



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 23 FEBRUARY 2022

Minutes of a Meeting of the Development Determination Panel held via teleconference on Wednesday 23 February 2022

The Panel have visited all sites personally, or electronically, and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 FEBRUARY 2022

The minutes of the Development Determination Panel held 9 February 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/2067 – 70 ATTUNGA ROAD NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A CARPORT

PANEL MEMBERS

Phil Lane (Chairperson)	Acting Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one (1) representatives of the applicant (Tim West - THW Architects) and the two (2) owners (Michael and Shona Longan).

The applicant was not satisfied with the recommendations by Council's Planner relating to Condition 13 and wanted this condition deleted. The Panel were satisfied that Condition 13 was required but could be amended in relation to the height of the sill.

The panel reviewed this condition and considered that a sill height of 1.2m was more acceptable given the use of the room as a study and the potential redevelopment of 68 Attunga Road, Newport which may create future privacy issues.

Additionally, it was noted that standard conditioning for metal roofing colours which addresses Clause D3.3 Building colours and materials of Pittwater 21 Development Control Plan (P21DCP) was not included with the recommended conditions for consideration by the panel. This issue was raised with the applicant who agreed with the inclusion of the standard condition.

The Panel concurred with the Officer's assessment report and recommendation subject to the amendments above to address matters raised by the panel members with the applicant and the owners in relation Clause C1.5 Visual Privacy and Clause D3.3 Building colours and materials of the P21DCP.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

COMMUNITY CONSULTATION

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater LEP 2014 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.
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DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/2067 for alterations and additions to a dwelling house including a carport on land at Lot 123 DP 752046, 70 Attunga Road NEWPORT, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 13 to read as follows:

13. Amendments to the approved plans

The following amendments are to be made to the approved plans:

(a) "Level 4" Window (W02) - Privacy screens are to be installed on the "Level 4" south-eastern window (labelled W02) adjoining the "Study 2" as shown on the approved plans. The privacy screens shall be of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.2m above the Finished Floor Level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

2. The addition of the following condition under the heading '*Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate*':

External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03).

Vote: 3/0

3.2 DA2021/1573 - 10 PALM BEACH ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING A DETACHED STUDIO AND INCLINATOR

PANEL MEMBERS

Phil Lane (Chairperson)	Acting Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one (1) representatives of the applicant (Nadine Alwill – Alwill Architecture).

The Panel concurred with the Officer's assessment report and recommendation subject to the amendments of the conditions below to address matters raised by the panel members with the applicant and the owners in relation Clause D3.3 Building colours and materials of the P21DCP.

The panel generally concurred with the assessment undertaken by the officer in relation to views via Clause C1.3 View Sharing of the P21DCP. The panel notes the photos with the traced overlays provided by Alwill Architecture included in the view assessment which have been considered but not relied upon in the final considerations as they have not been surveyed.

The panel recognised the late submission from Mrs Gray from 10 Palm Beach Road and these matters have been addressed within the assessment report and a CRM will be created and forwarded to Council's Building Compliance Department.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of LEP 2014 and the Pittwater 21 DCP subject to conditions.

COMMUNITY CONSULTATION

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

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1573 for alterations and additions to a dwelling house, including a detached studio and inclinor on land at Lot 5 DP 14299, 10 Palm Beach Road PALM BEACH, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition under the heading '*Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate*':

External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

2. The addition of the following condition under the heading '*Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate*':

Maximum Height of Building

The maximum height of the building shall not exceed a Reduced Level of 24.29 at any point.

Reason: To ensure this consent is consistent with the Approved Stamped Plans.

Vote: 3/0

3.3 DA2021/1814 - 58 FOREST WAY FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF A SENIOR HOUSING DEVELOPMENT

PANEL MEMBERS

Phil Lane (Chairperson)	Acting Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant Michael Haynes (BBF Planners), Scott Walsh (Walsh Architects) and Khosrow Ataii (owner/applicant).

A memo dated 22 February 2022 was submitted to the panel prepared by assessing officer addressing matters raised by the Scott Walsh (Walsh Architects) in relation to the conditions within the draft condition for review by the panel.

Council's Transport Network Manager responded following the DDP meeting and stated the following:

"The path width is 3m and probably should continue to the driveway at 56. Having a power pole in the path is common and does not affect the overall width. Happy with the requirement being moved to "prior to the issue of any Occupation Certificate".

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

The applicant's representatives were satisfied with the recommendations by Council's Planner subject to the amendments via the Supplementary Memo to Condition 4 (General Requirements), Condition 13 (Amendments to the Approved Plans), Condition 18 (Compliance with Standards) and the deletion of Condition 11 (Submission of Engineering Plans) which will be relocated under the heading '*Conditions which must be Complied with Prior to the Issue of the Occupation Certificate*' and renumbered.

The panel also noted that standard conditioning for metal roofing colours which addresses Clause D12 Glare and Reflection of the Warringah Development Control Plan 2011 (WDGP 2011) was not included with the recommended conditions for consideration by the panel. This issue was raised with the applicant who agreed with the inclusion of the standard condition.

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 and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1814 for demolition works and construction of a senior housing development on land at Lot 38 DP 20461, 58 Forest Way FRENCHS FOREST, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 4 to read as follows:

4. 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 demolished

The 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.

- 2. Renumber and relocation of condition **11. Submission of Engineering Plans (standard from development engineers)** to sit under the heading '*Conditions which must be Complied with Prior to the Issue of the Occupation Certificate*'.
- 3. Replace current condition 11 with the following condition:

11. External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03).

- 4. The amendment of condition 13 to read as follows:

13. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- (a) The following landscape planting is to be provided to enhance the street frontage and retaining wall located on Forest Way
 - (i) Include planting 'Silver Falls' spaces at 1m intervals along the eastern boundary on the inside edge of the retaining wall. The Silver Falls are to be a minimum 150mm pots.
 - (ii) The first 1m from Northern Boundary is to remain Strata Area to ensure retention of Silver Falls for the life of the property.

Details are to be shown on the Landscape Plans, drawn by Plot Design Group and submitted to the satisfaction of the Accredited Certifier prior to the issue of the Construction Certificate.

- (b) Articulation of the front retaining wall should be provided by the use of split faced concrete blocks; engaged piers and corbels in brickwork or other means of articulation through materials and form. The wall shall be a dark recessive colour.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

- (c) Fixed and angled privacy screen to a minimum height of 1.6m shall be installed along the outer edge of the south facing bedroom windows to unit 3 level 1 and the outer edge of the first floor landing to the common stairwell.

Reason: To ensure the development is consistent with the landscaped character of the Locality and ensure that the proposal will not result in unreasonable amenity impacts to neighbours.

5. The amendment of condition 18 to read as follows:

18. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) Deleted
- (h) Deleted
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability_rights/buildings/good.htm.
<www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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

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

Vote: 3/0

3.4 DA2021/1127 - 69 CASTLE CIRCUIT SEAFORTH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Steve Findlay (Chairperson)	Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicants representatives at a meeting on 23 February 2022 and a representative of an objector at a meeting on 3 March 2022. The latter meeting was convened as the original invitation to address the Panel was sent to the landowner, and the author of the submission, a consultant, did not receive an invitation, so was not able to address the Panel on 23 February.

The Panel notes that the applicant attended a prelodgement meeting in relation to the proposed development, which is not recorded in the Assessment Report.

The Panel notes that the main views which are impacted by the proposal are from the outdoor pool terrace area and outbuilding at the rear of No. 71 Castle Circuit. The views from that adjoining property are primarily in the north-west direction directly over the street and to Middle Harbour beyond. The views that are over the subject site are over a side boundary and it is noted that the proposed dwelling complies with the building height control. Nevertheless, the views in the south-west direction over the proposed dwelling will retain land-water interface on the opposite side of Middle Harbour and a reasonable amount of the water of Middle Harbour.

The Panel considers that the blade walls at the north-east corner of the dwelling should be a lightweight treatment and more open in design to minimise the impacts on No. 71 Castle Circuit.

The proposal demonstrates that view sharing has been achieved in accordance with the provisions of the Manly Development Control Plan 2013 and the Tenacity Planning Principle.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

COMMUNITY CONSULTATION

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1127 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 29 DP 200638, 69 Castle Circuit SEAFORTH, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 9 to read as follows:

9. Amendments to the Approved Plans

The following amendments are to be made to the approved plans:

- Window WF-7 shall consist of frosted/translucent glazing
- A privacy screen up to a minimum height of 1.6m above FFL shall be provided along the length of the southern elevation of the Bedroom 1 balcony. The screen shall either have a maximum transparency of 30% or be louvered so as to prevent overlooking of the adjoining property to the south
- The area at the rear of the parking spaces within the Basement Level is to be modified such that it is an enclosed "Storage Area", with separate pedestrian access provided to the lift and stairs
- The basement level is to maintain a minimum 1.0m setback to the southern boundary.
- The "Kitchenette" on the Ground Floor is to be deleted and the main Kitchen on the First Floor Level is to be labelled on the plans.
- The solid blade wall proposed on north-eastern side of the balcony off the Sitting Room (Ground Floor) and off Bedroom No. 2 (First Floor), are to be removed and replaced with louvred privacy screens angled in a north-west/south-east direction, with a maximum height of 1.65m above the finished floor levels. The louvers are to be constructed with a maximum spacing of 20mm, in materials that complement the design of the approved development.
- All relevant plans, including the East and North-West Elevations are to include the louvred screens in lieu of the solid blade walls referred to in (f) above.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

2. The amendment of condition 19 to read as follows:

19. Preconstruction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: 67 Castle Circuit, Seaforth

Property: 71 Castle Circuit, Seaforth

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

3. The addition of the following condition under the heading '*Prior to Issue of the Construction Certificate*':

External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

Vote: 3/0

3.5 MOD2021/0872 - 29 SYDNEY ROAD MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA232/2010 GRANTED FOR CHANGE OF USE FROM BEAUTY SALON TO BAR/HOTEL AND FITOUT

PANEL MEMBERS

Steve Findlay (Chairperson)	Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no speakers in relation to this item.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Modification Application No. Mod2021/0872 for Modification of Development Consent No. DA232/2010 granted for change of use from beauty salon to bar/hotel and fit-out on land at Lot A DP 318834, 29 Sydney Road MANLY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 33 to read as follows:

Condition 33 - Acoustic Assessment of Noise Criteria Prior to Extension of Trading Hours Trial End

Prior to the end of the 12 month trial of extension of trading hours, a report of acoustic assessment is to be provided to Council demonstrating that the relevant project criteria in Section 2 of the document "Donny's bar extension of hours - acoustic noise impact assessment", referenced PSA126980, dated 13 October 2021 and prepared by WSP, are being met between the hours of 12:00am midnight and 2:00am. The report must be prepared and conducted by a suitably qualified acoustic consultant.

The acoustic assessment is to be submitted with the Modification of Consent Application to extend the trading hours referred to in Condition 34.

Reason: Ensure that appropriate acoustic criteria are being met according to this development application determination.

2. The amendment of condition 34 to read as follows:

Condition 34 - Hours of Operation

The hours of operation are to be restricted to:

- Monday to Sunday (inclusive of Public Holidays): 10:00am - 2:00am the following day.

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.

The increased hours modified by this condition are only approved on a trial basis for 1 year from the date this modified consent is issued.

Upon completion of this 1 year period, the operational hours will be confined to the following times:

- Monday to Sunday (inclusive of Public Holidays): 10:00am - 12:00am midnight.

In order to continue trading till 2.00am the following day, and without reverting back to 12.00am midnight, a Modification of Consent Application will need to be lodged and approved by Council, before the expiry of the 1 year trial period.

Reason: To ensure that amenity of the surrounding locality is maintained.

Vote: 3/0

The meeting concluded at 1:00pm

This is the final page of the Minutes comprising 16 pages
numbered 1 to 16 of the Development Determination Panel meeting
held on Wednesday 23 February 2022.