



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held on

**WEDNESDAY 14 OCTOBER 2020**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 14 October 2020**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 7 OCTOBER 2020**

The Minutes of the Development Determination Panel held 23 September 2020, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2020/0749 - 86 QUEENSCLIFF ROAD, QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

The Panel concurred with the Officer's assessment report and recommendation with the inclusion of a requirement for a survey to certify the new height.

##### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

##### COMMUNITY CONSULTATION

There were no submissions received for this application.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

##### DECISION ON DEVELOPMENT APPLICATION

THAT Council as the consent authority **approve** Development Consent to DA2020/0749 for alterations and additions to a dwelling house on land at Lot 4 DP 8373, 86 Queenscliff Road, Queenscliff, subject to the conditions outlined in the Assessment Report, subject to the following:

##### 1. Survey Certificate

A survey certificate prepared by a Registered Surveyor is required at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

### **3.2 DA2020/0933 - 164 WARRINGAH ROAD, BEACON HILL - USE OF PREMISES AS AN EXISTING APPROVED RESTAURANT WITH EXTENDED HOURS OF OPERATION**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant.

The Panel requires monitoring of noise impacts during the 24 month period to ensure the amenity to surrounding residences is managed. The condition of the trial period hours will be amended to reflect this.

Reword condition 4 to correct the hours to the existing timeframes and to better clarify the operations of delivery and waste collections.

The Panel concurred with the Officer's assessment report and recommendation.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submission have been taken into account in the report.

#### **DECISION ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** Development Consent to DA2020/0933 for Use of premises as an existing approved restaurant with extended hours of operation on land at Lot 1 DP 570451 & Lot 1 DP 575638, 164 Warringah Road, Beacon Hill, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

##### **3. Hours of Operation (Trial Period of 24 Months)**

The hours of operation are approved as follows:

- 24 hours a day/7 days a week

These approved hours are limited to a trial period of 24 months from the date of this consent subject to the following:

a) Throughout the duration of the 24 month trial, statements of certification must be obtained from a suitably qualified acoustic consultant and provided to Council in March 2021 and March 2022. These statements are to certify that noise and vibration from the development (including all plant and equipment and general operation noise sources) satisfies the relevant provision of the Protection of the Environment Operations Act 1997 and NSW Noise Policy for Industry. Acoustic monitoring during the trial period from midnight to 6 am period is to be undertaken for 3 periods of 5 consecutive nights (Saturday to Wednesday). The acoustic monitoring will be undertaken during the following times during the 24 month trial:

- Between 1st December 2020 and 28 February; and
- Between 1st December 2021 and 28 February 2022

b) The complaints register, as required in the Plan of Management, is

to be made available to Council upon request

c) In the event conditions a) and b) above cannot be complied with, the trial period is to cease.

Note: A modification application may be submitted to Council, to be lodged not more than 3 months prior to the expiration of the 24 month trial period, seeking the continuation of the extended hours of operation. If such an application is lodged, the extended hours of operation will continue to apply until such time as the application is determined by Council.

It should be demonstrated that the extended hours of operation have been in effect for a continuous period of at least 6 months prior to the lodgement of any modification application to extend or conclude the trial period.

The modification application is to be accompanied by a Noise Assessment Report, addressing noise associated with late night/early morning trading and any complaints received and how those complaints have been addressed.

#### **4. Commercial Waste Collection and Deliveries**

Collection of waste and recyclable materials generated by this premises, and all deliveries to the premises, must not be carried out between the hours of 10.00pm and 7.00am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

This is the final page of the Minutes comprising 7 pages  
numbered 1 to 7 of the Development Determination Panel meeting  
held on Wednesday 14 October 2020.