

MEMORANDUM

To: Development Determination Panel

Cc: Rodney Piggott, Manager

From: Maxwell Duncan, Principal Planner

Date: 30 May 2023

Subject: DA2022/0932 – Belrose Bowling Club

Record Number: 2023/343025

The purpose of this memo is to inform the panel that the additional information relating to the deferral of the application on 26 April 2023 has been provided. An assessment against the deferral requirements is provided below:

- 1. The applicant is to provide details and information which demonstrate how proposed conditions 8 and 12 will be complied with at all times.***
- 2. The applicant is to update the Operational Plan of Management in accordance with amendments proposed in condition 10 and submit it via the planning portal.***

An amended plan of management (POM) has been submitted by the applicant on the planning portal. The POM has detailed under Part 2.2 and 3.1.2 how the applicant will operate in compliance with Conditions 8 and 12. The applicant notes that the outdoor areas will be locked outside of the conditioned operating hours and regular checks will be made by staff to ensure compliance with patron numbers for both the seated area and playground.

- 3. The assessing officer and the Panel are to consult with Councils Environmental Health Officers regarding the suitability of the on-going conditions, and canvass what other measures maybe utilised to restrict and mitigate the impacts of the intensification of the use of external areas of the bowling club to which this application relates.***

Council's Environmental Health officer further reviewed the proposed development following the deferral of the application. No further Conditions or measures were recommended, with the existing recommended conditions (within the existing assessment report) deemed to be satisfactorily.

- 4. The assessing officer is to then prepare a supplementary memo which assess the outcomes of the above points and provide a recommendation.***
- 5. The Panel will then consider all the information and make a decision.***

See comments below.

CONCLUSION

The applicant has satisfied the Panels deferral requirements and reasonable and measurable conditions have been imposed by Council to effectively mitigate the impact of the proposed development.

Condition 12 has been recommended to be amended to ensure that if proposed noise mitigation measures are not followed or successful, the hours of operation are minimised to reduce the impacts of the proposed use on neighbouring properties.

RECOMMENDATION

If the panel is to approve the application based on the additional information provided, it is recommended that condition 12. *Hours of Operation (Reviewable Condition)* is amended as follows:

PROPOSED

Condition 12. Hours of Operation (Reviewable Condition)

This condition is imposed under s4.17(10B) of the *Environmental Planning and Assessment Act* 1979 to enable Council to review the performance of the approved development with respect to extended hours of operation.

The hours of operation are to be restricted to:

Outdoor seating area

- Sunday to Thursday – 11:00am - 8:30pm
- Friday and Saturdays and Public Holidays – 11:00am - 10:00pm

Playground area

- Sunday - Saturday (including public holidays) - 11:00am - 8:30pm

Review of Approved Hours of Operation

1. Throughout the initial "review period", in addition to the implementation of recommendations as outlined in the above acoustic report, periodic acoustic assessments are to be undertaken by a qualified acoustic consultant at no more than 3- month intervals, to determine whether "offensive noise" is emanating from the site. 14 days written notice will be given before carrying out the review.
2. Each periodic assessment is to include data from attendance at the site on at least five occasions within the previous period with at least three weeknights included in the assessment period.
3. Written evidence by way of an acoustic report is to be submitted Council within seven days of the completion of each periodic assessment.
4. Should any acoustic assessment reveal that "offensive noise" is occurring, Council may require additional control measures as recommended by the acoustic report in relation to hours of operation, number of patrons and use of the playground equipment and the like.
5. At the completion of the review period and after reviewing reports and actions Council shall advise the site operator of any ongoing required

changes to operations to be implemented.

Should upon a review of this condition and following a proper investigation Council finds that limiting the hours of operation is the most efficient and effective means of reducing amenity impacts then the hours of operation will be required, at the expiration of 14 days written notice, to revert back to the following:

Outdoor seating area

- Sunday to Thursday – 11:00am – 6:00pm
- Friday and Saturdays and Public Holidays – 11:00am - 8:00pm

Playground area

- Sunday - Saturday (including public holidays) - 11:00am – 6:00pm