

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held in the Walamai Room, Northern Beaches Council on

WEDNESDAY 14 MARCH 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 14 March 2018
at Walamai Room, Dee Why Civic Centre
Commencing at 10.00am**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Steven Findlay	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 21 FEBRUARY 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 21 February 2018, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA 263/2016 - 17 SPRING COVE AVENUE, MANLY - SECTION 96 (2) TO MODIFY APPROVED CONSTRUCTION OF A NEW THREE (3) LEVEL DWELLING HOUSE INCLUDING DOUBLE GARAGE, BALCONIES, SWIMMING POOL WITH DECK AND LANDSCAPING – PART 2

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by the applicant Nadine Awill from Awill Design Pty Ltd.

The Panel reviewed a late submission letter from DP Surveying and memo from the assessment officer addressing as built floor levels to confirm the current construction is in accordance with the consent.

The panel accepted the explanation that the roof level was being raised due to structural requirements from a change in construction materials from concrete slab to a steel roof. The change in the roof height was considered acceptable in terms of impact to view sharing. It was also noted that the building was being amended to be narrower which would have a positive effect for view sharing. The panel supported the application as recommended.

DECISION

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. DA263/2016 for construction of a new dwelling house including double garage, balconies, swimming pool with deck and landscaping at 17 Spring Cove Avenue, Manly be **approved** in accordance with the recommendations in the assessment report.

3.2 MOD2017/0309 - 1332 PITTWATER ROAD NARRABEEN - MODIFICATION OF DEVELOPMENT CONSENT DA2017/0092 GRANTED FOR USE OF PREMISES AS A RECREATION FACILITY INDOOR GYMNASIUM AND SIGNAGE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel reviewed a late submission letter from Anytime Fitness and a memo from the assessment officer addressing that letter in relation to new Condition 18A (Audible Music Restriction).

The Panel reviewed the late submission from the applicant in regards to the condition prohibiting the playing of music from 9pm to 7am (Mon to Fri) and 10pm to 8am (Sat, Sun and Pub Hols) and did not find this to be acceptable given the nature of surrounding residential landuses and permissible landuses. The panel acknowledged that the 24/7 operations of the gyms could continue to operate following the trial period and therefore supported the recommendation in the report.

DECISION

That Modification Application No. Mod2017/0309 for Modification of Development Consent DA2017/0092 granted for Use of Premises as a Recreation facility indoor gymnasium and signage at 1332 Pittwater Road NARRABEEN be **approved** in accordance with the recommendations in the assessment report.

3.3 N0936/04/S96/R - 5/3 BUNGAN STREET, MONA VALE - SECTION S96AB REVIEW OF DETERMINATION OF MODIFICATION N0936/04/S96/1 OF CONSENT N0936/04 FOR OCCUPATION, FIT-OUT, SIGNAGE FOR CAFÉ USE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by the applicant, Joeseeph Bruzzese.

The Panel reviewed a late submission including a letter of support from the Mona Vale Chamber of Commerce, a letter from Colco Consulting Pty Ltd (representing the Applicant) and a memo from the assessment officer addressing the late submissions.

The Panel understands the desire to enliven Mona Vale and supports the general extension of operating hours within the commercial centre to 10pm Monday to Friday.

However, the application was made with the support of an Acoustic Engineers report which was commissioned by the applicant. The experts report involved investigations, monitoring, and modelling that resulted in site specific recommendations by the Acoustic Engineer for the restricted hours of use of the outdoor area. The experts report formed part of the application with the restricted hours, which was supported in the Statement of Environmental Effects in respect to the proposal being acceptable '*subject to compliance with the recommendations of the Acoustic consultant report*'.

The application, including the Acoustic Engineers report and the Statement of Environmental Effects was placed on public exhibition, a change to these hours would require re-notification of the application.

The Panel could not consider extending the hours beyond what was proposed in the application which included the proposed restrictions. The conditions proposed in the assessment report replicate the exact hours for the outdoor use as recommended in the applicant's Acoustic Engineers report.

The Panel support the recommendations and conditions within the assessment report with the exception of Condition D7.

Proposed Condition D7 duplicates proposed Condition D5, which both referred to *offensive noise* under the *Protection of the Environment Operations Act* and therefore Condition D7 should be deleted.

DECISION

That Application No. N0936/04/S96/R for Section S96AB Review of Determination of Modification Application No. N0936/04/S96/1 to modify Consent No. N0936/04 for occupation, fit-out, signage for café use be **approved** in accordance with the recommendations in the Assessment Report with the deletion of proposed Condition D7.



A handwritten signature in black ink, appearing to read 'Peter Robinson'.

Peter Robinson
Executive Manager, Development Assessment
Chairperson

A handwritten signature in black ink, appearing to read 'Steven Findlay'.

Steven Findlay
Manager, Development Assessment

A handwritten signature in black ink, appearing to read 'Anne-Maree Newbery'.

Anne-Maree Newbery
Manager, Strategic & Place Planning

The meeting concluded at 12noon

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 March 2018.