

**Date:** 7 December 2010  
**Responsible Officer:** Salli Pendergast  
**Location:** Wyong Memorial Hall, 19 Margaret Street, 21 Margaret Street, 9 Margaret Street, 13 Margaret Street, WYONG  
Lot 1 Sec 7 DP 3136, Lot 2 Sec 7 DP 3136, Lot 3 Sec 7 DP 3136, Lot 4 Sec 7 DP 3136, Lot 9 Sec 6 DP 3136, LT 11 SEC 6 DP 3136 - CAR PARKING  
**Owner:** Wyong Shire Council  
**Applicant:** Wyong Shire Council  
**Date Of Application:** 24 September 2010  
**Application No:** DA/1155/2010  
**Proposed Development:** Entertainment Facility - Central Coast Arts and Conference Centre  
**Land Area:** 6070.50

### **Deferred commencement condition**

This consent does not operate until the Applicant has provided Council with evidence that it has secured all consents, certificates, easements and approvals required to establish and provide the "Off-street Car Park". For the purposes of this deferred commencement condition:

- The term "Off-street Car Park" means a car park (or car parks) providing a total of not less than 48 car parking spaces (including not less than 1 disabled car parking space) that comply with AS 2890.1:2004 and which is (or are) to be constructed on land other than a public road within 200 metres of the subject site. The documents that the Applicant is to provide to Council include all required development consents and construction certificates required under the *Environmental Planning and Assessment Act* for the Off-street Car Park(s) and all approvals, consents and permits required under the *Roads Act 1993* to connect the Off-street Car Park (s) to any adjacent public road.
- The Off-street Car Park must be available for use by the patrons of the subject development at all times that the subject development is permitted to be open pursuant to this consent. That availability must be secured by way of an easement registered over the title of the land on which the Off-street Car Park is (or are) to be located that burdens that land and which benefits the title of the land subject of this consent.

This is a condition imposed under s. 80(3) of the *Environmental Planning and Assessment Act 1979*.

### **PROPOSED CONDITIONS**

- 1 The development taking place in accordance with the approved development plans prepared by Tonkin, Zulaikha Greer Architects reference numbered A000/C, A005/C, A101/C, A102/C, A103/C, A104/C, A105/C, all dated 1 December 2010 and, A008/A, A100/A, A130/A, A131/A, A132/A, A133/A, A140/A, A141/A, A150/A, A151/A all dated 25 August 2010, Landscape plan numbered L01 issue A dated 30.7.10, prepared by JMD Design, and all supporting documentation submitted as part of the application except as modified by any conditions of this consent, and any amendments in red.

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

## **Prior to Release of Construction Certificate:**

***The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.***

### **Off Street Carpark**

- 3 Prior to issue of a Construction Certificate, the construction of the Off-street Car Park is to commence. For the purpose of this condition the term "Off-street Car Park" has the same meaning as in the deferred commencement condition in this consent.

### **Certificates/Engineering Details**

- 4 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. Should Council not have any record of the existing fire safety measures in the building or on the land a separate list of these existing fire safety measures is to be submitted. The lists must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.
- 5 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Principal Certifying Authority for the structural steelwork and concrete prior to the issue of a Construction Certificate.

### **Acoustic**

- 6 Prior to issue of a Construction Certificate all recommendations and measures contain within the Acoustic report prepared by Acoustic Studio and dated August 2010 shall be further detailed and transcribed on the plans and specifications. This will include full acoustic assessment of the proposed mechanical systems and the required noise controls included within mechanical tender documentation.

### **Contributions**

- 7 Prior to the issue of a Construction Certificate, the payment to Council of contributions under Section 94 of the Environmental Planning and Assessment Act and Council's Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

## **Erosion and Sediment Control – Building Sites**

- 8 Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.

## **External Materials**

- 9 In accordance with plan no. A009/A dated 1.12.10 prepared by Tonkin, Zulaikha Greer Architects the external shade curtain on the (west and south) building façades shall achieve the following outcomes and perform the following functions:
- Be non-reflective
  - Satisfy the energy efficiency performance requirements by providing the required level of shading to the glass external walls
  - Be retractable
  - Be durable, easy to maintain and vandal resistant
  - Be an aesthetically positive element in the façade
  - Be safe and secure
  - Not generate noise or inconvenience in windy or other adverse conditions

Further details including a sample of the selected material that satisfies the above criteria is to be provided prior to issue of a Construction Certificate.

## **Filling and Haulage**

- 10 Prior to the issue of a Construction Certificate, the submission to and approval by the Consent Authority of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.

## **Flooding**

- 11 Prior to the issue of the Construction Certificate the submission to the Principal Certifying Authority of plans detailing the following minimum floor levels;
- The minimum floor level of the building must be 0.5m above the 1%AEP flood level of 7.68 metres Australian Height Datum (AHD).
  - The provision of certification from a practising structural engineer that all sections of the approved structure which are subject to the force of water or debris due to a 1% AEP flood, have been designed to resist the stresses thereby induced. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.

- All building materials used or located below the 1% AEP flood level must be flood compatible and the internal areas of lower operational levels (Orchestra Pit) appropriately waterproofed. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.
- The ventilation openings located on the eastern building elevation adjacent Pauline Lane shall be sealed in prevent the ingress of flood waters.
- The Electrical Sub Station shall be raised to a level 500mm above the 1 % AEP flood level within Pauline Lane.
- The storage of all toxic or pollutant substances or other products which may be hazardous or pollute flood waters at a minimum level of RL 8.18 metres above AHD being 500mm above the 1% AEP flood level. Alternatively these materials must be placed within an area protected by bunds constructed to a height such that no flood waters can enter the bunded area if the flood level rose to 500mm above the 1% AEP flood level.

### **Food Act Requirements**

- 12 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

### **Public Art**

- 13 The applicant is to prepare a public art masterplan incorporating a final design concept for public art work/s in consultation with Council that provides public art as part of the development at the applicant's cost. The public art work/s shall be planned for, designed, approved and implemented in accordance with the provisions of Council's DCP Chapter 112 for Public Art.

### **Roads**

- 14 Separate approval from the Roads Authority must be obtained under the Roads Act 1993 prior to the issue of a Construction Certificate for any works within a Council road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the Construction Certificate.
- 15 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.

- 16 The submission of a comprehensive road signage and pavement marking plan identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic/Development Committee prior to issue of the Construction Certificate.
- 17 The reconstruction of the Anzac Avenue and Pauline Lane intersection to accommodate a turning HRV (12.5m service vehicle) when accessing the loading dock from Anzac Avenue. The works shall include the provision of kerb returns, full width footpath, pram ramps, removable bollards and a pavement treatment to delineate a "Shared Zone" at the southern end of Pauline Lane. Note: The Pauline Lane southern entry carriageway width shall also accommodate a 19.0 metre articulated vehicle. A Traffic Management Plan shall be prepared to address all traffic and parking arrangements within Anzac Avenue and Pauline Lane necessary to facilitate HRV and articulated service vehicle access.
- 18 The provision of concrete foot paving to Anzac Avenue and Margaret Streets in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Note: The stair way and pedestrian ramp encroachment along Anzac Avenue and Margaret Street shall be removed from the road reserve and accordingly the building entry podium adjusted. The design plans must be approved by the Principal Certifying Authority prior to issue of a Construction Certificate.
- 19 The reconstruction of the Pauline Lane carriageway including the car parking spaces in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The works shall include kerb and gutter to both sides of the carriageway, line marking, signage and pavement resurfacing works along the entire length of Pauline Lane to delineate a "Shared Zone".

The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate.

### **Temporary Pedestrian Refuges**

- 20 The provision of temporary pedestrian refuges within the Margaret Street and Anzac Avenue carriageways to facilitate safe pedestrian movements to the centre. The temporary refuges are to be located in close proximity to the main pedestrian entry podium and will remain in place until the installation and operation of a signalised Margaret Street and Anzac Avenue intersection. The works shall incorporate adjustment to the existing line marking, signage and the on street parking within the immediate area. The design plans must be approved by Council prior to the issue of a Construction Certificate.

### **Traffic Management Plan**

- 21 A Traffic Management Plan is to be submitted and approval received from Council, prior to issue of the Construction Certificate. Within the document the applicant is to:
  - Demonstrate how delivery vehicles are to enter the property and be off-loaded,

- Identify traffic controls and temporary parking restrictions in Anzac Avenue.
- Provide details of the proposed signage on Margaret Street for the proposed drop off zone
- Demonstrate how bus and coach set-down and pick-up will be managed for weekday matinee events.

The Traffic Management Plan is to be forwarded to the Wyong Local Traffic Committee for consideration prior to the issue of a Construction Certificate.

### **Drop Off Zone - signage**

- 22 Details of the proposed signage on Margaret Street for the proposed drop off zone are to be forwarded to the Wyong Local Traffic Committee for consideration prior to the issue of a Construction Certificate. The installation of signage is to be carried out by the applicant at no cost to Council

### **Vehicle Access and Parking**

- 23 The design of the carpark and accesses in accordance with AS2890.1/2.
- a. The car spaces No.s 3-12 and 14-21 (minmum 2.5m x 4.8m) shall be controlled by a low kerb to allow 600mm overhang.
  - b. Car Parking space No.13 shall be sign posted "Small Vehicle Only".

Design plans detailing compliance with AS2890.1.2004 are to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

### **Stormwater**

- 24 Stormwater drainage works discharging from the site into a public system or public land require approval from Council under Section 68 of the Local Government Act. The extent of work must be determined by the Consent Authority prior to issue of a Construction Certificate. All works are to be designed and constructed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Design plans must be approved by Council prior to issue of a Construction Certificate.
- 25 The construction of Trunk Drainage augumentation works (Concrete Box Culvert) from the existing 3.6x1.2metre box culvert within Pauline Lane along Anzac Road connecting to the existing piped stormwater drainage system within Frank Balance Memorial Park. The trunk drainage works are to be operational prior to the removal of the existing 900mm diameter pipeline that traverses the site and the commencement of the building (Performing Arts and Conference Centre) construction works.

The Trunk Drainage works are to be designed to accommodate the 1%AEP storm event in accordance with the Stormwater Drainage Investigation prepared by Cardno Lawson Treloar (June 2010). The construction works are to be carried out in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Design plans must be approved by Council prior to issue of the Cultural Centre building Construction Certificate.

- 26 The provision of a stormwater system with water quality control facilities to service the building are required to treat stormwater runoff from the development. The design shall be prepared in accordance with Council's Urban Stormwater Quality Management Plan for the Tuggerah Lakes and Coastal Catchments and Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans must be submitted to and approved by the Principal Certifying Authority prior to issue of a Construction Certificate.
- 27 The stormwater drainage system servicing the building shall include the provision of a Rainwater Re-Use system to collect generated run-off from the roofed areas to service toilet flushing and landscaping within the site. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures . The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Design plans must be approved by Council prior to issue of the Construction Certificate.

#### **Liquid Trade Waste**

- 28 The submission of a trade waste application and subsequent approval by Council to discharge liquid trade waste in to the sewerage system prior to issue of the Construction Certificate.

### **Prior to Commencement of Works:**

***The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.***

#### **Approved Plans**

- 29 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

#### **Construction**

- 30 Any excavation below the level of footings of buildings on adjoining allotments requires the preservation and protection of the buildings from damage, and if necessary, underpinning and support of the building in a manner certified by a Practising Structural Engineer. In circumstances where the excavation could result in damage to the adjoining property, underpinning works shall be undertaken immediately after excavation works are completed. Alternatively, the approved retaining walls shall be constructed. The owner of the adjoining property must be given written notice of the intention to excavate and provided with details of the proposed work at least seven (7) days prior to excavation.

**Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

## **Demolition**

- 31 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 32 Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.
- 33 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 318 of the *Occupational Health and Safety Regulation 2001*.
  - a the person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
  - b any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered.

## **Dilapidation**

- 34 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.
- 35 The applicant must supply the Consent Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to commencement of work and will be made available by the Consent Authority in any private dispute between the neighbours regarding damage arising from site and construction works.

## **Dust Control**

- 36 Appropriate measures shall be employed by the applicant/owner during demolition, excavation and construction works to minimise the emission of dust and other impurities into the surrounding environment to the satisfaction of the Consent Authority.

## Erosion and Sediment Control

- 37 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 38 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 39 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 40 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

## Plumbing and Drainage

- 41 Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. **Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.**

## Other Authorities

- 42 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
  - Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - AGL Sydney Limited for any change or alteration to gas line infrastructure;
  - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

## Site Requirements

- 43 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a be a standard flushing toilet connected to a public sewer; or
  - b have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.
- 44 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 45 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 46 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.
- 47 Construction work may only be undertaken in accordance with the provisions of the DECCW Interim Construction Noise Guideline as identified below:
- Monday to Friday 7.00 am to 6.00 pm  
Saturday 8.00 am to 1.00 pm  
Work is not to be carried out on Sundays and Public Holidays

## Flooding

- 48 The minimum floor level of the proposed entertainment facility building is to be RL8.18 metres AHD. A Certificate prepared by a Registered Surveyor certifying that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the structure reaches floor level stage. **Note: The building frame cannot be constructed until this certification is received.**

## **Silencing Devices**

- 49 Sound attenuating devices shall be provided and maintained in respect of all power operated plant used during demolition, earthworks, and the erection of the structure. The quietest available plant should be used and be regularly maintained and fitted with appropriate mufflers.

## **Trees**

- 50 Tree protection measures are to be put in place for retained trees before commencement of any works. The fencing is to consist of 1.8 metre chain wire fencing or methods as described within AS4970 2009 'Protection of Trees'.
- 51 Trees and native vegetation proposed for retention are to be clearly identified on all final approved engineering/landscape plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.
- 52 Any tree damaged during building works must be replaced, at no cost to Council, with a tree of similar height and species. Note: The driveway and associated footpath crossing is to be located clear of the street trees.
- 53 All trees affected by the excavation works for the pavement sub grade within the TPZ of these trees to be in accordance with Arborist report and adhere to AS4970 2009. It is preferable for street trees to have no excavation works within TPZ and semi permeable paving to minimise impact to the trees.

## **Waste Management**

- 54 The development is to be carried out in accordance with the submitted Waste Management Plan at each stage of the development (demolition, construction and ongoing).

## **Prior to Release of Occupation Certificate:**

***The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.***

### **Off Street Carpark**

- 55 The Off-street Car Park is to be completed, including all line marking and signage advising patrons that the 48 spaces are available for parking by patrons of the facility. The theatre is not to operate for events until construction of the Off-Street Car Park is completed. For the purpose of this condition the term "Off-street Car Park" has the same meaning as in the deferred commencement condition in this consent.

The construction of safe pedestrian access between the Centre subject of this consent and the Off-street Car Park. For the purpose of this condition:

- The term "safe pedestrian access" includes provision of a footpath to comply with Wyong DCP 2005 Chapter 67 and lighting is to be in accordance with AS 1158; and
- The term "Off-street Car Park" has the same meaning as in the deferred commencement condition in this consent.

### **Acoustic**

- 56 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report prepared by Acoustic Studio dated August 2010 accompanying the application must be complied with prior to issue of occupation certificate. Certification by a suitably qualified and experienced Acoustic Consultant is to be provided.

### **Building Code of Australia**

- 57 Compliance with the relevant provisions and requirements of the Building Code of Australia.

### **Certificates/Engineering Details**

- 58 Prior to the occupation of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 59 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

### **Dilapidation**

- 60 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation Certificate.

### **Disabled Access**

- 61 Access to and throughout the buildings shall comply with the Building Code of Australia, AS1428.1-2001 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth). Certification is to be provided by a suitably qualified and experienced consultant.

### **Accessible parking**

- 62 In accordance with the submitted access report 2 accessible parking spaces are to be provided for the development in close proximity to the building entry connected by accessible path of travel to the entry.

## Erosion and Sediment Control

- 63 The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter to the building under construction, so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles. A diversion drain is to be installed to divert runoff from the accessway into a silt fence. These works are to be in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 64 The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

## Waste Management

- 65 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
  - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
  - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
  - All entry points into the room must be bunded to prevent the escape of liquid waste. Bunding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
  - Adequate ventilation shall be provided;
  - Adequate lighting shall be provided;
  - The ceiling must have a minimum height of 2.1m from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
  - Waste storage areas shall prevent the access of vermin;
  - Waste receptacles used shall be compatible with Wyong Council's waste collection service;

- The door to the storage area shall be weatherproof and shall be openable from the inside at all times;
- Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

### **Emergency Evacuation Management Plan**

- 66 An Emergency Evacuation Management Plan shall be prepared to address emergency operations such as an early warning system to enable sufficient response time to relocate vehicles from the car parking areas within Pauline Lane, Margaret Street and Anzac Avenue road reserves to a designated area, relocation of vehicles from disabled parking spaces, evacuation procedures and pedestrian access points and the provision of flood depth gauges within the site and Pauline Lane. This plan is to be submitted and approved by Council prior to issue of an occupation certificate.

### **Flooding**

- 67 All electrical circuits below the 1% flood level are to have a residual current device installed.

### **Food Act Requirements**

- 68 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 69 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 70 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2004, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 71 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

### **Plumbing and Drainage**

- 72 The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2.

### **Roads**

- 73 All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council prior to issue of the Occupation Certificate.

- 74 All works relating to temporary and permanent bus servicing facilities throughout the development must be approved by Council prior to issue of the Occupation Certificate.

### **Bicycle Parking**

- 75 To encourage the use of alternate transport modes, secure bicycle parking/storage must be provided in close proximity to the building entrances and be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with AS2890.3-1993 – Parking Facilities – Bicycle Parking Facilities/Guide to Traffic Engineering Practice – Bicycles, Part 14 – Austroads. These works must be completed prior to the issue of an Occupation Certificate.

### **Additional screen planting – privacy**

- 76 To ensure privacy is maintained to the existing adjoining residence, the proposed planting along this northern boundary is to be supplemented by some additional taller tree planting to provide visual screening above the 3 metre wall and limit potential over looking from the upper levels of the building.

### **Privacy**

- 77 The 3 metre high masonry acoustic wall is to be constructed along the northern boundary in accordance with the acoustic report. The wall is to include a high quality render finish on both sides.

### **Landscaping**

- 78 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development, including the engagement of an approved landscape consultant and contractor to undertake the construction of the landscaping. All landscaping works are to be completed prior to issue of the Occupation Certificate.

### **Consolidation**

- 79 All individual allotments comprising the development site are to be consolidated into a single allotment. Evidence of the registration of the plan of consolidation is to be submitted to Council prior to issue of an Occupation Certificate.

### **Green Travel Plan**

- 80 The applicant is to prepare a green travel plan for the development that will demonstrate the methods to be used to encourage patrons of the Cultural Centre to utilise public transport to and from the site. (eg. placement of travel information on publicity brochures etc.)

### **Temporary Pedestrian Refuges**

- 81 The provision of temporary pedestrian refuges within the Margaret Street and Anzac Avenue carriageways to facilitate safe pedestrian movements to the centre. The temporary refuges are to be located in close proximity to the main pedestrian entry podium and will remain in place until the installation and operation of a signalised Margaret Street and Anzac Avenue intersection. The works shall be completed prior to issue of an Occupation Certificate.

### **Traffic Management Plan**

- 82 Any signage or infrastructure works shown on the Traffic Management Plan (prepared under the conditions of this consent) are to be carried out by the developer at no cost to Council prior to the issue of an Occupation Certificate.

### **Traffic Control - loading**

- 83 The applicant is to carry out any works necessary to allow an articulated vehicle to turn from Anzac Avenue into Pauline Lane. The works are to be constructed to Council's satisfaction and are to be trialled by a 19 metre semi trailer prior to issue of an Occupation Certificate. The works may include adjusting the kerb returns and relocation of services.

### **Vehicle Access and Parking**

- 84 Before the use and/or development starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the Consent Authority; including;
- surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Consent Authority to prevent dust;
  - drained in accordance with an approved drainage plan
  - line-marked to indicate each car space and all access lanes
  - properly illuminated with lighting designed, baffled and located to the satisfaction of the Consent Authority to prevent any adverse effect on adjoining land.
  - measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
  - provision of traffic control signage and or structures as required;
  - provided with signage directing drivers to the area set aside for carparking. Such signs are to be located and maintained to the satisfaction of the Consent Authority. This sign must not exceed 0.3 square metres.

## **Trees**

- 85 The trees to be planted as per the landscape plan are acceptable species. All trees to be a minimum 100 litre pot size with the remainder to be tube stock. A maintenance schedule is to be provided by the landscape contractor that is to highlight planting and maintenance for a 12 month period.

## **Ongoing Operation:**

*The following conditions must be satisfied during use / occupation of the development.*

### **Ongoing**

- 86 The centre subject of this consent must not operate at any time unless the Off-street Car Park is available to patrons, staff and performers of the centre.

### **Advertising Signs**

- 87 No advertisement shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - Advertising Signs.

### **External Materials**

- 88 The external finish must be maintained in good order at all times.

### **Amenity - Lighting**

- 89 All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.
- 90 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

### **Amenity Noise**

- 91 No sound amplification equipment, juke boxes or loudspeakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes (so as to be audible on adjoining public or private land) save with the written permission of the Responsible Authority. Noise emissions must comply with EPA and the relevant State/Regional/Local Environment Planning Policy requirements.
- 92 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.

- 93 Deliveries to and from the site (including waste collection) must only take place between:

9:00am and 5:00pm Monday to Friday

- 94 The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood.

### **Hours of Operation**

- 95 The hours of operation of the activity to which this development consent relates shall be limited to between 8.00am to 11.30pm Monday to Saturday and 10.00am to 6.00pm on Sundays and Public holidays.

### **Operating Restrictions**

- 96 Opening of the studio doors and the use of the café outdoor seating area will be restricted to between the hours of 9.00am to 8.00pm Monday to Saturday and 10.00am to 6.00pm Sunday's and Public Holidays.

- 97 The ongoing use and management of the building or part as an Entertainment Venue is to be in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000, Schedule 3A as nominated in the following conditions:

#### Nitrate film

An entertainment venue must not screen a nitrate film.

#### Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

#### Proscenium safety curtains

If a proscenium safety curtain is installed at an entertainment venue:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

#### Projection suites

When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.

If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required to be in attendance must be in the projection suite in which the projection room is located during the screening of a film. No member of the public is to be present in the projection suite during the screening of a film.

### Emergency evacuation plans

An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue. An "emergency evacuation plan" is a plan that specifies the following:

- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
- (b) the number of any fire safety officers that are to be present during performances,
- (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.

Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

- 98 In accordance with the requirements of Clause 98D of the Environmental Planning and Assessment Regulation 2000, a suitable sign must be displayed in a prominent position in the building stating the maximum number of persons as specified in the development consent, that are permitted in the building.
- 99 In accordance with the requirements of Clause 98D of the Environmental Planning and Assessment Regulation 2000, the maximum permissible number of persons permitted within the Entertainment Venue is as follows:
  - (i) Main auditorium inclusive of stage and orchestra pit is 510 people within provided fixed seating.
  - (ii) Minor auditorium/theatre – 140 persons within retractable seating and 220 persons standing.

### **Traffic Control - loading**

- 100 Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the land as it is shown on the endorsed plan and be conducted as to cause minimum interference with other vehicular traffic.
- 101 An RTA Traffic Controller certified staff member from the development is to be present when delivery trucks arrive. The person is to supervise any reversing manoeuvres by the delivery vehicles and place adequate barriers to prevent pedestrians entering the loading dock area.

### **Parking (off site)**

- 102 The 44 parking spaces provided within the two Council owned car parks in Margaret Street (Lots 9 and 11 in DP3136 known as 9 and 13 Margaret Street) are to be available after 5 pm on Monday – Friday and at weekends for the purpose of parking for staff, performers and visitors to the performing arts and cultural centre. Advisory signage to this effect is to be installed to inform patrons of the availability of this parking after working hours.

**Safer by Design**

- 103 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:
- i. In order to maintain a safe level of visibility for pedestrians within and around the development, adequate lighting to AS1158 is to be provided to all common areas including parking, the courtyard, and any pedestrian routes to these areas. Additionally, after hours motion sensor lighting also to be included within the courtyard and the loading area. All lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.
  - i. Ensure that the development minimises the opportunities for concealment or entrapment spaces.
  - ii. The means to isolate the various areas of the site shall be incorporated into the development, including measures for after hours access.
  - iv. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.
  - v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

**Waste Management**

- 104 No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject land.

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....  
Reporting Officer

.....  
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

..... Date \_\_\_/\_\_\_/\_\_\_