

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 19 NOVEMBER 2025

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 19 November 2025

The public meeting commenced at 12.00pm and concluded at 1.04pm.

The deliberations and determinations commenced at 1.30pm following the public meeting and concluded at 4.40pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Oliver Klein	Town Planner
Heather Warton	Town Planner
Frank Bush	Community Representative

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 OF INTEREST

No Apologies

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF THE NORTHERN BEACHES LOCAL PLANNING PANEL MEETING HELD ON 5 NOVEMBER 2025

The Panel notes that the minutes of the Northern Beaches Local Planning Panel Meeting held on 5 November 2025, were adopted by the Chairperson and have been posted on the Council's website.

3.0 CATEGORY 3 APPLICATIONS

Nil

4.0 PUBLIC MEETING ITEMS

4.1 DA2025/0024 - 158 PACIFIC PARADE, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING INCLUDING STRATA SUBDIVISION

The Proposal is for demolition works and construction of shop top housing including strata subdivision.

At the public meeting the Panel was addressed by 1 neighbour and 3 representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2025/0024 for demolition works and construction of shop top housing including strata subdivision at Lot 1 DP 34753, 158 Pacific Parade, Dee Why subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.2 MOD2025/0424 - 80 UNDERCLIFF ROAD FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2024/0946 GRANTED FOR USE OF THE PREMISES AS A RESTAURANT

The Proposal is for Modification of Development Consent DA2024/0946 granted for Use of the premises as a restaurant.

At the public meeting the Panel was addressed by 1 neighbour and 2 representatives of the applicant.

DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2025/0424 for Modification of Development Consent DA2024/0946 granted for use of the premises as a restaurant at Lot B DP 329073, 80 Undercliff Road, Freshwater subject to the conditions set out in the Assessment Report and the following:

1. The amendment of the Condition 24, to read as follows:

Noise management

- (a) Trial period

The times and noise levels stated in this Condition are subject to a trial period of 12 months, commencing at the date of the consent for DA2025/0946). At the end of this trial period, a further modification application may be lodged to make these times and noise levels permanent.

- (b) General (applies to the entire site):

Noise generated by the development is limited to 70dBA measured at the property boundary during all operating times (as per condition 27).

- (c) Lower and Middle Outdoor Terrace areas:

Any amplified noise (such as electronic background music/ PA announcements / speakers / amplified music and the like) is only permitted between 11:00am and 1:30pm AND between 4:30pm and 7:00pm.

- (d) Plan of Management Amendments:

- i. A revised Plan of Management (PoM) consistent with all conditions of consent is to be prepared based on the following conditioned amendments:
 - Amended Operating Hours
 - Noise management requirements
 - Opening of windows and doors consistent with the Acoustic Report referred to in Condition 1.
 - A contact number for the purposes of receiving any complaints.
 - Any other amendments required because of other conditions of this consent.
- ii. The PoM should be sent to Council and approved prior to operating under this Consent.

- iii. The PoM is to be reviewed at least once per year for the first 3 years of operating under the consent, then at any time following this period at the request of Northern Beaches Council. Any updates must be approved by Council. NOTE: an update to the contents of the POM consistent with this Consent does not require a modification to the consent under s4.55 of the Act.

(e) Other:

- i. Waste removal and commercial bin service from the premises shall not be after 8:00pm and before 7:00am on any day.
- ii. Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the premises.
- iii. A copy of the POM is to be available on the restaurant's webpage and to all staff.
- iv. A contact number must be displayed at a publicly visible place at the main entry point to the restaurant for the purpose of receiving any complaints.
- v. For the avoidance of doubt, this condition only refers to noise management matters and does not affect the type or location of land uses on the site (which are addressed in other conditions of consent).

Reason: To maintain reasonable levels of acoustic amenity to residential neighbouring properties.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and Supplementary Memo.

Vote: 4/0

4.3 MOD2025/0499 - SANDY BAY ROAD CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0778 GRANTED FOR CHANGE OF USE FROM KIOSK TO CAFE

The Proposal is for Modification of Development Consent DA2020/0778 granted for Change of use from kiosk to café.

At the public meeting the Panel was addressed by 1 representative of the applicant.

DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. MOD2025/0499 for Modification of Development Consent DA2020/0778 granted for change of use from kiosk to café at Lot 1 DP 1240961 Sandy Bay Road, Clontarf subject to the following reasons for refusal:

REASONS FOR REFUSAL:

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable the assessment of the application.

Particulars:

Insufficient clarity on the management of the entire deck area that includes the café space and the adjacent marina seating.

Insufficient clarity on the relationship between the café space and marina seating area particularly in relation to diners.

The submitted documentation does not consider the cumulative impact of the café space and the marina seating area being occupied by diners which could have the practical impact of diners seated in the deck area exceeding 80. Impacts of concern include but are not limited to such matters as management of the entire seating space (marina and café), net change, noise generation and car parking demand.

The submitted documentation does not sufficiently address the ongoing ancillary nature of the café relative to the proposed expanded operation which may have the impact of making the café a dominant land use.

The submitted documentation does not sufficiently address whether or not the proposed modification is excessively substantial to be dealt with as a S4.55 Modification.

Nonetheless the Panel is of the view there is merit in expanding the café in principle however the current level of information prevents the Panel from adequately assessing the proposal.

REASONS FOR DETERMINATION

The Panel does not agree with the Assessment Report.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2025/1193 - 31 BANKSIA STREET, DEE WHY - SUBDIVISION OF ONE LOT INTO TWO AND CHANGE OF USE FROM A SECONDARY DWELLING TO A PRINCIPAL DWELLING ON PROPOSED LOT 2

The Proposal is for subdivision of one lot into two and change of use from a secondary dwelling to a principal dwelling on proposed lot 2.

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 4.1 Minimum Lot Size 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.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2025/1193 for Subdivision of one lot into two and change of use from a secondary dwelling to a principal dwelling on proposed lot 2 at Lot 2 DP 826271, 31 Banksia Street, Dee Why subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 3/0

5.2 MOD2025/0422 - 261 ALFRED STREET CROMER - MODIFICATION OF DEVELOPMENT CONSENT NO. DA2023/0296 GRANTED FOR A SUBDIVISION OF ONE LOT INTO TWO LOTS, TO AMEND CONDITION 34 IN RELATION TO THE APPROVED BUILDING FOOTPRINT ON LOT 1

The Proposal is for Modification of Development Consent No. DA2023/0296 granted for a subdivision of one lot into two lots, to amend Condition 34 in relation to the approved building footprint on Lot 1.

DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2025/0422 for Modification of Development Consent No. DA2023/0296 granted for a subdivision of one lot into two lots, to amend Condition 34 in relation to the approved building footprint on Lot 1 at Lot 1 DP 1302084, 261 Alfred Street, Cromer subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 19 November 2025.