

Memo

Development Assessment

To: Sydney North Planning Panel (SNPP)

Cc: Peter Robinson
Executive Manager, Development Assessment

From: Danielle Deegan
External Planner

Date: 25 March 2025

Subject: DA2023/0998 Freshwater Surf Lifesaving Club
Proposed Deferred Commencement Condition

Record Number: 2025/213991

The purpose of this memo is to provide a response to the Panel in relation to an email from the Applicant in relation to the recommended Conditions of Consent.

The email from the applicant seeks to amend the following recommended condition

1. Deferred Commencement Consent Condition

This consent is granted on the condition that the applicant provides the following information to the satisfaction of the consent authority before the commencement of any development works:

i. Public amenities and realigned public path

Details of the approved Freshwater Beach Amenities Building and realigned public pathway, as identified in the Freshwater Beach Masterplan, are required to be provided to and approved by the consent authority, prior to activating the development consent.

Evidence required to satisfy these conditions must be submitted to the consent authority (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to the consent authority via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Comment:

The applicant has requested that the condition be amended to become an operational condition noting that the details of the public pathway and Freshwater Beach Amenities Building are currently available.

Insufficient time has been provided for the consent authority to consider whether the condition has been satisfied. The condition is to remain as a deferred commencement condition, so that the relevant information can be properly reviewed.

It is recommended that the wording in the condition be changed from 'consent authority' to 'Executive Manager, Development Assessment', so that Council can review in detail the information provided to satisfy the deferred commencement condition.

CONCLUSION

The applicant has proposed an amendment to the deferred commencement condition.

The applicant proposed the alteration of the condition to be an operational condition is not supported. In summary:

- Insufficient time has been afforded to determine whether the condition has been satisfied. The condition must be satisfied prior to the consent becoming operational if the application is to be approved.
- The condition is amended to amend the wording from "consent authority" to "Executive Manager of Development Assessment".

RECOMMENDATION

The following changes to the conditions contained in the assessment report:

- **Amend Condition 1. Deferred Commencement Consent Condition** to read as follows:

This consent is granted on the condition that the applicant provides the following information to the satisfaction of the consent authority before the commencement of any development works:

i. Public amenities and realigned public path

*Details of the approved Freshwater Beach Amenities Building and realigned public pathway, as identified in the Freshwater Beach Masterplan, are required to be provided to and approved by the **Executive Manager, Development Assessment**, prior to activating the development consent.*

Evidence required to satisfy these conditions must be submitted to the consent authority (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to the consent authority via the NSW Planning Portal and upload all relevant documentation. This can be

completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.