



ATTACHMENTS TO REPORTS –

Item 10.3 – 15/0888.02 – s4.55 Modification to Extend Period of Consent for Events from 3 to 6 Calendar Years, Lot 31 DP 597610, Greenhills Road, Berrima

ORDINARY COUNCIL MEETING

Wednesday 14 November 2018

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Attachments to Reports

Item

10.3 15/0888.02 Section 4.55 Modification to Extend Period of Consent for Events from 3 to 6 Calendar Years, Lot 31 DP597610, Greenhills Road, Berrima

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ATTACHMENTS TO REPORT

Item 10.3

15/0888.02 Section 4.55 Modification to Extend Period of Consent for Events from 3 to 6 Calendar Years, Lot 31 DP597610, Greenhills Road, Berrima

Attachment 1

Draft Conditions of Consent

Attachment 2

Site Location



Attachment 1 – Draft Conditions of Consent

SUMMARY SCHEDULE OF MODIFIED CONDITIONS

ADMINISTRATION CONDITIONS – Added 10/10/2018

1. Development Description – Added 10/10/2018

Development consent has been granted in accordance with this notice of determination for the purposes of Temporary Event (Section 4.55 modification – Extend period of consent for events from 3 to 6 calendar years).

Reason: *To confirm the use of the approved development.*

2. Time Limited Consent – Added 10/10/2018

This is “a time limited” consent issued in accordance with section 4.53(2) of *the Environmental Planning and Assessment Act 1979* and this condition limits the period during which the development may be carried out as follows:

(a) The extended use subject to this consent must cease on or before 10/10/2021.

If a new development application or section 4.55 (96) application is not lodged and determined within the time limits imposed by this consent, the development subject to this consent must cease as conditioned.

Note: *Where this condition is amended or deleted by any further section 4.55 application or the ongoing use is subject to a further development application, Council may, if it favourably considers such amendment or application; seek the surrender of previous consents.*

This condition has been imposed to allow a review of the practical effect of this consent through the submission of a new development application or the further assessment of an application to amend or delete this condition under section 96 of the Act prior to this consent's expiration in accordance with this condition.

Note: *The purpose of the condition is to allow development that may have an adverse impact upon the amenity of the neighbourhood, to proceed for a trial period whereby towards the end of the trial period, the person(s) with the benefit of this consent can seek the amendment or deletion of this condition pursuant to section 96 of the Act or submit a new development application where the imposed continuation of the development is not substantially the same development.*

Reason: *To clarify the terms of this consent and provide Council with control for future use of premises.*

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3. Inconsistency Between Documents – Added 10/10/2018

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

14. Temporary Use of Land - Clause 2.8 of the Wingecarribee Local Environmental Plan 2010 – Modified 10/10/2018

Approval for the temporary events is granted for ~~one (1)~~ **three (3)** ~~six (6)~~ calendar years commencing from the issue date appearing upon this consent notice **for a Temporary Use Land, to be carried out strictly in accordance with the provisions of clause 2.8(2) of the Wingecarribee Local Environmental Plan 2010 to permit the conduct of events as nominated in the Statement of Environmental Effects for a maximum period of 60 days (whether or not consecutive days) in any period of 12 months.**

~~[As modified by DA15/0888.01 approved on 30 November 2016]~~

SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

CONDITIONS

ADMINISTRATION CONDITIONS – Added 10/10/2018

1. Development Description – Added 10/10/2018

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Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance

Development is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

5. Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$20,000,000 cover.

6. Disabled Car Parking

Proposed disabled car parking spaces are to be in accordance with the latest AS2890.1 and AS2890.6.

7. Public Liability

A copy of the Public Liability Insurance (minimum of \$20 000 000) is to be submitted to Council prior to the event.

8. Internal Traffic Management

A Traffic Control Plan (TCP) for internal the management of internal traffic shall be prepared, and provided to Council **for approval before the next scheduled event after the issue**

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date of DA15/0888.01. Sufficient internal signage shall be provided by the operator to ensure that parking is carried out in an orderly and safe manner.

[As modified by DA15/0888.01 approved on 30 November 2016]

9. Risk Management Plan

The event operator shall have in place a risk management plan for the event, including an evacuation plan with public address system, crowd control, lighting plan and signage plan (with clear directional signage). The NSW Police Force are also to be notified of the event.

The event operator shall ensure full adherence with the risk management plan and risk assessment prepared for the event, including an evacuation plan with public address system, crowd control, lighting plan and signage plan (with clear directional signage).

The event co-ordinator shall be responsible for managing the activities and for maintaining good order and conduct on the around the site.

10. Noise Impacts

- (i) In order to mitigate noise impacts:
 - Outdoor music is to be of an acoustic nature only such as piano and string quartet.
 - All patrons must not generate excessive noise.
 - Performances must conclude by 10:00pm to allow for people to leave the site before 10:00pm.
- (ii) Performance Art events within the marquee located to the north of the two storey dwelling, must be limited to small orchestras and solo artists, and ideally should be orientated towards the south.

11. Parking and Traffic

To ensure that traffic and on-site car parking is properly managed:

- No parking is to be allowed on Greenhills Road.
- Parking wardens are to be stationed on the site to direct cars to the parking area.
- Temporary directional signage is to be provided for each event.
- Parking wardens stationed on the site are to ensure no queuing of vehicles on Greenhills Road.

12. Toilets for the Disabled

Details of provision of temporary WCs for the disabled are to be provided to Council prior to holding the first event.

13. Plan of Management

The temporary events are to be managed in accordance with the 'Plan of Management' dated September 2015 submitted with the application.

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~~[As modified by DA15/0888.01 approved on 30 November 2016]~~

15. Operational Review Report

The applicant is to provide a report to Council one month after the last event held that addresses:

- The effectiveness of the implementation of the Plan of Management;
- Any complaints received and how they were responded to;
- Changes required (if any) to the Plan of Management and Risk Management Plan if the events were to be held for a further period after the 12 months expires;
- Any traffic and parking issues experienced;
- **Identification and explanation of each event undertaken;**
- **The number of people present at each event (staff and patrons);**
- **The number of temporary toilets provided for each event and the onsite contractor details who serviced the portable toilets;**
- **Any significant operational issues or situations that occurred.**

~~[As modified by DA15/0888.01 approved on 30 November 2016]~~

16. Fire Safety

- (a) A fire blanket, fire extinguisher and a fire/heat detector shall be installed in the temporary food premises.

17. Food Shop Requirements

The temporary food premises must be set up and operated in accordance with the Food Act, the Food Regulations and the Food Standards Code and the NSW Food Authority's Guidelines for Food Businesses at Temporary Events.

The event must be registered with the NSW Food Authority as a Temporary Food Event which can be done on line at www.foodnotify.nsw.gov.au and a copy provided to Council of such notification.

Note: Certified Food Safety Supervisors maybe required also for the temporary food stalls.

18. Food vending vehicles must also comply with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles*. This is in addition to the abovementioned legislation, standards and guidelines.

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19. Toilets must be provided for the use by all food handlers and maintained in a hygienic condition.
20. A hand washing facility must be provided immediately adjacent to the toilets. It has to have warm running water through a single outlet and be supplied with soap and paper towels.
21. WaterNSW

The following are the requirements of the Sydney Catchment Authority with regard to Sydney Drinking Water Catchment SEPP 2011:

- (i) Potential water quality impacts from toilets, food stalls, onsite parking and litter associated with the temporary use for events, shall be managed in accordance with the recommendations in the stormwater quality report (Ref No: 15000052-L-01; dated 8 September 2015), prepared by Strategic Environmental and Engineering Consulting.

Reason for Condition (i) – To ensure that the holding of the event will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality.

22. Emergency and Evacuation Plan

An Emergency and Evacuation Plan shall be prepared and submitted to Council for approval before the next scheduled event after the issue date of DA15/0888.01. The Emergency and Evacuation Plan shall be visually available to all present at each event.

[As modified by DA15/0888.01 approved on 30 November 2016]

23. Restoration/Rehabilitation of the Site

The site shall be restored/rehabilitated to the condition in which it was before the commencement of the event, immediately after the end of each event held.

[As modified by DA15/0888.01 approved on 30 November 2016]

24. Advertising Structure

BEFORE ANY ADVERTISING STRUCTURE IS ERECTED/ DISPLAYED the written approval of Council shall first be obtained, unless it is compliant with temporary signage requirements nominated at A6.19.6 of the Rural Lands Development Control Plan, which reads:

A6.19.6 Temporary signs:

- (i) Must only announce a local event of a religious, educational, cultural, political, social or recreational character or relates to a temporary matter in connection with the event.***
- (ii) Must not include advertising of a commercial nature (except for the name of the event's sponsor).***
- (iii) Must not be displayed earlier than 14 days before the day on which the event is to take place or commence and must be removed within 7 days after the completion of the event.***
- (iv) Must not be a fly poster taped to poles, hoardings or buildings.***

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NOTES:

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse five (5) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within six (6) months after receipt of this notice.

END OF CONDITIONS

ATTACHMENT 2 – SITE LOCATION



Figure 1: Aerial Image of the Subject Site