

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0807
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 1102512, 30 - 38 Ethel Street SEAFORTH NSW 2092
Proposed Development:	Modification of Development Consent DA2005/0480 granted for Alterations and Additions to the Existing Balgowlah RSL Club
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Balgowlah RSL Memorial Club
Applicant:	Balgowlah RSL Memorial Club

Application Lodged:	02/11/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	15/11/2021 to 29/11/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for amendments to the existing floor plans approved under DA2005/0480. The works include moving a wall further into the club interior to expand the existing outdoor area at the south-eastern corner of the club building. The works increasing the amount of undercover outdoor area space from 96sqm to 156sqm, allowing an additional 15 seats to be accommodated outdoors (instead of indoors).

There is no change to the approved opening hours, maximum number of patrons, or parking arrangements.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - Zone B2 Local Centre

Manly Local Environmental Plan 2013 - 6.21 Noise impacts—licensed premises

SITE DESCRIPTION

Property Description:	Lot 1 DP 1102512 , 30 - 38 Ethel Street SEAFORTH NSW 2092
Detailed Site Description:	The subject property is commonly known as 30-38 Ethel Street, Seaforth and legally known as Lot 1 in DP 1102512. The site is located on the northern side of Ethel Street. The property is irregular in shape and has a frontage of 61m to Ethel Street and an average depth of 65m and an overall site area of 4,128m². The property currently contains the Balgowlah RSL Memorial Club with associated carparking. The land is zoned B2 Local Centre under the Manly Local Environmental Plan 2013 (MLEP 2013). The surrounding area includes commercial and residential development.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant development applications for the site:

- **DA480/2005** for the alterations and additions to the existing Balgowlah RSL Club was approved by the Land Use Management Meeting on 23 March 2006.
- **DA480/2005 Part 2** for modification of DA480/2005 was approved on 21 August 2006.
- **DA480/2005 Part 3** for modification of DA480/2005 was approved on 24 November 2006.
- **DA254/2008** for the alterations and additions to the external terrace and relocation of twenty two (22) internal gaming machines was approved on 22 October 2008.
- **DA148/2015** for the alterations and additions to enclose an existing outdoor gaming room was approved on 16 September 2015.
- **DA240/2015** for the alteration and additions to existing registered club including external stairs to carpark was approved on 2 December 2015.
- **DA311/2015** for the alterations and additions to an existing registered club including the widening of an existing driveway was approved on 9 February 2016.
- **DA244/2016** for the alterations and additions to an existing registered club including the installation of a car wash facility within the existing car parking area, shade structure and the hours of operation from 8.00am to 7.00pm seven (7) days per week was withdrawn from Council.
- **DA2019/0865** for the use of Balgowlah RSL carpark for an Organic Food Market was approved by the Northern Beaches Council Local Planning Panel on 8 April 2020.
- **Mod2022/0023** for Modification of Development Consent DA2019/0865 granted for use of Balgowlah RSL carpark for an Organic Food Market is currently under assessment.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA480/2005, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact as the proposed modifications are to relocate a wall only, and not to increase floor area, patrons or operating hours.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA480/2005, as the club use is retained, and the works are minor in nature.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.

Section 4.15 'Matters for Consideration'	Comments
and social and economic impacts in the locality	(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received in relation to this application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 15/11/2021 to 29/11/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Christine Serrano Mr Marcos Luis Serrano	1 Whittle Avenue BALGOWLAH NSW 2093

The following issues were raised in the submissions:

- Concern regarding noise impacts to nearby residential properties due to larger outdoor area.

The matters raised within the submissions are addressed as follows:

Noise Impacts

Comment:

The proposal has been reviewed by Council's Environmental Health Officer (EHO), including in relation to potential noise impacts to nearby residential receivers. The EHO is supportive of the proposed

development, subject to conditions of consent limiting the number of patrons, the use of amplified music, and the use of sound equipment, in accordance with the submitted Acoustic Report. The application of these conditions of consent ensures the proposal will not result in unreasonable noise impacts.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development. Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.
Environmental Health (Food Premises, Skin Pen.)	Applicant seeks to increase the area of an existing outdoor terrace located on the Ethel St level at the south-eastern corner of the club building. This will be achieved by moving a wall further into the club interior. The SEE advises the following: • <i>The area of the proposal is an existing terrace located on the Ethel St level at the south-eastern corner of the club building.</i> • <i>Currently, 36m² of the terrace is open to the air and uncovered.</i> • <i>Currently, 60m² is open to the air but is undercover. It is exposed to the air on one side only.</i> • <i>The proposal will increase the undercover area by 60m², which will allow 15 seats to be outdoors during COVID-19 restrictions.</i> The SEE advises the following regarding the operating hours: <i>Hours of Operation:</i> • <i>Operating hours will remain unchanged: Sunday to Wednesday 10am to 12am; Thursday to Saturday 10am to 1:30am. As this terrace is mainly used for dining, it is expected that there will be few people left after 10pm.</i> As the outdoor terrace is open until late any increase in patron numbers has the potential to impact on nearby residential receptors. The nearby residential receptors however are located some distance away (approximately 45m to the south and 62m to the east). The applicant has provided an Acoustic Report prepared by Vipac Engineers and Scientists Limited dated 9 September 2021 (Reference: 20E-21-326-TRP-20744-1). From the acoustic report it is understood that the capacity of the outdoor area will increase from currently 50 to 75 patrons. The acoustic report has recommended the following:

Internal Referral Body	Comments
	• After midnight, limit the number of patrons to 25 outside; • Limit the speaker output of background music to the spectrum provided in Table 6-1

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response on the 10 December 2021 stating that the proposal is acceptable, and special care is to be taken in regards to the underground cables. Whilst it is acknowledged that there is no excavation as part of the application, the recommendations are included as a condition of consent.
NSW Police – Licensing (Clubs, Hotels, Pubs)	The application was referred to the NSW Police, who are supportive of the application without conditions of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity

power line.

Comment:

The proposal was referred to Ausgrid who provided a response on the 10 December 2021 stating that the proposal is acceptable, and special care is to be taken in regards to the underground cables. Whilst it is acknowledged that there is no excavation as part of the application, the recommendations are included as a condition of consent.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	12.5m	12.5m	Unchanged	-	Yes
Floor Space Ratio	2.0:1 (9,692sqm)	0.73:1 (3,535sqm)	0.717sqm (3,475sqm)	-	Yes
Gross Floor Area in Zone B2	Min. 25% of GFA Commercial	100%	Unchanged	-	Yes
	Max. 100sqm Retail	Nil retail	Unchanged	-	Yes

The above calculations are based on the most recent height of building and floor space ratio figures available on Council records, relating to DA0148/2015.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.13 Design excellence	Yes
6.16 Gross floor area in Zone B2	Yes
6.21 Noise impacts—licensed premises	Yes

Detailed Assessment

Zone B2 Local Centre

The following comments are made in regard to the objectives for the Business Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

To provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Municipality.

Comment:

The proposal will maintain the existing use of the RSL Club with the additional outdoor area allowing greater flexibility and options for the RSL Club in response to NSW health requirements for COVID-19 and the RSL Clubs COVID-19 Safety Plan.

To encourage employment opportunities in accessible locations.

Comment:

The conversion of existing indoor space, to outdoor terrace space is considered is driven by the need to improve the club's ability to enhance services to its members in this period of COVID-19 restrictions. As a result, the amendments will continue to encourage employment opportunities by providing patrons options in accordance with COVID-19 Health requirements.

To maximise public transport patronage and encourage walking and cycling.

Comment:

The proposed alterations to remove indoor space, and create an additional outdoor terrace area will not result in an increase in parking demand resulting from patrons wishing to use the outdoor environment. The previously approved parking provided on site is considered of sufficient capacity to cope with the associated use of the terrace area, noting that some patrons may arrive on foot or by public transport.

To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.

Comment:

The conversion of indoor space to additional outdoor terrace area is considered unlikely to result in any adverse noise impacts to neighbouring business premises and residences, as demonstrated by the Acoustic Assessment report provided with the Modification Application.

6.21 Noise impacts—licensed premises

The expanded outdoor terrace area acoustic impacts have been assessed to ensure there is no additional unreasonable noise affecting the neighbourhood. The Applicant submitted a detailed an Acoustic Report prepared by Vipac Engineers and Scientists Limited dated 9 September 2021, which found that the use of the additional terrace area will comply with the relevant noise control criteria for the neighbouring residential properties. The recommendations of the Acoustic Report are accepted in light of the Club's Management Plan, which includes limiting the number of patrons after midnight, and passive noise control measures in place.

Manly Development Control Plan

Built Form Controls

There is no change to the previously approved built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.7 Seaforth Local Centre	Yes	Yes
4.2.7.1 Wall Height and number of Storeys	Yes	Yes
4.2.7.2 Consideration of Height Above the Wall Height	Yes	Yes
4.2.7.5 Building Design	Yes	Yes
4.2.7.6 The Townscape Plan and Precincts within Seaforth Centre	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;

- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0807 for Modification of Development Consent DA2005/0480 granted for Alterations and Additions to the Existing Balgowlah RSL Club on land at Lot 1 DP 1102512,30 - 38 Ethel Street, SEAFORTH, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
First Floor Revision 1	6 September 2021	Applicant
Untitled Floor Plan	Undated	Applicant

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Development Application - Acoustic Revision	9 September 2021	Vipac Engineers and Scientists Limited

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	29 September 2021	Applicant

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 1B Compliance with Other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response - Underground Cables	10 December 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Add Condition ANS10 Acoustic Report Certification to read as follows:

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s). The assessment is to:

- Confirm compliance with recommendations within the Acoustic Report by Vipac Engineers and Scientists Limited dated 9 September 2021 (Reference: 20E-21-326-TRP-20744-1) and compliance with any relevant acoustic conditions of the consent;
- That all speakers or any sound equipment located in the outdoor terrace on the Ethel Street level at the south-eastern corner of the club building, do not exceed the spectrum provided in Table 6-1 within the Acoustic Report by Vipac Engineers and Scientists Limited dated 9 September 2021 (Reference: 20E-21-326-TRP-20744-1); and
- That an electronic limiter has been installed to ensure that these levels are not exceeded. The limiter is to be installed in a tamper proof enclosure (or in the case of a DSP based limiter) with no access to the limiter controls by staff.

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent.

Reason: To protect the acoustic amenity of neighbouring properties.

D. Add Condition ANS11 Outdoor Terrace Noise Ongoing to read as follows:

Noise from the outdoor terrace on the Ethel Street level at the south-eastern corner of the club building shall comply with the following:

- a) The number of patrons within the outdoor terrace must not exceed 25 outside after midnight and 75 patrons at any other time;
- b) No amplified music after midnight Friday and Saturday or the day immediately before a public holiday and after 10pm any other day; and
- c) All speakers or any sound equipment located in the outdoor terrace on the Ethel Street level at the south-eastern corner of the club building, must not exceed the spectrum provided in Table 6-1 within the Acoustic Report by Vipac Engineers and Scientists Limited dated 9 September 2021 (Reference: 20E-21-326-TRP-20744-1). An electronic limiter must be installed at all times so that these levels are not exceeded. The limiter is to be installed in a tamper proof enclosure (or in the case of a DSP based limiter) with no access to the limiter controls by staff.

Reason: To protect the amenity of the surrounding area.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Claire Ryan, Principal Planner

The application is determined on 03/02/2022, under the delegated authority of:



Rebecca Englund, Acting Development Assessment Manager