

DA/1066/2013
Mark Greer

5 May 2014

Wyong Shire Council
PO Box 20
WYONG NSW 2259

Development Application Notice of Determination

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

Development Application No: DA/1066/2013
Property Address: Lot 1 Sec 7 DP 3136, Lot 2 Sec 7 DP 3136,
Lot 3 Sec 7 DP 3136, Lot 4 Sec 7 DP 3136
Wyong Memorial Hall,
19-21 Margaret Street,
WYONG NSW 2259

Description of Development: Entertainment Facility - Performing Arts Centre
Determination: Approved
Determination Date: 5 May 2014
Consent to Operate From: 5 May 2014
Consent to Lapse On: 5 May 2019

Conditions

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Plans and Elevations	A010, A101-A105, A130-A1400, A143, A150-A153 A1000-A1002	A	December 2013	Tonkin Zulaikha Greer
Landscape Plan	L01	B	December 2013	JMD Design

- 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.
- 3 All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

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.

Certificates/Engineering Details

- 4 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

- 5 Prior to issue of a Construction Certificate all recommendations and measures contain within the Acoustic report prepared by Acoustic Studio and dated December 2013 shall be further detailed on the plans and specifications.
 - The theatre roof, flytower roof and studio roof should be a minimum of Rw 35.
 - All penetrations of the roof proposed (such as smoke exhaust grilles and cowls) are to be acoustically treated.
 - Provide for a minimum 10.38mm laminated external fixed glazing for the glazing wall of the Studio.
 - At least two doors in series shall be installed when connecting the theatre with the outside of the building with an acoustically treated sound locks. All doors should acoustically rated Rw 40 and incorporate acoustic seals.

Flooding

- 6 Prior to the issue of the Construction Certificate the submission to the Principal Certifying Authority of plans detailing the following minimum floor levels;
 - 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 (lower seating area 7.38m AHD) appropriately waterproofed. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.
- All ventilation openings located along the subfloor of the building below the 1 % AEP flood level 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

- 7 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.

Structural Design Requirements

- 8 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Water and Sewer Services - Design Requirements

- 9 The submission to Council as the Water Supply Authority of detailed structural design drawings and supporting information for structures within the zone of influence of the sewer main. The design shall indicate the proposed method of protecting the sewer main in accordance with Council's *Requirements for Building Over or Adjacent to Sewer Mains* policy. Design details must be approved by Council as the Water Supply Authority prior to the issue of a Construction Certificate.

Vehicle Access and Parking - Design Requirements

- 10 The submission to Council of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Provision of wheel stops for parking spaces numbered 1-21 or alternatively controlled by a low kerb to permit 600mm vehicle overhang.
 - The Service Area adjacent the loading dock shall be designed and constructed in accordance with AS 2890.2-2002 Part 2: Off-Street Commercial Vehicle Facilities. Note: A RMS 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.
 - The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by Council prior to the issue of a Construction Certificate.
- 11 The submission to Council of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by Council prior to issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 12 The submission to Council of a detailed stormwater management plan featuring:
- The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - 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.

The plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's *Civil Works Design Guidelines*, and be approved by Council prior to issue of the Construction Certificate.

Liquid Trade Waste

- 13 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

Approved Plans

- 14 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.

Site Requirements

- 15 Prior to the commencement of building works within the site the programmed Trunk Drainage Works (Concrete Box Culvert) extending from the existing 3.6x1.2metre box culvert within Pauline Lane across the frontage of the site within Anzac Road shall be constructed and operational and the existing redundant 900mm pipeline across the site removed.

Roadworks – Design Requirements

- 16 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 17 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
 - 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 reconstruction of the Anzac Road and Pauline Lane intersection to accommodate a turning HRV (12.5m service vehicle) when accessing the Performing Arts Centre loading dock from Anzac Road. The works shall include the provision of a commercial gutter & footpath crossing, full width footpath, 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 Road and Pauline Lane necessary to facilitate HRV and articulated service vehicle access.
- The provision of concrete foot paving to Anzac Avenue and Margaret Streets in accordance with Council's Civil Works Design Guidelines.
- 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". Note: The design plans must be approved by the Roads Authority.
- The proposed regulatory signage details along the Margaret Street Drop Off Zone are to be forwarded to the Wyong Local Traffic Committee for consideration.
- Any associated works to ensure satisfactory transitions to existing infrastructure
- The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority.
- The submission to the Council as the Roads Authority of Road Safety Audit for all works within the road carriageway (Anzac Avenue, Margaret Street & Pauline Lane) prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority.

Roads - Preconstruction Requirements

- 18 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).

- Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 19 Prior to works associated with the development commencing, a Construction Management Plan is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management. Any signage or infrastructure works shown on the plan are to be carried out by the developer at no cost to Council.

Dilapidation

- 20 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.

During Works:

The following conditions must be satisfied during works, including any works relating to demolition, excavation or vegetation removal.

Construction

- 21 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.

Heritage

- 22 The time capsules located near the flag pole are to be recovered under supervision and forwarded to Council for placement in the development.

Erosion and Sediment Control

- 23 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.

Plumbing and Drainage

- 24 Council as the water supply authority, 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.

Other Authorities

- 25 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

- 26 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.
- 27 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.
- 28 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.

- 29 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.

- 30 Construction work may only be undertaken 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

Any variation to the above construction hours will require the written approval by Council.

Flooding

- 31 The minimum floor level of the proposed entertainment facility building is to be RL8.30 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.

Silencing Devices

- 32 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.

Trees

- 33 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'.

Prior to Release of Occupation Certificate:

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

Acoustic

- 34 Prior to the release of the Occupation Certificate all recommendations of the Acoustic Report prepared by Acoustic Studio dated December 2013 are to be implemented and certified by an Acoustic Consultant.

Certificates/Engineering Details

- 35 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

- 36 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.

Accessible parking

- 37 In accordance with the submitted Access Report prepared by "Accessibility Solutions Pty Ltd" dated December 2013, two 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.

Waste Management

- 38 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 banded to prevent the escape of liquid waste. Banding 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

- 39 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

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

Food Act Requirements

- 41 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.
- 42 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).

Roads

- 43 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.

Security Requirements

- 44 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

Privacy

- 45 The masonry acoustic wall to be constructed along the northern boundary is to include a high quality render finish on both sides.

Landscaping

- 46 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.
- The replacement planting of six trees in the local Frank Balance Park.

Consolidation

- 47 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

- 48 The applicant is to prepare a green travel plan to the satisfaction of Council 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.)

Traffic Management Plan

- 49 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.
- 50 A Traffic Management Plan is to be submitted and approval received from Council, prior to issue of the Occupation 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.

Drop Off Zone - signage

- 51 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 commencement of works.

Vehicle Access and Parking

- 52 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;

- 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.

Ongoing Operation:

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

Advertising Signs

- 53 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.

Amenity - Lighting

- 54 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.
- 55 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Amenity Noise

- 56 No sound amplification equipment, juke boxes or loudspeakers shall be used external of the premises 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 Council. Noise emissions must comply with EPA and the relevant State/Regional/Local Environment Planning Policy requirements.
- 57 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.

Hours of Operation

- 58 The hours of operation of the activity to which this development consent relates shall be limited to the following times:

Facility	Week days	Saturday	Sunday/Public Holidays
Auditorium	10am – 12am	10am – 12am	10am – 12am
Studio	9am – 12am	10am – 12am	10am – 12am
Café (indoor)	7am – 12am	10am – 12am	10am – 12am
General rooms	9am – 12am	10am – 12am	10am – 12am

Operating Restrictions

- 59 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.
- 60 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.

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.

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 500 people within provided fixed seating.
- (ii) Minor auditorium/theatre – 130 persons

Traffic Control - loading

- 61 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.

Site Appearance, Maintenance and Security Requirements

- 62 The owner/operator(s) of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.

Safer by Design

- 63 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.

- ii. Ensure that the development minimises the opportunities for concealment or entrapment spaces.
- iii. 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

- 64 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.

Food Act Requirements

- 65 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.

Operations


- 66 At the conclusion of 12 months operation, the submission of a parking audit to address the functionality of available car parking to the satisfaction of Council and consider solutions if required to address problems that may arise from the Audit.

Right of 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.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on behalf of the Consent Authority



Mark Greer
Acting Team Co-Ordinator
DEVELOPMENT AND BUILDING