

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
29 APRIL 2020
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Paul Vergotis (Chair), Michael Leavey (Expert), Helen Deegan (Expert) and George Vardas (Community Representative)

Development application: DA2017/0472

Proposal: Ancillary development to a Recreation Facility (outdoor - 'golf course') comprising the demolition of an existing ancillary building and the erection of a new ancillary maintenance and staff amenities building, on-grade car parking, landscaping and use of the building

Premises: Lot 1, DP 1115160, Cnr Battye Avenue and Weeney Street, Beverley Park (known as 87A Jubilee Avenue)

Determination: Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979* (NSW) **deferred commencement** development consent is granted for development application no. DA2017/0472 for the purpose of ancillary development to a Recreation Facility (outdoor - 'golf course') comprising the demolition of an existing ancillary building and the erection of a new ancillary maintenance and staff amenities building, on-grade car parking, landscaping and use of the building at Lot 1, DP 115160 and known as 87A Jubilee Avenue, Beverley Park, subject to the following conditions:

Part #A - Deferred Commencement conditions:

Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979* (NSW) the person entitled to act on this development consent (**consent**) must satisfy the following deferred commencement conditions prior to the consent becoming operative:

(A) The submitted Operational Plan of Management - Beverley Park Golf Club dated October 2019 shall be amended as follows:

- (i) Part 1 - Hours of Operation - Paragraph 1 shall be amended as follows:
 - 1. The ancillary maintenance and staff facilities building shall only operate between the following hours
 - The internal use of the building between Monday to Sunday inclusive shall be from 4.00am to 5.00pm.

- The external use of Greens Keeper machines/vehicles shall be limited to Monday to Sunday inclusive from 5.00am to 5.00pm from 1 September to 30 April; and 6.00am to 5.00pm from 1 May to 31 August.
- The use of the maintenance workshop within the building shall only be used between 7.00am to 5.00pm.
- The building (or any external activities) shall not be used (or operate) on Christmas Day and Good Friday.

(ii) Part 3 - Noise Management Measures - Paragraphs 6, 7 and 8 shall be amended as follows:

6. The use of the bobcat and any other noise generating tools such as chainsaws and the like in the vicinity of the building shall only be operated between the hours of 7.00am to 4.00pm. The only exception would be in the case of an emergency or unforeseen circumstances.

7. Paragraph 7 to be deleted and entitled 'deleted'.

8. All truck deliveries to the site are to occur between the hours of 7.00am to 4.00pm. There shall no deliveries on Christmas Day and Good Friday.

(iii) Part 9 - Complaints Management - Additional requirements:

All staff shall be trained to direct complaints as described within this Part.

Notes:

- The matters required to be done that will sufficiently enable the Council to be satisfied as to compliance with the matters to be done under conditions (A)(i), (ii) and (iii) inclusive must be submitted to the Council within three (3) months of the date of the determination of this consent, failing which, this deferred commencement consent will lapse pursuant to s 4.53 of the *Environmental Planning and Assessment Act 1979* (NSW).
- This deferred commencement consent will not become operative until such time that the Council notifies the person entitled to act on the consent in writing pursuant to cl 95(5) of the *Environmental Planning and Assessment Regulation 2000* (NSW) that the requirements set out in (A)(i), (ii) and (iii) above have been satisfied.
- Upon the Council notifying the person entitled to act on this consent that deferred commencement conditions (A)(i), (ii) and (iii) have been satisfied, the consent will become operative from the date of the written notification and be subject to the conditions set out in Part #B.

Part #B - Operative Conditions

The following are the operative conditions imposed pursuant to s 4.17 of the *Environmental Planning and Assessment Act 1979 NSW*):

As per the conditions set out in the report entitled 'Electronic Report To Georges River Local Planning Panel Following Deferral of 20 February 2020' with the following amendments:

Condition 1

- Operational Plan of Management as amended by deferred commencement condition in Part A.

Condition 2(c) - deleted.

Condition 83 - Hours of Operation - The use of the ancillary building shall be as follows:

- The internal use of the building between Monday to Sunday inclusive shall be from 4.00am to 5.00pm.
- The external use of Greens Keeper machines/vehicles shall be limited to Monday to Sunday inclusive from 5.00am to 5.00pm from 1 September to 30 April; and 6.00am to 5.00pm from 1 May to 31 August.
- The use of the maintenance workshop within the building shall only be used between 7.00am to 5.00pm.
- The building (or any external activities) shall not be used (or operate) on Christmas Day and Good Friday.

Date of determination: 29 April 2020

Voting: Unanimous

Statement of Reasons: This development application was initially presented to the Panel on 20 February 2020. Following a detailed site inspection of the subject premises and inspections of three of the immediate adjoining properties to the east of the premises it was decided to defer the application to allow the applicant to amend the plans and details and to provide amendments to the Operational Plan of Management. As presented at the time the application, if approved, would have created likely noise impacts to the adjoining residents. Subsequent to the deferral the applicant provided a number of amendments which have now resolved the Panel's initial amenity concerns. These amendments have resulted in more generous rear boundary setbacks to the adjoining residential properties to the east along with better car parking arrangements and landscaping to buffer and reduce the visual and acoustic issues raised by the objecting neighbours. In addition to this, the applicant has also revised the Operational Plan of Management to better address the noise impacts, though a few minor amendments have been requested through the deferred commencement conditions now imposed.

As result of the amendments now offered and with the deferred commencement conditions imposed to further improve neighbourhood amenity, the development application is now worthy of the grant of development consent.

Confirmed: Paul Vergotis (Chair), Michael Leavey (Expert), Helen Deegan (Expert) and George Vardas (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (NSW).

Dated: 29 April 2020



Paul Vergotis
Chairperson



Helen Deegan
Expert Panel Member



Michael Leavey
Expert Panel Member



George Vardas
Community Representative
