

DATE OF DETERMINATION	16 October 2023
DATE OF PANEL DECISION	15 October 2023
DATE OF PANEL MEETING	4 October 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	Local members due to Council interest DA

Papers circulated electronically on 26 September 2023.

MATTER DETERMINED

PPSSTH-233 – Bega – DA2022.453 at 40 Upper Street, Bega NSW 2550. The development involves:

- The construction of an attached one and two-storey addition to the existing heritage listed Bega Showground Pavilion to be known as the Bega Showground Community Centre;
- Minor alterations to the existing heritage listed Bega Showground Pavilion;
- Landscaping works, including the construction of a new yarning circle;
- Other minor works as documented in the DA;
- and a boundary adjustment (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

During the final briefing, the Panel heard from 2 residents of Park Lane who had provided written submissions in relation to the application. The submitters outlined concerns regarding the existing management arrangements for noise associated with the operation of the site, and raised concerns regarding noise and amenity impacts from the proposed operation and use of the facility for functions, particularly in relation to patrons use of the proposed outdoor areas associated with the new facility, and traffic and associated noise impacts associated with patrons exiting the site at the conclusion of events.

The Panel noted that the noise assessment report, which accompanied the application, found that the use of the site would not exceed the sleep disturbance criteria. The Panel agreed that ongoing monitoring of noise is required at nearby residential receptors and determined to amend Condition 47 *Noise Verification Report* to require noise verification during an event which achieves close to maximum capacity.

The Panel also heard from the applicant which supported the draft conditions of consent provided to them by Council.

In considering the assessment report, the Panel requested Council assessment staff confirm that the provisions of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 had been appropriately addressed. Council provided confirmation that its records do not indicate a history nor prior uses that would meet the potentially contaminating land uses/activities criteria of the Contaminated Land Planning Guidelines, whereby further investigation would be required. It also stated that the presence of asbestos had been identified in parts of the existing building, which was assessed under a separate development consent (reference DA 2022.190) and that suitable conditions of consent had been imposed in relation to safe removal and disposal protocols in this regard. Consequently, the Panel was satisfied that

the preconditions to the grant of consent in relation to potential contamination and the use of the land had been met.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel was satisfied that:

- The prerequisites for the grant of consent had been met;
- The heritage impacts associated with the proposal had been fully considered with the development incorporating important heritage fabric in the final design;
- The use of the facility would not result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended;
- The Centre would be an important community asset which, along with the Pavilion, would also be used as an emergency evacuation centre; and
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.

Given the above, the Panel was satisfied that the development was in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report and amended as follows. The final amended conditions are attached in Schedule 2.

- Various administrative corrections were made throughout the document to ensure certainty in implementation without changing the intent of the relevant conditions;
- Condition 5 *Accessible Carparking*, was amended to specify the minimum number of accessible car parking spaces that must be provided;
- Condition 6 *Above Ground LPG Tanks* was amended to provide greater clarity regarding compliance provisions;
- Condition 19 *Excess fill to be deposited at approved site* was moved to become condition 22 and amended to require details of any such fill to be provided to Council prior to an occupation certificate being issued;
- Conditions 19-22 were renumbered;
- Condition 24 *Protect trees and sensitive areas during construction* was amended to ensure the retention of trees not identified for removal as mandatory;
- Condition 32 *Private stormwater drainage* was amended to make the stormwater construction works mandatory;
- Condition 35 *Removal of gross pollutants* was amended to make the provisions of the condition mandatory;
- Condition 36 *Plan of Management* was amended to include a requirement that the TMP include measures:
 - to encourage alternative means of travelling to and from the facility during major events;
 - to require the approval of Council for any amendments to the TMP;
 - to require management of bus loading and unloading during events; and
 - to include a note that these requirements do not apply to the facility when it is being used as a emergency evacuation centre.
- Condition 37 *Boundary adjustment* was amended to make the registration of the boundary adjustment mandatory prior to the issue of an occupation certificate;
- Conditions 39 and 40 *Lighting system* and *Lighting of premises to be shielded* were amended to ensure consistency with condition 17';




- Condition 47 *Noise Verification Report* was amended to correct a numbering error and to require the period during which the noise monitoring and verification are to be conducted to be expanded to ensure noise verification of an event with maximum patron capacity;
- Conditions 48 and 49 *Lighting of premises to be shielded* and *Reflectivity of materials* were deleted as these were duplicate conditions;
- Conditions 48-56 were renumbered to 48-54; and
- Condition 51 (former condition 53) *Hours of operation* was amended to ensure the hours of use are not restricted when the building is used as an Evacuation Centre.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel also heard from neighbouring objectors during the final determination briefing. The Panel notes that issues of concern included:

- Noise and amenity impacts associated with the use of the development for functions;
- Siting and design;
- Traffic; and
- Vegetation removal.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the condition of consent as amended and that no new issues requiring further assessment were raised during the determination meeting.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-233 – Bega – 2022.453
2	PROPOSED DEVELOPMENT	Construction of an attached one and two-storey addition to the existing heritage listed Bega Showground Pavilion. The proposed addition will be known as the Bega Showground Community Centre. Minor alterations to the existing heritage listed Bega Showground Pavilion. Landscaping works, including the construction of a new yarnning circle. Other minor works as documented in this proposal and the documentation included with the DA submission. Boundary adjustment
3	STREET ADDRESS	40 Upper Street, Bega NSW 2550
4	APPLICANT/OWNER	The Trustee for EAS Investment Trust – trading as Planned Town Planning Solutions Crown Reserve 580108 Bega Showground Land Manager Bega Valley Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Bega Valley Local Environmental Plan 2013 Draft environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 (Remediation of Land) Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 26 September 2023 Supplementary email received from Bega Valley Shire Council dated 4 October 2023 Written submissions during public exhibition: 8 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 31 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock <u>Other</u>: Amanda Moylan (DPE) Council / Applicant Briefing: 31 May 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock ○ <u>Applicant representatives</u>: Elizabeth Slapp (Planned), David Ledsam (Ledsam Projects), Steve Gordon (Gordon Building Design), Phil Moffitt (Bega Showground Management Committee) ○ <u>Other</u>: Amanda Moylan (DPE) <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 4 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Cecily Hancock ○ <u>Applicant representatives</u>: Elizabeth Slapp (Planned), David Ledsam (Ledsam Projects) ○ <u>Submitters</u>: Karen Sedaitis and John Purser ○ <u>Other</u>: Amanda Moylan (DPE), Tracey Gillett (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2 – Conditions of Consent

General

1. Approved development plans

The development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
Architectural Plan set (DWG. No 4351) prepared by Gordon Building Design Pty Ltd	A-100 – Cover Sheet, Revision 03, 29-03-2023
	A-101 – Location Plan, Revision 03, 29-03-2023
	A-102 – Site Plan, Revision 03, 29-03-2023
	A-103 – Detail Site, Revision 03, 29-03-2023
	A-104 – Parking Concept, Revision 04, 21-06-2023
	A-111 – Services / Survey, Revision 03, 29-03-2023
	A-113 – Landscaping Plan, Revision 03, 29-03-2023
	A-151 – Lower Floor, Revision 03, 29-03-2023
	A-152 – Upper Floor, Revision 03, 29-03-2023
	A-153 – Dining Layout, Revision 03, 29-03-2023
	A-154 – Seating Layout, Revision 03, 29-03-2023
	A-155 – Roof Plan, Revision 03, 29-03-2023
	A-171 – Detail Layout 1, Revision 03, 29-03-2023
	A-172 – Detail Layout 2, Revision 03, 29-03-2023
	A-201 – Elevations 1, Revision 03, 29-03-2023
	A-202 – Elevations 2, Revision 03, 29-03-2023
	A-301 – Sections 1, Revision 03, 29-03-2023
	A-302 – Sections 2, Revision 03, 29-03-2023
	A-303 – Sections 3, Revision 03, 29-03-2023
	A-311 – Grid Sections 1, Revision 03, 29-03-2023
	A-312 – Grid Sections 2, Revision 03, 29-03-2023
	A-601 – G.F.A Plan, Revision 03, 29-03-2023
	A-602 – Schedules, Revision 03, 29-03-2023
	A-603 – Sediment and Erosion Control, Revision 03, 29-03-2023
Access Report prepared by Eric Martin and Associates	Reference 21263, 06-12-2022

Environmental Noise Impact Assessment prepared by Day Design Pty Ltd	Reference 7496-2.1R, 12-12-2022
Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering	Reference 210223.01FA, 10-01-2023
BCA Assessment Report prepared by Steve Watson & Partners	Reference 2022/0814 R1.1
Landscape Plan prepared by Ben Kaye Garden Design	Reference 2022.09.BSCC.A0.2, 02-2023
Statement of Heritage Impact prepared by Eric Martin and Associates	Reference 21263, 06-12-2023
Stormwater Drainage Concept Plan prepared by Marshman O'Neill	C1.1 – Roof Stormwater, 11-2022 C1.2 – Ground Surface Stormwater, 11-2022
Site Boundary Realignment	Sheet 0-102, 11/8/2023
Proposed subdivision Plan prepared by Michael G Collins	Surveyor Ref: 74194 Dated 9/12/2022

2. Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that code as in force on the date the application is made for the relevant construction certificate.

3. Application to connect to existing sewer service

A separate application to obtain approval to connect to Council's sewerage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval (copy attached). A plumbing and drainage design plan is to be submitted with the application to Council.

4. Operational Noise Limits

The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits in the following table:

Table 1 Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
All residential receivers	40	37	34	52

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

5. Accessible car parking

A minimum of 3 car parking spaces must be provided for people with disabilities designed and constructed to comply with the requirements of AS/NZS 2890.6:2009 (Off-street parking for people with disabilities).

Note: An accessible path of travel is required from the designated car space to the principal entrance of the building.

6. Above Ground LPG Tanks

The installation and storage of Liquid Petroleum Gas (LPG) must be designed, constructed, commissioned, and operated in accordance with AS/NZS 1596:2014 The Storage and Handling of LP Gas.

7. Unexpected Finds Protocol

If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

Other Approvals

8. Other approvals

The development shall comply with the other approvals issued pursuant to Section 4.12(5) of the Environmental Planning and Assessment Act, 1979 (under Section 68 of the Local Government Act 1993), being:

- Section 68 Connect to Council's sewer service – Carry out sewerage work
- Section 68 Connect to Council's water service – Carry out water supply work
- Section 68 Discharge Liquid Trade Waste to Council's Sewer

9. Application for Liquid Trade Waste Approval

An application to obtain approval to discharge liquid trade waste to Council's sewage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval. If the applicant is not the owner of the premises, the applicant must obtain the owner's consent to the application.

Prior to demolition

10. Protection of water assets - partial demolition

All internal water lines to the existing structure(s) to be demolished on the property shall be disconnected from the existing internal service and capped off to avoid any damage during construction of the new building(s).

11. Protection of sewer assets - partial demolition

All internal sewer drainage pipework shall be flushed, disconnected outside the construction area(s) of the proposed buildings to be demolished and the internal drainage capped off to avoid any construction materials entering Council's reticulated sewerage system.

12. Inspection of capped off services

Each capped off sewer and water service shall be inspected by Council's Water and Sewerage Quality Assurance Officer.

Note: Please contact Council to arrange for inspection(s).

Prior to issue of Construction Certificate (Building)

13. Section 7.11 or 7.12 contributions (formerly Section 94 and Section 94A)

Payment to Council of the following contributions pursuant to Section 7.11 or 7.12 (formerly Section 94 and Section 94A) of the *Environmental Planning and Assessment Act* and *Bega Valley Section 94 and 94A Contributions Plan 2014*.

Contribution type	\$ Total	Allocation No.
Section 7.12 contribution	\$170,498.45	W5307.1651.1416

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Time for payment: Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

14. Loading and Unloading Plan

Prior to the issue of a construction certificate the proposed loading and unloading areas and truck manoeuvring areas must be shown on a revised site plan to the satisfaction of Council.

15. Screening of plant and equipment

Details of the proposed screening of roof top ducts, air conditioning and plant equipment shall be submitted for approval by Council.

16. Colour and materials schedule

A detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:

- a) External building finishes (including glazing treatments),
- b) A colour palette (including colour samples).

17. Lighting plan

A Lighting Plan, prepared by a suitably qualified and experienced lighting engineer, is to be submitted to the Principal Certifying Authority in accordance with the relevant Australian Standard.

18. Engineering design plans for carparking areas

Engineering design plans for the accessible car parking spaces shall be prepared and certified by a suitably qualified and experienced chartered professional engineer (or equivalent) and submitted to Council.

19. Structural Engineer's Details

The following details from a suitably qualified and insured Structural Engineer shall be submitted for assessment when applying for a Construction Certificate:

- a) Footings;
- b) Reinforced concrete slabs;

- c) Retaining walls over 600mm in height;
- d) Structural steelwork;
- e) Wall, subfloor bracing and tie-down requirements; and
- f) Other.

20. Payment of Long Service Levy

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

Proof of payment is to be submitted to Council.

The levy can be paid through the LSL Portal at www.longservice.nsw.gov.au

Note: The Long Service Levy is a State Government Levy, not a Council fee.

21. Contractor's insurance (Public Works)

Each contractor engaged in the construction of public works (such as road work, kerb and guttering, footway construction, stormwater drainage, water supply, sewerage works and environmental controls) must provide evidence of public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests.

Prior to construction work commencing

22. Excess fill to be deposited at approved site

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council prior to an occupation certificate being issued.

23. Vegetation removal

No vegetation shall be removed or destroyed unless;

- (a) identified on the approved plans, or
- (b) required to comply with any other condition of this consent in relation to such matters as servicing or provision of Asset Protection Zones.

24. Protect trees and sensitive areas during construction

All trees not identified for removal must be retained and enclosed with protective fencing to prevent them being damaged during the construction period in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

25. Support and protection for neighbouring buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of Clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (a) protect and support the adjoining premises from possible damage from excavation, and
- (b) where necessary, underpin adjoining premises to prevent any such damage.

The condition does not apply if the person having benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Compliance with the requirements of WorkCover NSW is required and a copy of such requirements is to be submitted to the Principal Certifying Authority.

26. Removal of excavated material

No excavated material is to leave the site until Council has been provided with the following information for approval:

- a) a complete list of all destination sites for the excavated material;
- b) a report providing details as to how material will be transported, so there is no dust nuisance and/or material deposited along public roads; and
- c) a transport route for cartage vehicles.

27. Appoint PCA

The person having the benefit of the Development Consent and a Construction Certificate shall:

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
- b) notify Council of their intention to commence the erection of the building (at least 2 days' notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

28. Traffic Guidance Scheme

No work shall be carried out within six metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Guidance Scheme relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit.

The Traffic Guidance Scheme shall be prepared by a person who is authorised by the Transport for New South Wales to prepare these plans. Evidence of Certification must be submitted with the Traffic Guidance Scheme.

All measures described in the Traffic Guidance Scheme shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

29. No works until erosion and sediment controls in place

Site disturbance must not be commenced until erosion and sediment controls are installed in accordance with the Sediment and Erosion Plan prepared by Gordon Building Design Pty Ltd and dated 29-03-2023.

During construction

30. Maintenance of site

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - i. All vehicles entering or leaving the site must have their loads covered, and
 - ii. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

- e) At the completion of the works, the work site must be left clear of waste and debris.

31. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
- i. Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - ii. Must not redirect the flow to any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - iii. That is fill brought to the site – must contain only virgin excavated natural material (VENM) *as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997*, and
 - iv. That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) regulation 2005*.
- b) *Any excavation must be carried out in accordance with Excavation Work:Code of Practice (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia*

32. Private stormwater drainage

Construction of stormwater drainage works must be undertaken as necessary to convey runoff from roof and paved areas of the development to public roads or Council controlled drainage systems. Any design shall be in accordance with Council's Development Specification D5, Stormwater Drainage Design and AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.

Stormwater disposal design is to be generally in accordance with the *STORMWATER DRAINAGE CONCEPT PLAN*, by Marshman O'Neill Engineers, Job No AC21045, dated 23/11/22.

33. Inspection of stormwater junction required

An inspection is required for any residential stormwater cut-in to the Council controlled system (pits and pipes). Please call Council's Development Engineers to book inspection.

34. Food Premises General

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards including:

- *The Food Act 2003*
- *Food Regulation 2015*
- *Food Standards Australia and New Zealand – Food Standards Code 2001*
- *AS 4674- 2004 Australian Standards for Design, Construction and Fit out of Food Premises*
- *Mechanical ventilation – Australian Standard 1668.2-2012*

35. Removal of gross pollutants

A facility to reduce the volume of gross pollutants discharged downstream of the development must be constructed to meet the following pollutant retention criteria:

POST CONSTRUCTION STORMWATER MANAGEMENT TARGETS POLLUTANT RETENTION CRITERIA

Suspended Solids 80% of average annual load

Total Phosphorus 45% of average annual load

Total Nitrogen 45% of average annual load

Gross Pollutants >5mm 70% of average annual load

Litter > 50mm Retention up to the 3 month ARI peak flow

Oil and Grease 90% of average annual load

The above retention criteria relate to “reduction of average annual load” of stormwater pollutants that may be expected from a fully developed catchment or site.

Design of the facility shall be in accordance with Council’s Development Design Specification D7.

Prior to Occupation or Use

36. Plan of Management

Prior to the commencement of use of the site, a Plan of Management must be prepared and approved by Councils Manager, Planning and Sustainability. The Plan of Management must:

- a) Include measures to ensure the use of the Community Centre and Showground Pavilion is restricted to 400 patrons at any given time;
- b) Provide detailed measures to ensure the recommendations of the Environmental Noise Impact Assessment prepared by Day Design Pty Ltd and dated 12 December 2022 are implemented for every event;
- c) Restrict the use of the Community Centre and Showground Pavilion to one night-time event (with hours between 8pm and 11pm) each weekend to a maximum of 40 events per year to provide respite to residents in the locality.
- d) Include a Traffic Management Plan (TMP) to provide detailed measures to control traffic during events including the use of internal traffic controllers to guide light vehicles to designated informal parking spaces and buses to designated loading and unloading areas during large events with over 250 patrons expected. The TMP should also include measures to encourage alternative means of travelling to and from the facility, particularly during major events;
- e) Provide measures to restrict amplified noise to defined levels to ensure noise experienced at all sensitive receivers are below the operational noise limits for the development; and
- f) Include a complaints handling procedure and measures to provide nearby residents with advanced notification of night-time events and a contact number to direct issues to during events.

The Plan of Management must be implemented to the satisfaction of Council for the life of the development and should not be amended without the approval of Council.

Note: The above provisions do not apply when the facility is operating as an Evacuation Centre.

37. Boundary adjustment

Prior to the issue of an occupation Certificate, the applicant must provide Council a copy of the approved plans for the boundary adjustment between Lot 1 Sec 49 DP 758076 and Lot 2 Sec 49 DP 758076 as depicted on the approved plan set, and as registered with the NSW Land Registry Services.

38. Development finished in accordance with approved colour/materials schedule

The development shall be finished in accordance with the approved colour and building materials schedule.

39. Lighting system

A lighting system shall be installed in accordance with Australian Standard 4282 “Control of the obtrusive effects of outdoor lighting” (1997) to provide uniform lighting across the common areas and driveways. All lighting must be consistent with the Lighting Plan required by Condition 17 of this consent.

40. Lighting of premises to be shielded

The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads. All lighting must be consistent with the Lighting Plan required by Condition 17 of this consent.

41. Reflectivity of materials

The reflectivity from building materials shall not cause any nuisance or interference to existing adjoining or adjacent properties.

42. Landscape works completed

All landscape works shall be completed and maintained at all times in accordance with the approved landscape plan.

43. Carparking in accordance with design plans

All works required in the construction of any on-site car parking, loading/unloading areas and their associated driveways shall be undertaken and completed in accordance with the certified engineering design plans. On completion, the works are to be certified by a suitably qualified and experienced chartered professional engineer (or equivalent). Documentation to this effect shall be submitted to Council.

44. Food premises – final inspection

The food premises shall be inspected prior to occupation by Council's Environmental Health Officer to determine compliance with applicable food legislation.

45. Food shop registration requirements

Occupation of the premises shall not occur until:

- a) a registration form has been submitted to Council for the food premises; and
- b) notification to Council under *Food Safety Standard 3.2.2 Division 2 Section 4 Notification*. This requirement is to be met by notifying through the following website:

www.begavalley.nsw.gov.au

Evidence of compliance of the above shall be submitted to Council prior to occupation.

46. Engineer's certification – development works

Council shall be provided with certification from a suitably qualified and experienced chartered professional engineer (or equivalent) confirming that the stormwater and internal road works satisfy the specified performance and acceptance criteria.

Conditions of use / during occupation

47. Noise Verification Report

The Applicant must prepare and submit a noise verification report for the development within 1 month of holding an event attended by more than 300 but not exceeding 400 patrons or within 6 months of commencement of operations. The noise verification report must:

- (a) be prepared to the satisfaction of Council;
- (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and

- (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022).
- (c) include:
 - (iii) an analysis of compliance with the operational noise limits undertaken in accordance with the NSW Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Australian Standard 2018);
 - (iv) a detailed maximum noise level event assessment undertaken in accordance with the NSW Noise Policy for Industry (EPA, 2017);
 - (v) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and
 - (iv) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the operational noise limits and when these measures are to be implemented and how their effectiveness is to be measured and reported to Council.

48. Erection of signage

No advertising sign shall be erected, painted or displayed without prior approval from Council except those in accordance with any Council or State exempt provisions.

49. Loading operations within the confines of the site

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site at all times (and must not obstruct other properties/units or the public land).

50. No goods on footpath

Goods shall not be displayed on, or sold from, the footpath.

51. Hours of operation

Except where the development is used as an Evacuation Centre, the hours of operation for the development shall be confined to:

- 8 am – 11 pm, Monday to Saturday; and
- 8 am – 10 pm, Sundays and Public Holidays.

52. External storage of goods

External storage of goods, waste or extraneous material shall not occur without the consent of Council.

53. Off-street parking spaces

A minimum of 284 informal off-street car parking spaces shall be provided and made available for car parking during events in accordance with the approved plans and the Traffic Management Plan.

54. Maintenance of stormwater quality improvement devices (SQIDs)

The stormwater quality improvement devices constructed as part of the development shall be maintained by the landowner(s) for the life of the development.