

The General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

Dear Sir,

SUBJECT: MODIFICATION TO 147/2018/DA
PROJECT: TEMPORARY USE – EVENTS – OLD BAR TAVERN
13 SALTWATER ROAD, OLD BAR

We are writing to request a Modification to the abovementioned Development Application 147/2018/DA (copy attached) under S4.55(1A) of the Environmental Planning and Assessment Act 1979 being a modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved.

In 2018 Council approved 147/2018/DA to allow Old Bar Tavern to hold up to 20 events a year on the Tavern grounds. Given the changing nature of Tavern operations under new management, the following modifications to 147/2018/DA are requested.

1. Extension of Hours for Some Events and Live/Amplified Music

Condition 11 of the approval allows for no more than twenty temporary events per calendar year. Such events can typically be weddings, community events and other shows. Such events are time limited to between 10am and 6pm by Condition 5 of the consent.

There is a business operational need for some of the events to host live/amplified music to coincide with other Old Bar events (ie Old Bar Festival) and to cater for the local live music industry.

It is proposed to hold up to 8 of the 20 events a year that may include live/amplified music between the hours of 10am to 10pm.

An acoustic report in support of this proposal is included with this application. The report concludes:

The noise emissions from the proposed alterations to the Hotel and the temporary event have the potential to comply with the required criteria with the implementations of the following recommendations:

6.1 Temporary Events

- *A noise limiter is to be installed to ensure the live music does not exceed 80 dB(A) at 1 meter from the speakers. All amplified equipment must be connected to the limiter.*
- *PA system should be designed to have multiple speakers surrounding the audience area rather than having two large speakers. This is to ensure music coverage while maintaining acoustic compliance from the PA system.*
- *All events are to cease at 10:00 pm*
- *Any power generators should be placed away from the event boundaries.*

This assessment has been conducted and appropriate noise emission criteria have been established in accordance with the Noise Guideline for Local Government.

This report shows compliance with the specific noise criteria with the implementation of the recommendations provided in this report. It is therefore recommended that planning approval be granted for the temporary events on the basis of acoustics.

It is therefore requested that the following conditions be modified to allow for these 8 events to occur.

- Condition 5 to allow the finish times for Saturdays, Sundays and Public Holidays to be till 10pm for 8 events per calendar year.
- Condition 8 to reflect the outcomes of the new Acoustic Report with part e deleted.
- Condition 11 to allow 8 of the 20 events to occur to 10pm with live/amplified music allowed for those events.

2. Toilet Amenity Requirements

Currently the approval requires the provision of 18 additional toilet amenities for temporary events. This is based on 250 people attending such events.

The number of people attending events across the 20 allowed per calendar year will vary. Some events may have 100 people, some may have 150 people etc. A request is made to modify Condition 3 to allow flexibility for the number of toilets based on the numbers attending each event. The following toilet numbers are proposed:

- 100 people - 7 extra portable toilets
- 150 people - 11 extra portable toilets

- 200 people - 15 extra portable toilets
- 250 people – 18 extra portable toilets

3. Conclusion

Clause 2.8 of Greater Taree Local Environmental Plan sets out the requirements for the Temporary use of land. The provisions of Clause 2.8 are addressed below.

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

The proposed modification will not compromise the future development of the land or have any detrimental economic, social amenity or environmental effects on the land. There will be a net positive economic and social effect by allowing carefully managed Music events.

- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

The modification will retain the 20 day approval.

- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

The proposed modification will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument.

- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

The submitted Acoustic Report indicates that the proposal can comply with the current Noise Policy requirements and any impacts on the amenity of neighbouring residents is acceptable. It is demonstrated that the increase in time to 10pm for 8 events with live/amplified music per year can achieve the limitations imposed by the original Condition 8 of the consent with no unacceptable impact on neighbouring residents.

- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

The proposed modification will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.

- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Following the end of the temporary use the land will be restored to the condition in which it was before the commencement of the use.

The proposed modifications to 147/2018/DA to allow Extension of Hours to 10pm and Live/Amplified Music for up to 8 of the 20 events per calendar year; and a change of the number of toilets for events is considered justified in this instance.

Should any further information be required please do not hesitate to contact the undersigned.

Yours faithfully
Midcoast Town Planning

A signed copy can be provided upon request

TONY FISH
Town Planner

27 November 2017

Ref: 147/2018/DA
Enquiries: Michael Griffith

Old Bar Tavern
942 Old Bar Rd
OLD BAR NSW 2430

NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81(1)(a)

Development Application No: 147/2018/DA

Development: Temporary Use - Events
Property Address: Lot 211 DP 753149
942 Old Bar Road Old Bar NSW 2430

Determination:	Approved Subject to Conditions
Determination Date:	27 November 2017
Consent to Operate From:	27 November 2017
Consent to lapse on:	27 November 2022
Statutory Instrument:	Greater Taree Local Environmental Plan 2010
Other Approvals:	Nil

General Requirements

The following conditions of consent are general conditions applying to the development.

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Plan Showing Proposed Minor Events	17044 DA_Wood_A	Mark Searles Consulting Surveyors	26 September 2017

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Separate application required for advertising structures

A separate development application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those approved in this consent or permitted as exempt development.

Reason: To limit the visual impact of advertising signs.

Conditions to be satisfied during Development Work

The following conditions of consent must be complied with during any development work.

3. Set up requirements for public events

The following facilities for the public event must be provided in accordance with the requirements specified in the following table:

Facility	Requirements
Car parking spaces	As per approved plans. The existing car parking spaces for Old Bar Tavern must be made available for the event.
Toilet amenities	The existing toilets within Old Bar Tavern must be made available for the event. A minimum of 18 portable toilets, including 1 accessible toilet compliant with AS 1428.1 are to be provided. Disposal of sewage must be at a licensed sewerage treatment plant.
Garbage and recycling containers	Waste is to be disposed of using the existing services for the Old Bar Tavern.

Reason: To maintain public health, safety and amenity.



Ongoing Use

The following conditions must be satisfied during the ongoing use of the development.

4. Operation of car parking area

All car access driveways, turning areas and parking spaces must be provided and maintained in accordance with the approved plans.

Vehicles must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

Reason: To ensure that adequate and parking facilities and safe manoeuvring areas are provided on site.

5. Hours of operation

The hours of operation of the business are restricted to the times set out in the following table:

Period	Start Time	Finish Time
Saturdays	10am	6pm
Sundays and Public Holiday	10am	6pm
Deliveries	10am	6pm

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

6. Temporary Food Stalls

Food stalls, mobile food vending vehicles & food handlers must at all times comply with the requirements of the Food Act 2003, Food Standards Code and the NSW Food Authority's 'Guidelines for food businesses at temporary events' (June 2016, or as amended) and 'Guidelines for Mobile Food Vending Vehicles' (January 2017, or as amended).

Reason: To protect public health.

7. Interference on amenity

The proposed development is to be conducted in a manner so as not to interfere with the amenity of the area by reason of noise, vibration, wastewater, waste products or otherwise.

Reason: To maintain amenity to adjoining properties.

8. Noise Management

The development must be conducted in accordance with the provisions of the 'Acoustic Assessment for Proposed Events' prepared by Tumney Consulting (Ref 2017-10 401.1 Old Bar Tavern, dated 28 September 2017), including the following:

- a. A complaints log book must be kept by the operator which records the following information for all events:



- i. Date and time of any complaint;
 - ii. Contact details for the complainant;
 - iii. Nature of the complaint; and
 - iv. Management response to the complaint.
- b. A complaint contact number and individual shall be prominently displayed on signage at the property boundary (for the entire duration of each event) and on any electronic forums (including but not limited to web page, Facebook etc.).
- c. Noise from events must not exceed 75dB(A) L_{Amax} at the boundary of any adjoining residential property (if the property is a large lot, 75dB(A) L_{Amax} must not be exceeded at the most affected point within 30 metres of the residence).
- d. All Public Address speakers systems must be directed towards the tavern and the volume of the Public Address system must not exceed 75dB(A) at a distance of 15 metres from the speakers.
- e. Music concerts and amplified must not be permitted.

Reason: To protect the amenity of adjoining premises.

9. Notification to Council of Food Services

Prior to the commencement of each event, the organiser must ensure that each temporary food stall proprietor completes and submits to Council, a 'Notification to Council for Temporary Food Stall'.

Reason: To protect public health.

10. Vehicles not to be parked on adjoining roads

Any vehicles associated with the event must at all times be parked in the allocated on-site spaces. Parking is not permitted on Old Bar Road and Saltwater Road under this consent.

Reason: To maintain public safety and amenity.

11. Use of land for temporary events

This consent is limited to no more than twenty (20) temporary events in any calendar year without the further consent of the Consent Authority.

Reason: To protect the amenity of adjoining premises.

12. Temporary event area

All activities associated with the event are to occur in the 50x70m area identified on the approved plans.

Reason: To ensure compliance with the development consent.

13. Maintenance of vegetation

No vegetation clearing is to occur in relation to the approved activities.

Reason: To ensure compliance with the development consent and approved plans.



14. Operational requirements

Within 48 hours of the completion of the event, the site is to be returned to its pre-event state. No such signage, equipment or structures are to remain permanently on the site.

Reason: To maintain public health, safety and amenity.

15. Temporary event fencing

The temporary event site is to be temporarily fenced prior to each event commencing to prevent pedestrian and livestock access to Old Bar Road and Saltwater Road. The temporary fencing must remain in place until the completion of the event.

Reason: To ensure public health and safety.

16. Number of attendees at temporary events

No more than 250 patrons additional to the tavern patrons are permitted on the site at any one time.

Reason: To ensure public health and safety.

17. Overflow parking area access

An all weather vehicle access is to be provided to the overflow parking area. Where this requires earthworks e.g. access through the existing earth mound, details are to be provided to Council for approval prior to carrying out of the next scheduled event. Such details should include stabilisation of the mound and appropriate erosion and sediment control measures.

Reason: To ensure that vehicle accesses remain in a serviceable condition.

18. Event management

Provide to Council prior to the commencement of the next scheduled event, an Event Management Plan to cater for all likely future events. The Event Management Plan is to detail all aspects of the activities and detail measures to be put in place to ensure the carrying out of the event will have minimal impact on neighbouring properties and the environment.

Reason: To ensure public health and safety.

19. Amusement devices

Amusement devices as defined by the *Local Government Act 1993*, are not to be used in conjunction with the approved authorised without the further consent of Council.

Reason: To ensure public health and safety.



Advisory Note

Separate approval may be required by Mid Coast Water (MCW) where the development may have an effect on Mid Coast Water's Sewer and water infrastructure. To determine any requirements please contact MCW on 1300 133 455.

Are you dissatisfied with the determination?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may also apply to for a:

Modification of Consent

You may submit an application to Council to modify the consent under Section 96 of the Environmental Planning & Assessment Act, 1979. You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 96 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the NSW Land & Environment Council within six (6) months of the notification by Council.

Review of Determination

You may request Council to review its decision under Section 82A of the Environmental Planning and Assessment Act, 1979. Such a request must be in writing together with payment of the appropriate fee and made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

NOTE: This clause does not relate to Integrated Development, Designated Development, Complying Development or applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

Land and Environment Court Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

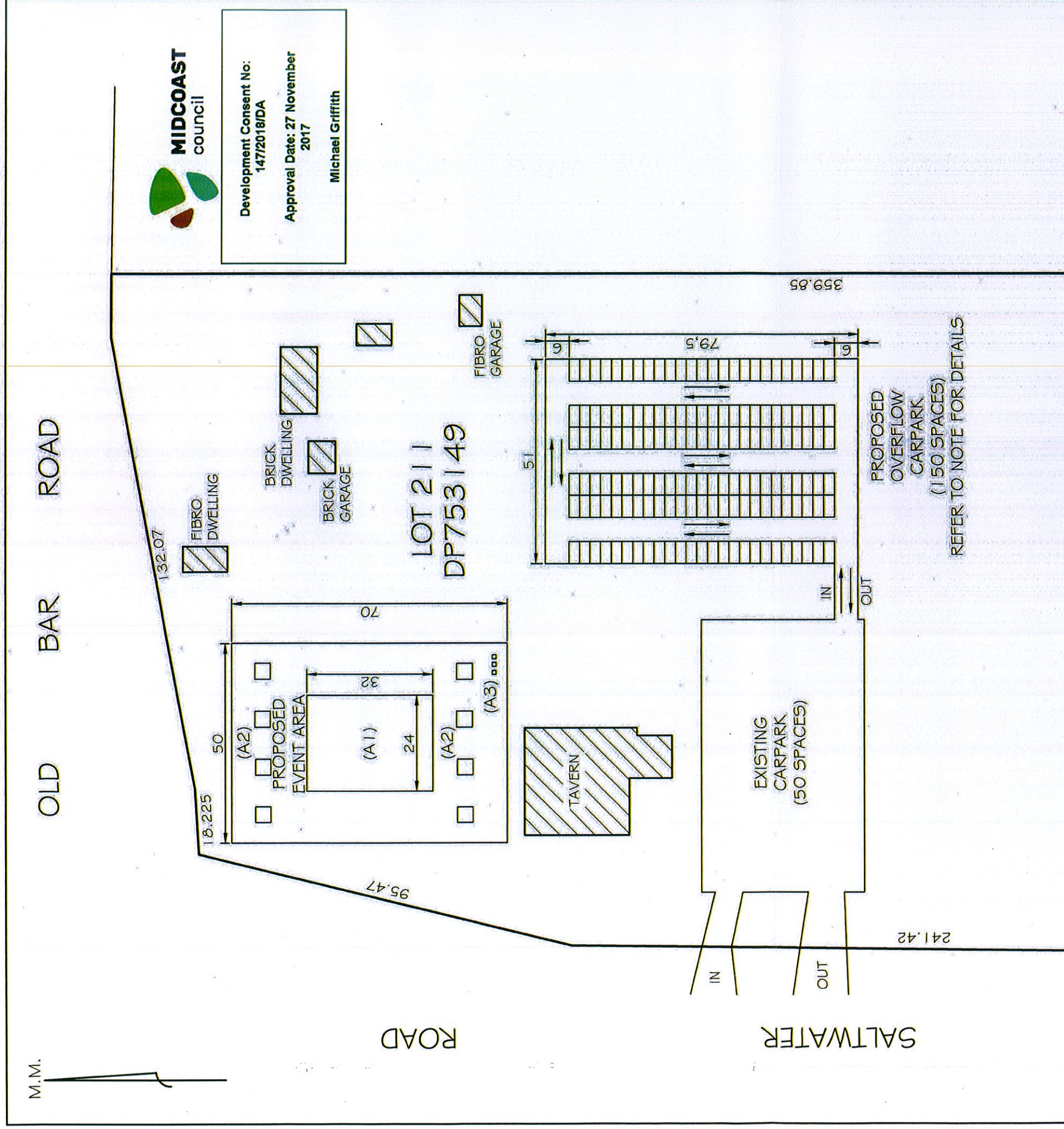
Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

M. Griffith

Michael Griffith
Town Planner

27 November 2017





KEY:

- (A1) - (32m x 24m) (ROPED OFF)
- (A2) - STALLS (about 4m x 4m)

NOTE:

1. PROPOSED CAR SPACES ARE 2.7 WIDE x 5.5 LONG

(A3) - PORTALCOOS x 3

PLAN SHOWING PROPOSED MINOR EVENTS

942 OLD BAR ROAD, OLD BAR
"OLD BAR TAVERN"

MARK SEARLES
CONSULTING SURVEYORS

L.G.A.: MID-COAST	Surveyed: N/A	Scale: 1:1000
Parish: BOHNOCK	Printed: 26 September 2017	Datum:
Locality: OLD BAR	Reference: 17044	Origin:
Client: MOKJJA PTY LTD	Drawing: 17044 DA_WOOD_A	Drawn: PC

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