



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

TUESDAY 20 JUNE 2023

**Minutes of a Meeting of the Development Determination Panel
held on Tuesday 20 June 2023
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 26 APRIL 2023

The minutes of the Development Determination Panel held 26 April 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.9 DA2022/0932 - 146 FOREST WAY BELROSE - BELROSE BOWLING CLUB - REGISTERED CLUB - USE OF A PORTION OF THE SITE FOR OUTDOOR SEATING AND A CHILDREN'S PLAYGROUND

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

At the DDP meeting of 26 April 2023, the Panel deferred the decision on DA2022/0932 to allow for the following to happen:

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.
3. The assessing officer and the Panel are to consult with Council's 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
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.

In response the applicant provided an updated plan of management that included some details around compliance with conditions of consent.

Further consultation was had with Council's Environmental Health Officers and the assessing officer prepared a supplementary memo.

The Panel considered this additional information in making a decision.

The Panel is of the view that the use should be able to operate in a trial environment prior to the formalisation of the proposal, as long as it does not result in offensive noise and impact upon adjoining properties. The Panel is also of the view that it should be up to the applicant to ensure this, with Council also able to check and verify compliance at any time during the trial period.

To monitor this, the Panel will impose a condition requiring the applicant to conduct acoustic monitoring throughout the first 12 months of operation. Council's Environmental Health Officers may also conduct their own acoustic assessment at any time. If either of these monitoring methods of acoustic assessment indicate offensive noise is being, or has been produced, the hours of operation will be reduced to a 6pm close and other measures may be taken at the discretion of Council.

COMMUNITY CONSULTATION

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

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/0932 for Belrose Bowling Club - Registered Club - use of a portion of the site for outdoor seating and a children's playground at Lot 2 DP 851739, 146 Forest Way BELROSE, subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 10 to read as follows:

10. Management Plan

The use of the seating area and playground must comply with the *Belrose Bowling Club Outdoor Family Area and Playground Area - Plan of Management* prepared by Pulse White Noise Acoustics, dated 28 March 2023.

Reason: To minimise any noise nuisance to residential receivers.

2. The amendment of condition 11 to read as follows:

11. BBQ Area - Smoke and odour

Smoke and odour from the BBQ must not cause any unreasonable nuisance to residential receivers.

Reason: To minimise any nuisance from smoke and odour to neighbouring residential receivers.

3. The amendment of condition 12 to read as follows:

12. Hours of Operation

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

These hours are approved for a review period of 12 months commencing from the date of determination.

Acoustic Monitoring

1. Throughout the "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 to determine whether "offensive noise" is emanating from the site.
2. The acoustic assessments must be done on a Wednesday night, Friday or Saturday night and Sunday night, every three months.
3. The assessments must be done in the months of July 2023, October 2023, January 2024 and April 2024.
4. The acoustic assessments must be undertaken from the nearest residential boundary

- to the playground and seating area.
5. Each acoustic assessment is to include patron attendance data/numbers within the outdoor seating and playground areas.
 6. Written evidence by way of an acoustic report is to be submitted to Council within seven days of the completion of each acoustic assessment (i.e. at the end of the week encompassing the three measured nights).

Council may undertake its own monitoring at any time to verify the owner's assessments and, pending submission of the monitoring reports, undertake further investigation.

offensive noise means noise—

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—*
- (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

Should any acoustic assessment, including any monitoring done by Council, reveal that "offensive noise" is or has occurred, Council may require additional control measures in relation to hours of operation, number of patrons, the use of the playground equipment or the like.

At any time during the review period, or upon its completion, Council can advise the site operator of any required changes to operations that must be implemented. Council can require these changes to be implemented immediately, pursuant of written instructions from Council.

Where "offensive noise" is identified, and written instructions from Council are issued, the hours of operation will revert to the following:

Outdoor seating area

- 11:00am – 6:00pm – every day

Playground area

- Saturday, Sunday and public holidays - 11:00am – 6:00pm.

Reason: To ensure that amenity of the surrounding locality is maintained and to review any potential noise related issues, to residential receivers.

Vote: 3/0

The meeting concluded at 3pm.

This is the final page of the Minutes comprising 7 pages
numbered 1 to 7 of the Development Determination Panel meeting
held on Tuesday 20 June 2023.