

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	15 July 2025
DATE OF PANEL DECISION	11 July 2025
DATE OF PANEL MEETING	9 July 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 9 July 2025, opened at 10.30am and closed at 11.27am.

MATTER DETERMINED

PPSSNH-548 – Northern Beaches – DA2024/1362 at 40 Myoora Road, Terrey Hills – Demolition works and construction of mixed-use hospitality venue with supporting car parking, servicing and landscaping works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and in Council’s comprehensive Assessment Report.

The final design benefited from extensive consultation with Council, the community and Government agencies beginning with the pre-lodgement meeting early last year and continuing throughout the assessment process. The final proposal is a substantial downsizing of the original application with resultant reduction of impacts on the site, neighbours and environment.

During the public meeting, the Panel also discussed, with Council and Applicant, a number of amendments to clarify and strengthen the draft conditions. Council then incorporated those amendments in the final conditions.

The Panel concurs with Council that the proposed development has been designed and sited so as not to result in unreasonable amenity or environmental impacts, is consistent with the objectives and additional permitted land uses of the RU4 Primary Production Small Lots zone, and with acceptable impact in the context of the locality.

The Panel acknowledges Council’s advice that the development is a high-quality design that performs well against relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The Panel considers the application has been properly assessed against relevant planning controls and warrants approval.

CONDITIONS

The Development Application was approved subject to the revised conditions in Council's memos dated 7 July 2025 and 11 July 2025 which included amendments to clarify the intent and strengthen the following conditions: 4 Approved Land Use; 9 Policy Controls; 27 Amendments to the Plan of Management; 42 Tree Removal (& Retention) Within the Property; 97 Acoustic Requirements – On-going; 105 Patron Numbers; 109 Plan of Management; 110 Hours of Operation; and new conditions 115 Emergency and Complaints Contact Signage Maintenance; 116 Publication of the Plan of Management.

The revised conditions were amended by the Panel as follows:


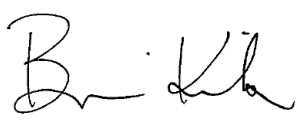

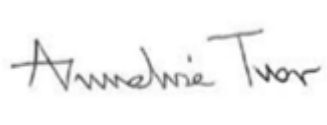
- Condition no.4 add the word "Small" in front of "ancillary events that do not involve reserving the majority or whole of the restaurant premises may occur"
- Condition no.6 after "during a busy period of trading" insert the words ",including between the hours of 10pm and 12 midnight and when the outdoor dining areas are operating at full capacity)"
- Condition no.27 under amendments to the Plan of Management, Section 6 Ancillary Functions,
 - add the word "small", so as to read "To allow for small ancillary events"
 - after the words "Condition 4" add "The type, size and frequency of events shall be specified."
- Condition no.110 the final paragraph is to be deleted and replaced with the following:
"All patrons on the premises shall be required to leave prior to the expiration of the permitted trading hours. Upon expiration of the permitted trading hours, all service (and entertainment) shall immediately cease and no patrons shall be permitted entry. Any operation of the premises outside the permitted trading hours shall be restricted to activities of staff that do not generate noise or impact on the amenity of the neighbourhood, such as administration, cleaning and security. "

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Operation concerns – hours, number patrons and noise
- Environmental impacts
- Character/locality
- Traffic and parking
- Property value
- Flora and Fauna

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and amended conditions that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-548 – Northern Beaches – DA2024/1362
2	PROPOSED DEVELOPMENT	Demolition works and construction of a restaurant with supporting car parking, servicing and landscaping works
3	STREET ADDRESS	40 Myoora Road, Terrey Hills
4	APPLICANT/OWNER	Urbis / The Trustee for Gardoxi Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30. Although the EDC was revised prior to determination to a figure below the threshold for regionally significant development due to a reduction in the proposed scale of the development, the Panel remains the determining authority.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Warringah Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 25 June 2025 Council Memos: 7 July 2025 and 11 July 2025 Written submissions during public exhibition: 36 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Franco Totino, Robert Pelletier, Anne Lanyon Council assessment officer – Claire Ryan On behalf of the applicant – Eliza Scobie, Ben Isaac
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 5 February 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Anne-Marie Young, Adam Richardson <u>Applicant representatives</u>: Ben Isaac, Chris Grinham, Sarah Horsfield, Eliza Hannah, Eliza Scobie <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Council and applicant briefing: 16 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Claire Ryan, Adam Richardson <u>Applicant representatives</u>: Sarah Horsfield, Ben Isaac, Jono Isaac, Chris Grinham <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council's recommendation: 9 July 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis,

		<p>Annelise Tuor</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Claire Ryan ○ <u>Applicant representatives</u>: Ben Isaac, Chris Grinham, Sarah Horsfield, Eliza Scobie ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman <ul style="list-style-type: none"> ● Public meeting: 9 July 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor ○ <u>Council assessment staff</u>: Claire Ryan ○ <u>Applicant representatives</u>: Ben Isaac, Chris Grinham, Sarah Horsfield, Eliza Scobie, Jono Isaac ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and as amended by Council's memos dated 7 July 2025 and 11 July 2025