

5.2 NO. 305 (LOT: 4, D/P: 1602) FITZGERALD STREET, WEST PERTH - CHANGE OF USE FROM WAREHOUSE TO RECREATION PRIVATE (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)

- Attachments:
1. Consultation and Location Map
 2. Development Plans
 3. Applicant's Supporting Information
 4. Previous Development Approvals
 5. Summary of Submissions - Administration's Response
 6. Summary of Submissions - Applicant Response
 7. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application **to amend Development Approval 5.2014.124.1 dated 4 June 2014** for Change of Use from Warehouse to Recreation Private (Amendment to Approved) at No. 305 (Lot: 4; D/P: 1602) Fitzgerald Street, West Perth, in accordance with the plans shown in Attachment 2, subject to the following **conditions** and with the associated determination advice notes included in Attachment 7:

1. All conditions and requirements detailed on development approval 5.2014.124.1 dated 4 June 2014 continue apply to this approval, except as follows:
 - 1.1 Condition 2 is deleted;
 - 1.2 Condition 3 is deleted and replaced with:
 - 1.2.1 The maximum total number of clients shall be limited to twenty (20) at any one time;
 - 1.3 **Condition 4 is deleted and replaced with:**
 - 1.3.1 **Hours of Operation**
 - 4.1 **Prior to the provision of the amended Noise Management Plan in satisfaction of Condition 8 below, the hours of operation shall be limited to 6:00am to 9:00am and 5:00pm to 8:00pm Monday to Friday and 7:00am to 12:00pm Saturday; and**
 - 4.2 **Upon provision of the amended Noise Management Plan to the City in satisfaction of Condition 8 below, the hours of operation shall be limited to 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday; ~~to the satisfaction of the City;~~**
 - 1.4 **Condition 8 is added:**
 8. **Noise Management Plan**
 - 8.1 **Within 28 days of the issue of this approval, the Applicant must engage a suitably qualified acoustic consultant to:**
 - (a) **Review the Fibre Active West Noise Management Plan dated 26 October 2020 (NMP) submitted with this application to ascertain whether the measures specified in the NMP are sufficient to ensure noise emissions from activities at the premises will not exceed the assigned levels specified in the *Environmental Protection (Noise) Regulations 1997* (Assigned Levels) at all times during which the premises operates, namely 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday;**

- (b) Consider whether any additional measures are required to ensure noise emissions from activities at the premises will not exceed the Assigned Levels at all times during which the premises operates; and
 - (c) Prepare a report which states whether the measures specified in the NMP will ensure noise emissions from activities at the premises will not exceed the Assigned Levels at any time and identifies any additional measures required to ensure noise emissions from activities at the premises do not exceed the Assigned Levels (Report);
- 8.2 Within 35 days of the issue of this approval, provide a copy of the Report to the City;
- 8.3 Within 42 days of the issue of this approval, provide an amended noise management plan (amended NMP) to the City which incorporates any additional measures specified in the Report and which:
- (a) provides mitigation measures to ensure noise emissions at the premises do not exceed the Assigned Levels at any time during which the premises is operating, namely 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday;
 - (b) incorporates any additional measures specified in the Report; and
 - (c) a procedure for dealing with complaints and breaches of the amended NMP, to the City's satisfaction; and
- 8.4 The use of the premises shall be carried out in accordance with the amended NMP at all times.
- ~~8.1 Within 28 days of the issue of this approval, an amended Noise Management Plan shall be submitted to the satisfaction of the City outlining measures that will be implemented to mitigate the impact of noise on surrounding residents and tenancies, including the following:~~
- ~~8.1.1 A completed technical review undertaken by an acoustic consultant that demonstrates that the noise management strategies set out in the Noise Management Plan are effective at mitigating the impact of noise and achieves compliance with the assigned levels of the *Environmental Protection (Noise) Regulations 1997*; and~~
- ~~8.1.2 The management procedure for addressing breaches of the Noise Management Plan and the compliance action that will be undertaken by the gym occupier/owner where breaches are identified;~~
- ~~8.2 The use of the premises shall be carried out in accordance with the Noise Management Plan approved by the City thereafter and all requirements of the Noise Management Plan shall be implemented to the satisfaction of the City;~~
- ~~8.3 A review of the Noise Management Plan shall be undertaken within six months and again within 12 months of the issue of this approval. Any changes identified as part of these reviews, or required by the City, shall be incorporated into an updated Noise Management Plan to be submitted to the City for approval within 14 days of the date of the review. The development shall thereafter operate in accordance with the updated and approved Noise Management Plan;~~
- ~~8.4 Any changes made to the Noise Management Plan by management shall be submitted to and approved by the City; and~~
- ~~8.5 Any change in ownership or management requires a new Noise Management Plan to be submitted to and approved by the City that outlines the measures~~

~~that will be implemented so as to minimise the impact of noise on surrounding residents and tenancies.~~

PURPOSE OF REPORT:

To consider an application for development approval for an amendment to a previous approval for a Change of Use from Warehouse to Recreation Private (Unauthorised Existing Development) at No. 305 Fitzgerald Street, West Perth (subject site).

PROPOSAL:

The subject site is located at No. 305 Fitzgerald Street, West Perth, as shown on the location plan as included as **Attachment 1**.

A Recreation Private use (Gym) has operated at the subject site from August 2013 in accordance with the development application approved by Council at the Ordinary Meeting of Council held on 26 March 2013 and amended application approved by Administration under Delegated Authority on 4 June 2014.

The use is a 'CrossFit Gym' which is a structured high-intensity interval training fitness class under the guidance of a coach with activities consisting of a combination of free weight exercises, skipping and rowing.

The amendments proposed as part of this development application are summarised as follows:

Occupancy Numbers

The proposed development application seeks to increase the number of occupants on-site at any given time. The Gym currently operates in accordance with Conditions 2 and 3 of the previous approval that provides the following occupancy numbers:

2. *The maximum total number of employees shall be limited to five (5) at any one time*
3. *The maximum total number of clients shall be limited to fifteen (15) at any one time*

The application proposes to delete Condition 2 relating to the maximum number of employees and proposes to amend Condition 3 relating to the maximum number of clients, to allow a maximum of 20 clients on-site at any one time.

Operating Hours

The proposed development application seeks an amendment to the previously approved operating hours to broaden the usage of the facility. The use currently operates in accordance with Condition 4 of the previous approval that provides the following operating hours:

2. *The hours of operation shall be limited to 6:00am to 9:00am and 5:00pm to 8:00pm Monday to Friday and 7:00am to 12:00pm Saturday, inclusive and accordingly, the classes shall be scheduled to allow a 15 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility.*

The application proposes to amend Condition 4 relating to the hours of operation to:

- (a) Allow the premises to operate from 5:30am to 8:00pm Monday to Friday;
- (b) Allow the premises to operate from 7:00am to 5:00pm on Saturday; and
- (c) Remove the requirement to have a 15 minute interval between classes.

~~Council would only be considering use of the premises for the additional hours proposed given all other operating hours as detailed within Condition 4 have been previously approved.~~

Advertising Signage

The development application also seeks approval for three unauthorised existing signs on the Fitzgerald Street elevation of the building.

All other aspects of the use remain as per the previous approval.

The proposed development plans are included in **Attachment 2**. The supporting information provided by the applicant is included in **Attachment 3**, comprising a summary of the proposed amendments, Parking Management Plan and Noise Management Plan.

BACKGROUND:

Landowner:	Jedan Holdings Pty Ltd
Applicant:	Bjorn Voon
Date of Application:	4 August 2020
Zoning:	MRS: Urban LPS2: Zone: Commercial R Code: N/A
Built Form Area:	Activity Corridor
Existing Land Use:	Recreation Private
Proposed Use Class:	Recreation Private
Lot Area:	354.5m ²
Right of Way (ROW):	No
Heritage List:	No

The subject site is bound by Fitzgerald Street to the south-east, Eden Street to the north-west and commercial properties to the north and south. On the opposite side of Fitzgerald Street are commercial developments and on the opposite side of Eden Street are residential developments including Single Houses and Grouped Dwellings.

The subject site and adjoining properties along Fitzgerald Street are zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2) and are within the Activity Corridor as prescribed under the City's Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy). The adjoining properties across Eden Street are zoned Residential R80 under LPS 2 and are within the Residential Built Form Area under the Built Form Policy.

Previous Approvals

At the Ordinary Council Meeting of 26 March 2013 Council approved the proposed change of use from 'Warehouse' to 'Recreation Private'. In accordance with Condition 4 of the approval, the term of approval issued for this application was one year after which time the applicant was required to obtain further development approval.

On 20 March 2014 the applicant lodged a development application seeking approval for the Recreation Private use in perpetuity. Following assessment the application was approved under Delegated Authority on 4 June 2014. Based on the Delegated Authority Register for 2013/2014, the determination was permitted under Delegated Authority. The Delegated Authority Register 2013/2014 did not require amended development applications to be referred back to Council for determination and when advertised the application received less than six written objections.

The Minutes of the 26 March 2013 Ordinary Council Meeting, the 4 June 2014 Delegated Approval Notice and previously approved development plans are included as **Attachment 4**.

Previous Compliance

A compliance investigation commenced in relation to the Gym in May 2020 following a number of complaints that were received in relation to noise, operating hours and vibration impacts from the Gym. The applicant has submitted the proposed development application seeking approval for the change in operation hours and signage in response to the compliance investigation.

The Gym has since altered their morning operating time to start again at 6:00am, in accordance with the previously approved operating hours. **The Gym is still however operating a class at 1:00pm Monday to Friday, which is outside the previously approved operating hours. Administration exercised its discretion under Policy No. 4.1.22 – Prosecution and Enforcement to allow the Gym to operate between 9:00am and 5:00pm.**

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, Policy No. 7.5.2 – Signs and Advertising (Signs and Advertising Policy), Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy) and Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Non-Residential Development Parking Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Land Use		✓	
Parking	✓		
Bicycle Facilities	✓		
Operating Hours	✓		
Advertising Signage			✓
Sound Attenuation			✓

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Advertising Signs	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.2 – Signs and Advertising Two wall signs permitted	Three wall signs proposed.
Sound Attenuation	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.21 – Sound Attenuation Acoustic report required for non-residential uses that propose amplified music	Acoustic report not provided.

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days from 4 September 2020 to 17 September 2020. The method of consultation included website notification and 14 letters being mailed to all the owners and occupiers of the properties adjoining the subject site, as shown in **Attachment 1**.

During the community consultation, the City received a total of 98 submissions, including five objections and 93 letters of support. The concerns raised are summarised as follows:

- Dropping of weights, music and yelling of trainers causes excessive noise and vibration which impacts the amenity of adjoining properties;
- Noise issues from the premises have been ongoing for a number of years; and
- The noise management measures proposed have not been verified.

The submissions received during the consultation period are summarised with their relative locations in the table below.

Submissions received during the	Within 100 metres	More than 100 metres	All
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advertising period	of subject site	from subject site	submissions
SUPPORT	5.1%	89.8%	94.9%
OBJECT	5.1%	0%	5.1%
OTHER (not stated/no opinion)	N/A	N/A	N/A

A summary of submissions and Administration's response is provided in **Attachment 5**. The Applicants response to the summary of submissions is included in **Attachment 6**.

Design Review Panel (DRP):

Referred to DRP: No

The application did not require referral to the DRP given there are no internal or external works proposed, with the exception of advertising signage.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.2 – Signs and Advertising;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Delegation to Determine Applications:

The application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. The application proposes to amend a development approval previously determined by Council that impacts the conditions imposed.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

The City has considered the application against the Environmentally Sustainable Design Provisions of the City's Policy No. 7.1.1 – Built Form, which is informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Car Parking

The following proposed amendments to previous conditions of approval would impact on car parking provisions and are discussed below:

- The proposed deletion of Condition 2 relating to the maximum number of employees permitted on-site at any given time;
- The proposed amendment to Condition 3 relating to the maximum number of clients, to allow a maximum of 20 clients on-site at any one time; and
- The proposed amendment of Condition 4 of the previous development approval to remove the requirement for a 15-minute interval to be provided between classes.

Applicant Justification

The Applicant has provided written justification and a Parking Management Plan in support of the proposed amendments to conditions, as included in **Attachment 3**. The Applicant's justification for the amendments is summarised below:

- The condition relating to the removal of the requirement for intervals between classes is not considered to be valid and applicable given the requirement for an interval is not referenced in any of the City's planning policies;
- Sufficient parking is provided in the locality to accommodate the use. As sufficient parking exists, the interval period is considered unreasonable in the context of class scheduling;
- The site is within close proximity to alternative transport including high frequency bus routes and pedestrian and cycle pathways. The use of these alternative methods would be encouraged by the owner; and
- Classes are not open to the public and must be reserved online, which provides certainty to the numbers attending the class.

Previous Approvals and Policy Requirements

In accordance with the Non-Residential Development Parking Policy, the Gym requires 0.22 car bays per person.

Under the Applicant's justification submitted as included in **Attachment 3**, the Gym proposes a total of 22 people to be on-site at any given time, including 20 clients and two staff, resulting in a requirement for 4.84 car bays to be provided on-site. There are three constructed car-bays on-site accessed from Eden Lane. The proposal results in a car parking shortfall of 1.8 car bays on-site.

Under the 2013 development approval, a car parking shortfall of 2.06 bays was approved, with the requirement for a cash-in-lieu payment of \$7,203. This was based on a total of 11 people being on-site at any one time.

Under the 2014 amended development approval an additional parking shortfall of 1.66 bays was approved with no additional requirement for cash-in-lieu contributions. This was based on a total of 20 people being on-site at any one time.

A total shortfall of 3.72 bays has been previously approved for the Gym under the 2013 and 2014 development approvals.

The City's Non-Residential Development Parking Policy came into effect in March 2018 that applied revised parking requirements for Recreation Private. While occupancy numbers have increased on-site, the revised parking provisions for Recreation Private under the current policy do not result in additional parking requirements for the site.

Based on the current policy and occupancy numbers, the development does not provide a further parking shortfall than that previously approved.

Administration Comments

The removal of Condition 2 relating to a limit on employees permitted on-site at any one time; the amendment to Condition 3 relating to the maximum number of clients increasing by five people; and the removal of the requirement for a 15 minute interval to be provided between classes is suitable for the following reasons:

- Administration did not receive community consultation objections in relation to car parking and the proposed condition modifications. The City received a number of support letters that highlighted car parking within the area is sufficient for members;
- The development does not result in a further shortfall to the previously approved parking shortfall;
- After seven years of operation, the Gym has demonstrated that the parking for the use does not have a detrimental impact on traffic or parking for residents or business in the area. The City has not received any complaints relating to car parking since the use commenced operation;
- The purpose of the Condition requiring intervals between classes was to ensure clients could leave the premises prior to new classes commencing to assist with car parking availability. There are a number of on-street parking options within close proximity of the subject site which can suitably accommodate parking without the need for intervals between classes, including:
 - 16 bays along Eden Street between Bulwer Street and Vincent Street (no time restrictions applicable);
 - 10 bays along Fitzgerald Street between Bulwer Street and Vincent Street (only time restrictions relate to bus lanes. No parking permitted between 6:30am – 9:00am heading south. No parking permitted between 4:30pm – 6:00pm heading north);
 - 36 bays along Bulwer Street between Fitzgerald Street and Vincent Street (2 hour time restriction between 8:00am and 5:30pm);
- The development provides four short term bicycle bays and can provide long term bicycle bays within the premises. End of trip facilities have been provided to accommodate visitors accessing the development by cycling. There are dedicated cycle lanes on both sides of Bulwer Street and in addition there are footpaths provided on both sides of Fitzgerald Street, Eden Street and Vincent Street;
- The subject site is well serviced by public transport being located on a high frequency bus route along Fitzgerald Street; and
- There is minimal risk removing the condition requiring a number of staff on-site as the Applicant's written justification details that two staff would be expected to be on-site at any given time. It is not expected that the number of staff would substantially increase given the client numbers proposed. It is likely that staff, if driving to work, would park within the on-site bays.

Sufficient on-site parking is provided for staff of the development and there is sufficient alternative transport methods and public parking within the vicinity of the subject site to accommodate any customer parking demand. The amendments as proposed meet the objectives of the Non-Residential Development Parking Policy and are supported.

Signage

The City's Policy No. 7.5.2 – Signs and Advertising (Signs and Advertising Policy) permits a maximum of two wall signs per tenancy. The development application seeks approval for three unauthorised existing wall signs to the Fitzgerald Street elevation.

The City did not receive specific community submissions relating to the proposed advertising signage. The proposal is consistent with the objectives of the Signs and Advertising Policy as follows:

- The signage provided meets the permitted dimensions and area as prescribed in the Signs and Advertising Policy;
- The scale and design of the signage is appropriate to the building and the architectural detailing to which it relates. The additional signage does not result in a proliferation of signage;
- As two of the signs are white in colour and attached to a white wall, the signage does not dominate the streetscape;
- The scale and design of the signage is compatible with the existing surrounding development and the size and colours of the sign are appropriate with the area; and
- The proposal ensures that the signage does not adversely impact the amenity of the surrounding properties, while providing appropriate exposure of the proposed use.

Noise Management

Proposed Amendments

The application seeks approval for additional operating hours to broaden the use of the Gym. The use currently operates in accordance with Condition 4 of the previous approval that provides the following operating hours:

4. *The hours of operation shall be limited to 6:00am to 9:00am and 5:00pm to 8:00pm Monday to Friday and 7:00am to 12:00pm Saturday, inclusive and accordingly, the classes shall be scheduled to allow a 15 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility.*

The additional operating hours to be considered as part of this application are:

- Monday to Friday 5:30am – 6:00am;
- Monday to Friday 9:00am – 5:00pm; and
- Saturday 12:00pm – 5:00pm.

~~All other operating hours have been previously approved and cannot be contemplated under this development application.~~

Policy Requirements

The City does not have any Local Planning Policies that outline requirements for operating hours for Recreation Private uses but the City's Sound Attenuation Policy requires development applications for non-residential uses that involve amplified music to be accompanied by an acoustic report.

The previous development applications for the use were approved without any acoustic report or noise management plan in support of the use.

Proposed Noise Mitigation Measures

The applicant has not provided an acoustic report prepared by an Acoustic Consultant/Engineer in support of the proposed additional operating hours and is seeking a variation to the Sound Attenuation Policy.

The Applicant has provided a Noise Management Plan and written justification to address the management of noise generated on site for the additional operating hours proposed. The proposed Noise Management Plan is included in **Attachment 3** and proposes the following measures:

- The use of rubber mats when certain weights may be dropped. The use of mats are for movements where there is a possibility that barbells may be dropped;
- Requirements for barbells and weights to be under control. The noise management plan states the only time weights will be dropped is when a person cannot safely control the weight;
- Implementation of volume control levels for different times of the day;
- Noise mitigation measures for amplified music, voice levels and the opening of roller door for different parts of the day; and
- Contact details of the Gym owner provided to all surrounding properties to assist in quick response to noise matters.

In addition to the Noise Management Plan measures proposed, the use would still be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

Administration Comments

The Noise Management Plan has not been prepared or verified by an acoustic consultant, as such, there is no evidence to confirm the mitigation measures will be effective to control the noise emitted from activities at the venue, or that the activities comply with the *Environmental Protection (Noise) Regulations 1997*. Since July 2020, Administration have consistently recommended the applicant engage the services of a noise specialist / acoustic consultant to provide them certainty around the proposal.

Administration consider the proposed noise management strategies will go some way to mitigating the impact of activities from the Gym, so long as the Gym rules are administered and any breaches of those rules are investigated.

The Noise Management Plan provides a commitment for the applicant to comply with what has been written within the Plan. The Noise Management Plan is a daily tool which would be used to manage the Gym. ~~A review of the Management Plan within six months and 12 months would ensure that if there are any matters to be addressed, the Plan could be updated.~~ The Noise Management Plan would also provide more assurance to the adjoining neighbours that the gym would control its activities on a daily basis in an appropriate manner.

It has been identified that additional measures could be included within the Noise Management Plan to better manage the activities of the Gym. Administration recommends a condition of development approval requiring an amended Noise Management Plan be submitted to the satisfaction of the City outlining measures that will be implemented to address any **complaints or** breaches to the Plan's requirements and the compliance measures that will be undertaken where breaches of these requirements are identified. This requirement would assist to minimise the impact of noise on surrounding residents and tenancies.

The applicant has suggested the measures have been tested with the adjoining properties but not by a technical expert. ~~Administration sought legal advice in relation to whether it would be reasonable to enforce a condition of approval requiring the Noise Management Plan to be reviewed by an acoustic consultant. This requirement would confirm that the management strategies would be effective in protecting the amenity of occupants in the surrounding properties from the impacts of noise and that they would achieve compliance with the assigned levels of the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations) for all hours of operation.~~

~~Legal advice received confirmed that it would be reasonable to require a technical review by an acoustic consultant as the City has received a number of complaints about noise and vibration and as the proposal is also significantly increasing the intensity of the discretionary land use. This is for amenity purposes and is irrespective of the need for the applicant to comply with the Noise Regulations.~~

~~The legal advice also confirmed that it is orderly and proper to impose noise management measures through the noise management plan for the entire operation of the land use and not just the operating hours proposed through the amendment.~~

~~As such, in response to a number of complaints received in relation to noise and vibration, Administration has recommended a condition of approval requiring a technical review to be undertaken by an acoustic consultant that demonstrates that the noise management strategies set out in the Noise Management Plan would be effective in meeting the assigned levels of the Noise Regulations.~~

~~The technical review would provide assurance to both the City and neighbouring properties that the measures implemented by the Noise Management Plan would be effective in mitigating the impact of noise to not adversely impact the amenity and comfort of surrounding properties.~~

An advice note has also been recommended regarding the requirement to have ongoing compliance with the Regulations. The operation is required to comply at all times with all aspects of the Regulations, irrespective of what conditions are imposed on the development approval. Should the City receive a justified complaint regarding unreasonable noise **or vibration** from the venue, the City's Authorised Officers would investigate and take necessary action according to the Regulations.

If the application is approved by Council the City's Compliance Services team would follow up the compliance with the Noise Management Plan related conditions to ensure they are met within **the specified timeframes** and that the recommendations as provided within the Noise Management Plan are implemented.

The proposed amendment to the approval is supported, subject to the recommended conditions relating to the Noise Management Plan.