposal is therefore unsupported.</p> <p><b>Amended Comments – 01/12/2023</b> In light of Environmental Health comments above, it is considered appropriate to amend the final outcome in relation to noise concerns for this proposal and provide suitable conditions on the Development Application. Environmental Health has further reviewed the applicant's proposal, considered previous noise complaints (if any) and spoke with Koikas Acoustics Pty Ltd and determined through the application of suitable conditions, noise can be effectively managed from the operation of the development.</p> <p>The acoustic consultant in his report dated 3 October 2023, reference number 5255R20231003asMonaValeGC_S455, has outlined noise mitigation measures to include:</p> <ul style="list-style-type: none"> <li>- Windows and doors in the function room must be closed during functions and/or events with amplified entertainment.</li> <li>- The design occupancy of the balcony is maximum of 30 patrons at any one time.</li> <li>- The external doors from the function room must have self-closing mechanisms.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>No speakers, live music or amplification of any kind to be positioned on the external balcony.</li> </ul> <p>Environmental Health recommends approval subject to conditions. The proposal is therefore supported.</p>
Natural Environment (Water Management)	<p><b>Supported without conditions.</b></p> <p>NECC Water Management has no objection to the proposed modification.</p>
Natural Environment (Riparian)	<p><b>Supported without conditions.</b></p> <p>NECC Riparian has no objection to the proposed modification</p>
Environmental Health (Food Premises, Skin Pen.	<p><b>Supported without conditions.</b></p> <p><b>General Comments</b></p> <p>This application is seeking consent for alterations and additions to Mona Vale Golf Club. This application relates to modifying hours of operation of the restaurant on the ground floor of the clubhouse from 8:00am - 9:00pm to 8:00am to 11:00pm.</p> <p>This modification is for the ground floor level of the club to operate until 11:00pm Monday to Sunday.</p> <p>The food preparation areas of the club are not affected by this modification proposal and therefore the original conditions supplied with DA2022/0581 for Food are sufficient.</p>
Building Assessment - Fire and Disability upgrades	<p><b>Supported without conditions.</b></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 PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)**

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2022/0581, in full, with amendments detailed and assessed as follows:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The acoustic assessment confirms that the premises is capable of operating within the prescribed noise control criteria for a licensed premises and as such will have minimal environmental impact.</p> <p>The site is currently approved as a licensed premises and the application relates to hours of an approved use.</p> <p>The amendment relates to the operational hours of the restaurant only.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2022/0581 for the following reasons:</p> <p>The subject amended application does not alter the nature of the approved use which is maintained as a golf club. The amendment relates to a component of the approved use that is typically varied by S4.55 amended applications. The proposed amendment is not considered to be a radical change and relevantly falls under S4.55 of the EP and A Act 1979.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.</p>

Section 4.55(1A) - Other Modifications	Comments
applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

#### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&amp;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 50(1A)</u> of the EP&amp;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 54 and 109</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the updated Acoustic Report and provided to the satisfaction of Council's Environment &amp; Health Officer.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2021 requires the consent</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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 98</u> of the EP&amp;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 98</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via the original conditions of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development 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 as proposed to be modified.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & 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 amended application and accordingly the use of the site is in the public interest.

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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)

There are no SEPPs or SREPs relevant to the assessment of this modification.

#### PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

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

#### PITTWATER DEVELOPMENT CONTROL PLAN

##### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.21 Food Premises Design Standards	Yes	Yes
C2.22 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes

##### Detailed Assessment

#### C2.22 Plant, Equipment Boxes and Lift Over-Run

Subject to compliance with the recommended conditions of consent and design and operational management procedures, the extension of operating hours of the club restaurant is not anticipated to cause any unreasonable noise nuisance impacts to residential properties.

#### 7.12 CONTRIBUTIONS

Section 7.12 contributions were levied on the Development Application.

#### Assessment of Application on Crown Land

##### - Is the land a Crown Reserve?

Yes - Reserve Number 425608.

##### - Is Council the Crown land manager under the Crown Lands Management Act 2016?

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Yes - since 1924.

- **Can it be taken that the Minister has given consent on behalf of the Crown for its Crown land manager to sign as land owner? (What section of the Act applies?)**

Minister consent has been issued.

- **Is the land classified as community land under the Local Government Act 1993?**

Yes.

- **Is there a Plan of Management and if so, are the proposed works consistent with that Plan?**

Yes. The proposed extension of hours of the club's restaurant is not antipathetic to the objectives and directional statements under the PoM.

## CONCLUSION

The modification application has been 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;
- Pittwater Local Environment Plan 2014;
- Pittwater Development Control Plan 21; and
- 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
- In compliance with the relevant noise control criteria for a licensed venue.

## PLANNING CONCLUSIONS

The assessment of this section 4.55(1A) application has found that the proposal is satisfactory in relation to the proposed extension of the operational hours of the club restaurant and that the proposed amended hours will not detrimentally affect the acoustic amenity of neighbouring properties.

The modifications sought will be the subject of additional design and operational management conditions imposed by Council's Environmental Health Officer in consultation with the applicant's acoustic consultant. The club is required by consent conditions to maintain CCTV coverage to the internal areas of the Club, restaurant and deck (footage to be retained for at least 2 months).

The notification of the application resulted in 5 submissions being received, all of which concerned possible noise nuisance impacts associated with the additional late-night trading hours. It is considered that noise impacts can be appropriately mitigated and managed in accordance with the recommended conditions of consent. The noise management techniques include fixed passive noise attenuation measures to ensure that the Club is not totally reliant upon management intervention.

The application is referred to the Development Determination Panel as 5 submissions were received in objection to the proposal.





This report concludes with the recommendation that the DDP as the consent authority **APPROVE** the section 4.55(1a) application.

The proposed amendment to the consent condition results in a development that is substantially the same in that the change relates to the hours of operation of an approved restaurant within the approved Club building.

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

## RECOMMENDATION

That the Development Determination Panel, on behalf of Northern Beaches Council as the consent authority grant consent to Section 4.55(1a) Mod 2023/0564, Modification to Development Consent DA2022/0581 granted for alterations and additions to a Recreation Facility (Outdoor) - Mona Vale Golf Club on land at Lot 2 DP 1275526, 1 Golf Avenue, MONA VALE, Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108), 3 Golf Avenue, MONA VALE, Lot 249 DP 752046 (SPL 76319) Lot 323 DP 824000 (Crown Lease 200108), 3 Golf Avenue, MONA VALE, subject to the conditions printed below:

### 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**

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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

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.

#### FINAL DECLARATION

Consultant Name: Andrew Martin (Andrew Martin Planning Pty Ltd)

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