

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 314.1/2020

SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-175

PROPERTY:

Lots 39 & 56, DP 235949	Southdown Road
Lot 36, DP 235949	No.'s 31-39 Border Road
Lots 2,3,4,5,6,8,9,10,11,12,13 & 16, DP 234284	No.'s 1-119 Southdown Road
Lot 92, DP 13905	No. 1680 The Horsley Drive
Lot 95 D, DP 388681	No. 1752 The Horsley Drive
Lot 7, DP 234284	No.'s 51-59 Southdown Road
Lots 3,6,7 & 8, DP 825571	Border Road
Lots 4 & 5, DP 825571	No.'s 52-100 Southdown Road
Lot 9, DP 825571	No.'s 2-50 Southdown Road
Lot 10, DP 825571	No.'s 91-101 Border Road
Lots 11 & 12, DP 825571	No.'s 121-139 Southdown Road
Lot 15 & 16, DP 825571	No.'s 32-40 Cotswold Road
Lot 19, DP 1022008	No. 372 Wallgrove Road
Lot 12, DP 1022008	No. 444 Wallgrove Road
Lot 13, DP 1022008	No.'s 434-442 Wallgrove Road
Lot 14, DP 1022008	No. 432 Wallgrove Road
Lot 15, DP 1022008	No. 420 Wallgrove Road
Lot 16, DP 1022008	No. 408 Wallgrove Road
Lot 17, DP 1022008	No. 396 Wallgrove Road
Lot 18, DP 1022008	No. 384 Wallgrove Road
Lot 20, DP 1022008	No. 360 Wallgrove Road
Lot 17, DP 1021839	No. 452 Wallgrove Road
Lot 9, DP 1021839	No. 1706 The Horsley Drive
Lot 8, DP 1021839	No. 1700 The Horsley Drive
Lot 7, DP 1021839	No. 1686 The Horsley Drive
Lot 10, DP 1021839	No. 1726 The Horsley Drive
Lot 12, DP 1021839	No. 1750 The Horsley Drive
Lot 1, DP 1021938	No. 1 Saxony Road, Horsley Park NSW 2175

DESCRIPTION OF DEVELOPMENT:

USE OF THE SYDNEY INTERNATIONAL EQUESTRIAN CENTRE FOR THE PURPOSE OF NON-EQUESTRIAN EVENTS.

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved;

- Sydney International Equestrian Centre Map prepared by NSW Government, undated;
- Sydney International Equestrian Centre North Truck Park - Camping Layout prepared by NSW Government, undated;
- Sydney International Equestrian Centre South Truck Park - Camping Layout prepared by NSW Government, undated;
- Sydney International Equestrian Centre Stables Complex prepared by NSW Government, undated;
- Sydney International Equestrian Centre Emergency Management Plan – Location Map prepared by NSW Government, undated;
- Sydney International Equestrian Centre Emergency Assembly Areas prepared by NSW Government, undated; and
- Sydney International Equestrian Centre Fire Hydrant Booster Points & Hydrant Locations prepared by NSW Government, undated.

except as modified in red by Council and/or any conditions of this consent.

2. Compliance with Supporting Documentation

The development shall operate and take place in accordance with the following submitted in support of the application.

- Statement of Environmental Effects prepared by Creative Planning Solutions, Project Number D033, Version Number 2, dated August 2020;
- Traffic Impact Assessment prepared by Traffix Traffic & Transport Planners, Job Number 18.258, Revision Number v02, dated October 2018;
- Noise Impact Assessment Report prepared by Renzo Tonin & Associates, Reference Number TK611-01F02, Revision 5, dated 24 March 2020;
- Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference Number 210602, dated 22 December 2020;
- Response to Request for Additional Information prepared by Creative Planning Solutions, dated 3 February 2021;
- Plan of Management prepared by Creative Planning Solutions, Project Number D033, dated July 2021; and
- Emergency Management Plan prepared by Fire and Rescue NSW, Version 1, dated November 2018.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifier can either be Fairfield City Council or an accredited certifier.

3. Environmental Reports Certification

Prior to the commencement of non-equestrian events occurring on-site, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Fairfield City Council's Environmental Health Officer and the following reports have been completed:

- a) Plan of Management prepared by Creative Planning Solutions, Project Number D033, dated July 2021; and
- b) Noise Impact Assessment Report prepared by Renzo Tonin & Associates, Reference Number TK611-01F02, Revision 5, dated 24 March 2020.

4. Temporary Structures and Events

Stages

Any stage or platform must be erected at ground level.

A notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,

The stage or platform must not be erected on the land for more than 7 days and must not remain on the land for more than 2 days after the event.

Tents and Marques

All tents, marquees and booths being used at the same time must be located at least 3m from any boundary of the land and erected at ground level,

Each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of each tent, marquee or booth, unless it is attached to or abuts a building with no separation,

Each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:

- (i) exit if the tent or marquee has a floor area of not more than 25m²,

- (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
- (iii) 4 exits in any other case

If any tent or marquee includes internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided. No tiered seating shall be permitted.

Each tent or marquee must have a width for each exit of at least 1metre.

No tent or marquee can have a wall height exceeding 4m and to the highest point of the tent or marquee not exceeding 6m,

Each tent, marquee or booth must not remain on the land for more than 7 days after the event,

All temporary structures must be erected on a surface that is sufficiently firm and level to sustain the structure while in use to comply with;

- (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
- (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
- (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,

5. Temporary Events Advertising Structures

Temporary sign shall be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall.

Banners and signs must not be higher than 5m above ground level (existing), not be permanently fixed to a building, fence or wall and not be illuminated.

Advertising signs and banners must not be displayed earlier than 14 days before the event and must be removed within 2 days after the event.

6. Curtains and Drapes

The proposed curtains and drapes within the Arena shall comply with Fire Hazard Indices to comply with Specification C1.10 of the NCC Building Code of Australia.

7. Other services

Portable fire extinguisher shall be provided at each tent, marquee or booth and shall be of a suitable type for the intended use to comply with AS 2444.

8. Disabled Access

You are advised of your responsibility/liability under the Federal Government's Disability Discrimination Act, 1992, to ensure that adequate access is provided to all people with Disabilities within the meaning of the same Act. Further information can be obtained from Parts 2, 3 and 4 of the Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the Building Code of Australia).

9. Toilet Facilities

Amenities shall be provided to service the patrons of the event in accordance with the event plan.

Events managers should also consider baby change facilities to be incorporated with the accessible facilities.

Toilets must be;

- Provided with soap and hand drying equipment
- Conveniently located for access and maintenance
- Located away from food storage or service areas.
- Cleaned and restocked regularly
- Appropriate for use in all weather conditions

10. Unreasonable Noise and Vibration

The facility, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas from noise generating equipment. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

11. Temporary Event Food Stall

- a) Where food is to be prepared and/or sold, the temporary food stalls shall be constructed and operated in accordance with the NSW Food Authority's "Guidelines for Food Businesses at Temporary Events, dated June 2016".
- b) The event organiser shall ensure that each food stall operator has read and fully understands the NSW Food Authority's "Guidelines for Food Businesses at Temporary Events, dated June 2016".
- c) The event organiser shall complete Council's Temporary Food Event Notification form and return it to Council two (2) weeks prior to the event.

- d) A food stall inspection fee (in accordance with Council's fees and charges policy) will apply to each food stall inspected on the day by Council. One overall invoice will be forwarded to the event organiser who is responsible for payment of this fee to Council.

12. Operational Acoustic Report and Monitoring

An operational acoustic report and monitoring is to be conducted during the maximum peak event and prepared and submitted to Council for its assessment and approval. The report shall include but is not limited to the following information:

- a) Noise measurements taken at the nearing noise sensitive locations as indicated in the Acoustic Assessment, prepared by Renzo Tonin, dated 24 March 2020
- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development.
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Fairfield City Council, any recommendations provided under point d) above shall be implemented fully.

13. NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

14. Waste Management

Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.

15. Tree Protection

Tree protection measures shall be adhered to as per *AS 4970-2009 Protection of Trees on Development Sites* in the event that any tree/s on site may be adversely affected by the proposed events on site.

16. Maximum Number of Patrons

The maximum number of patrons permitted on-site for non-equestrian events shall be restricted to a maximum of 5,000 people for an event.

17. Operational Parameters

The maximum capacity for the individual venues within the subject site must not exceed any of the prescribed criteria outlined within the Operational Scenario Parameters Table in accordance with the Noise Impact Assessment Report prepared by Renzo Tonin & Associates, Reference Number TK611-01F02, Revision 5, dated 24 March 2020. The maximum capacity of 5,000 people may only be met if not operating outside of the parameters set by that table. Should the event operator wish to provide an event which exceeds any nominated venue capacity within the Operational Scenario Parameters Table, the operators must provide certification from a suitably qualified acoustic engineer, to both the Sydney International Equestrian Centre and Fairfield City Council, outlining how the event would meet the comply with relevant noise criteria. This information must have regard to the report 'Noise Assessment for Permanent Events' (ref: TK611-01F02), prepared by Renzo Tonin and Associates, and dated 24 March 2020. Information to support additional capacity must be provided prior to the commencement of the event and be supported with an additional application submitted to Fairfield City Council.

18. Vehicular Movements

During a non-equestrian event at the subject site, the traffic shall be controlled and staggered if required so that there shall no more than 414 vehicle movements into or out of the site within any one-hour period.

19. Multiple Events

Only one non-equestrian event shall occur at any time. Accordingly, the site shall not be used for multiple non-equestrian events at the same time. Furthermore, a non – equestrian event shall not occur while an equestrian event is operating at the premises.

20. Traffic Management Plan

Prior to any non-equestrian event occurring at the site, a Traffic Management Plan shall be submitted to and approved by the Manager of Development Planning within Fairfield City Council, which provides details but is not limited to the following:

- a) Information as to how traffic will be managed for patrons that enter and exit the site;
- b) Detail strategies and or measures used to mitigate potential traffic impacts;
- c) Provide an assessment of any likely adverse traffic impacts on the adjacent roads and how this shall be addressed by traffic management arrangements;

- d) Identify traffic movements that would significantly affect the surrounding road network.

Note: The Traffic Management Plan shall be reviewed on a regular basis and where required the plans and where required the plan shall be updated accordingly taking into consideration the changing traffic conditions, altered traffic management arrangements and other issues as identified by Transport for NSW, Council or NSW Police to ensure safety and efficiency of the road network.

21. Special Events

Any event requiring a special events approval shall be obtained prior to the event occurring and shall adhere to NSW Government's "Guide to Traffic and Transport Management for Special Events, dated July 2018" prepared in accordance with the *Roads Act 1993*, *Road Transport (Safety and Traffic Management) Act 1999* and *Roads (General) Regulation 2000*.

The following requirements shall be adhered to for special events:

- a) The event operator shall consult with Transport for NSW to identify whether proposed events held on-site are special events.
- b) Accredited traffic controllers shall be present on-site to manage traffic flows, parking and overflow parking on-site.
- c) Traffic marshals/controllers involved in traffic control and management duties shall be suitably qualified to comply with Transport for NSW standards and requirements.
- d) Traffic marshals/controllers shall comply with Work Health and Safety Act 2011 requirements.
- e) A Special Event Transport Management Plan shall be prepared and approved by the relevant authorities for special events. The plan shall include (but not limited to) the following:
 - Details shall be provided as to how parking and traffic flow at/near the site shall be managed, including overflow parking;
 - A contingency plan shall be provided for unplanned incidents that may impact traffic and transport before, during or after the event. The contingency plan shall be fully documented and include emergency contact names and phone numbers;
 - A risk assessment shall be undertaken for the special event;
 - A copy of the Traffic Control Plan prepared and approved by a suitably qualified person shall be included. The Traffic Control Plan shall be completed in accordance with AS1742.3 (Manual of uniform traffic control devices Part 3: Traffic control for works on roads) and TfNSW "Traffic Control at work sites" technical manual;
 - Details Appropriate advance warning signs to warn drivers about any road/lane closures and changes in conditions ahead; and

- The event organiser shall take the full responsibility for all traffic control and management associated with the event. The stakeholders which may be impacted by the special events shall be informed in writing about the event location, duration and any proposed changes. Advertising of transport management arrangements required for 28 days prior to event where regulation of traffic on a public road is required.

22. Bush Fire Emergency Management and Evacuation Plan

A Bush Fire Emergency Management and Evacuation Plan shall be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, Section 6.8.4 and Section 8.3.8 of *Planning for Bush Fire Protection (PBP)* 2019, prior to the operation of any non-equestrian event.

The Bush Fire Emergency Management and Evacuation Plan shall include (but not limited to) details on:

- Mechanisms for the planning for the early relocation of occupants;
- A suitable method of staging evacuation, ensuring that evacuation flow is directed through different stages/areas of the site, moving from areas of higher risk to lower risk;
- The ongoing provision of the proposed open area bush fire refuge area capable of accommodating all participants and staff;
- The closure of the site or cancellation of events on days of severe or higher fire danger rating;
- Mechanisms for the provision of advance and on site warnings to patrons identifying that the event is located on bush fire prone land, giving advice on any fire restrictions, emergency warnings, alerts or safety information; and
- Emergency management planning during the event organisation stages is to be in consultation with the NSW RFS and all other relevant stakeholders.

23. Asset Protection Zones

All areas within the subject site currently managed shall continue to be maintained to the standard of an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*, to ensure ongoing protection from the impact of bush fires, for the life of the development. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

24. General Treatment Requirements

NSW Police advise that the following general treatment options shall be adhered to reduce the risk of offences occurring:

- All CCTV surveillance shall be installed, operated and maintained on-site at all times.
- NSW Police advise on the setting of benchmark crowd/attendance numbers for the use of security guards for events. If a threshold number is expected, then hirers shall consider use of security for their event.
- Adequate use of lighting, fencing and maintained vegetation shall be used in areas where structures and vegetation make it possible for offenders to act undetected on-site.
- Physical barriers shall be used to attract, channel or restrict the movement of people to minimise opportunities for crime and ensure free flow of pedestrians and traffic.
- Car parking areas shall be well lit and general site cleanliness shall be maintained at all times.

25. Carparking - General

- i. The provision and maintenance of the following number of car parking spaces:
 - a. Two thousand and five hundred (2,500) formal off-street car parking spaces for staff and visitors; and
 - b. Nine hundred (900) informal off-street car parking spaces for staff and visitors;

Total of three thousand and four hundred (3,400) car parking spaces shall be available for non-equestrian events.

Each formal car space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

26. Hours of Operation

The approved hours of operation for the use of the premises for non-equestrian events are:

Monday to Sunday: Twenty-four (24) hours a day.

Notwithstanding, Hacking Arena shall only operate from 8:00am – 5:00pm Monday to Sunday.

These hours of operation are to be in accordance with the operational scenario parameter established in the Noise Impact Assessment Report, prepared by Renzo Tonin & Associates, dated 24 March 2020.

27. Hacking Arena

Hacking Arena, shall not be used for the purpose of a festivals at any time.

28. Complaints Register

A telephone number during the operation of non – equestrian events, of the person responsible for the operation of the event shall be made available to the adjoining residences and businesses via letterbox drop to a radius of 250 metres from the boundaries of the subject site. The letterbox drop shall take place at least once every twelve (12) months or should details of the operator change. The person shall be available at all times during the operation of the event. A Complaint's Management Register shall be kept by the event operator to record any complaints during the operation of the premises, and how these issues have been resolved. The register shall be made available to Council upon request. Evidence of this condition being satisfied shall be submitted to Fairfield City Council.

29. Vehicles Servicing the Site

Vehicles servicing the site shall comply with the following requirements at all times:

All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

30. Illumination of the Premises

Illumination is to be arranged so as not to cause disturbance to the occupants of adjoining and nearby residential premises and in this regard any requirements of Council are to be given immediate compliance.

31. Monitoring of Patrons Leaving the Site

The applicant shall monitor and advise patrons attending the events of their obligations to the surrounding neighbourhood to leave the premises in a quiet

and orderly manner, and not to obstruct traffic in the surrounding areas. Patrons are to be advised that Council's Community Enforcement Officers will be patrolling the area and people who have illegally parked (i.e. within 10 metres of an intersection) will be fined.

32. Advertising Requirements

No advertising signs or structures shall be erected without development consent being granted by Council. The applicant is advised as an initial step to contact Council on telephone number 9725-0222, with regards to the requirements for the erection of signs.

33. Site Operation

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

- a) The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- b) The use of the premises is not to interfere with the amenity of the residential area.
- c) Non-equestrian events shall operate in accordance with operational scenario parameter established in the Noise Impact Assessment Report, prepared by Renzo Tonin & Associates, dated 24 March 2020.
- d) Event organisers shall comply with the relevant Public Health Order requirements and COVID-19 restrictions in place during the event.
- e) All events shall be held within the site and not on the adjoining/nearby public roads.
- f) Evidence is to be submitted to Council, that Public Liability Cover of minimum value of \$20,000,000.00 has been obtained by the operators of the fundraiser in regards to any carnival rides. Should this insurance not be obtained at least two (2) days prior to the event, the event shall **not** proceed.

(The type and nature of amusement devices shall be detailed in the Public Liability Cover documents (copy to be submitted to Council prior to the event)).

All carnival rides shall be inspected and approved by the Work Cover Authority prior to operation.

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- g) No liquor (intoxicating) is to be consumed in a public place other than those areas approved by the Licensing Court of New South Wales.
- h) The installation and operation of the amusement device(s) shall be installed erected and operated in a safe manner and comply with the following standards:
 - a. The ground on which the device is to be erected shall be sufficiently firm to sustain the device while it is in operation and shall not be dangerous because of its slope or irregularity or for any other reasons.
 - b. The device shall be separated from all public areas by an appropriate safety barrier.
 - c. The device must be registered under the Construction Safety Regulations, 1950 and all relevant conditions complied with.
 - d. The operation and maintenance of all amusement rides and devices shall be conducted in accordance with Australian Standard AS3533.2-1997.
 - e. There is in force a contract of insurance or indemnity which indemnifies to an unlimited extent (or up to an account of not less than \$20,000,000.00 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.
 - f. The operator/owner of the rides/devices shall provide copies of current inspection certificates issued by the WorkCover Authority.