

BALLINA SHIRE COUNCIL

SEPARATE ATTACHMENT
(Attachment 6)

Item 8.1 – DA 2017/557
Place of Assembly and Tourist Facility

Ordinary Meeting 22/3/18

DA 2017/557 - Non-standard consent conditions

General

1. No more than 26 functions/events may occur within the Place of Assembly Building in a 12 month period, with the first 12 month period commencing from the date of issue of the Occupation Certificate for the Place of Assembly Building.
2. The Place of Assembly Building is not permitted to host more than two functions/events within a four week period.

At the end of the first six months of operation (with operation commencing as at the issue of the Occupation Certificate for the development), the applicant must submit a report to Council which provides details of the functions held (dates, times, numbers of guests, type of event etc.), any issues occurring in relation to the events (security, traffic, noise etc.), any verified complaints and any measures implemented to address issues and/or complaints.

In addition, there is to be an assessment of all functions held detailing acoustic performance and compliance with conditions of consent and an assessment of the Operational and Noise Management Plans and recommendation for any amendments.

The report should provide recommendations on the operation of the Place of Assembly Building with regard to the numbers of events that may be hosted in any one time period.

The report is to be submitted to Council within 28 days of the hosting of the last function/event in the six month period.

3. No more than 100 guests are to attend any function/event at the subject site.
4. The Refreshment Room component of the Place of Assembly is only to be available for catered events/functions hosted in the Place of Assembly building. No permanent chef or staff are to be associated with the development. The Refreshment Room is not permitted to operate as a separate restaurant or café.
5. All dining and entertainment is to occur inside the Place of Assembly building.
6. The Tourist Facility (Accommodation) and related facilities are not to be used by caterers to prepare food associated with the Place of Assembly (Function Centre and Refreshment Room) use of the land.
7. The use of fireworks, pyrotechnics and helicopters is prohibited.
8. This development consent authorises the conversion of the approved dwelling house to a Tourist Facility (Accommodation) comprising four bedrooms and a one bedroom manager's residence. The Tourist Facility is to be available for Accommodation as part of a pre-booked package with the Place of Assembly (Function Centre).
9. The use of the four bedrooms within the Tourist Facility (Accommodation) is to consist of short term stays only, being defined as "individual guests must not be accommodated for more than 42 days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period".

10. The current and any future owner of the subject property must submit to Council an Operational Management Plan (OMP)/Terms and Conditions for the Tourist Facility (Accommodation). This plan must be prepared in accordance with the requirements of Consent Condition 22 and is to be submitted to Council by each and every subsequent owner of the property, prior to their first use of the Tourist Facility (Accommodation).
11. The on-site manager is required to be on site at all times that the Place of Assembly Building is in operation.

Prior to the issue of a Construction Certificate

12. The development shall provide for a minimum of six parking spaces associated with the Tourist Facility (Accommodation) comprising two internal (garage) spaces and four external spaces and 34 car parking spaces for the Place of Assembly (Function Centre and Refreshment Room).

The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004.

The design of all car parking and vehicular accesses in association with the Place of Assembly (Function Centre and Refreshment Room) are to be in accordance with the Australian Standard AS/NZS 2890.2:2002 and make provision for Medium Rigid Vehicles to service the development during peak periods.

The design of the car parking area for the Place of Assembly (Function Centre and Refreshment Room) is to include a designated turnaround area which can cater for Medium Rigid Vehicles. The turnaround area is to be clear of the nominated hardstand area as shown in the plan prepared by Charlie Hewitt Engineering Design, Drawing No. 180 CV 101, Revision A, Dated 29/11/17. The design of the designated turnaround area must not result in conflict points with pedestrians as they enter the facility or with other designated parking spaces.

Design plans for all car parking spaces for the development (including a turning path analysis for Medium Rigid Vehicles for the car parking area servicing the Place of Assembly building) are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the development.

13. Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
Cumalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan 2015	24 September 2015
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

14. The owner is required to lodge with Council for approval, a Section 68 Application under the provisions of the Local Government Act 1993, to Install/Upgrade the on-site sewage management system for the proposed Place of Assembly Building. The application is to be accompanied with an amended OSSM report to support the use of the facility to have back to back functions.
15. The owner is required to lodge with Council for approval, a Section 68 Application under the provisions of the Local Government Act 1993, to Install/Upgrade the on-site sewage management system for the proposed for Tourist Facility (Accommodation) to account for the one bedroom manager's residence (in addition to the four bedrooms to be utilised for tourist Accommodation purposes).
16. The design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures (having consideration for the levels specified in the Environmental Noise Assessment Report, prepared by TTM, Dated September 2017), are to be submitted to and approved by Council prior to the issue of the Construction Certificate for the development.
17. The identified acoustic construction measures, as specified on the development plans and in the recommendations of Environmental Noise Assessment Report, prepared by TTM, Dated September 2017, shall be incorporated into the final construction plans. In addition, it is required that switches be installed for all openings (louvres and other windows, doors etc.) that inhibit the use of amplified sound systems, if any of the openings are not closed. The acoustic consultant is to provide certification to Council prior to the issue of the Construction Certificate, that the recommended acoustic treatments and those required via this consent condition have been incorporated into the construction plan.
18. Prior to the issue of the Construction Certificate for the development, a landscaping plan is required to be prepared by a suitably qualified person and submitted to Council for approval. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The plants selected are to be native species endemic to the locality. In addition, the landscaping plans must provide for:
 - a. Plantings along the North Teven Road boundary of the site, in order to provide improved amenity for adjacent properties on the western side of North Teven Road. The type of vegetation and its placement must be determined in conjunction with a suitably qualified engineer, such that a clear sight distance is maintained in accordance with the relevant Australian Standards.
 - b. Plantings adjacent to the eastern and southern elevations of the development in order to provide some screening of the building and car parking areas from the surrounding residences.

The landscaping plans are to have consideration for the requirements of the NSW Rural Fire Service Bush Fire Safety Authority, as included within Schedule 2 of this consent.

19. A schedule of all external building materials and finishes (which includes the advertising signs) is required to be submitted to and approved by Council prior to the issue of the Construction Certificate. The building materials and finishes are to be selected in accordance with the requirements of Section 3.2 – Ridgelines and Scenic Areas of Chapter 2 within the Ballina Shire Development Control Plan 2012, which states that materials are to be non-reflective, with earthy colours and tones to be used.
20. Detailed plans of the proposed two advertising signs to be erected as part of the development (at the North Teven Road entry and within the development site on the access driveway) are to be submitted to and approved by Council prior to the issue of the Construction Certificate. The signage located at the North Teven Road entry to the development site is to be located such that it does not obstruct sightlines.

Prior to issue of the Occupation Certificate

21. Prior to the issue of the Occupation Certificate, certification from a suitably qualified bush fire consultant must be submitted to Council, which verifies that the conditions imposed as part of the Bushfire Safety Authority issued by the NSW Rural Fire Service (refer to Schedule 2) have been satisfied for the Tourist Facility (Accommodation) and the Place of Assembly (Function Centre and Refreshment Room) building.
22. An Operational Management Plan (OMP) or Terms and Conditions for the letting of the Tourist Facility (Accommodation) is required to be prepared and submitted to Council prior to the issue of the Occupation Certificate. The OMP/Terms and Conditions must address, as a minimum, the following matters:
 - (i) The tourist and visitor Accommodation may only be let as part of a package deal with the Place of Assembly (Function Centre and Refreshment Room) building and is to be let to guests only attending an event/function in the building.
 - (ii) A noise limited sound system is to be installed within the Tourist Facility, with a requirement included that no other sound system is permitted to be used on the property.
 - (iii) Details (name, phone contact etc.) of the on-site manager, with these details to be provided to both the visitors/guests and also to neighbouring properties.
 - (iv) The on-site manager is to be on-call 24 hours a day and present on site during each overnight stay.
 - (v) The on-site manager is to provide an on-site induction, including a tour of the Tourist Facility and property grounds.
 - (vi) Waste management for the Tourist Facility.
23. An Operational Management Plan (OMP) for the Place of Assembly (Function Centre and Refreshment Room) shall be submitted to and approved by Council prior to the issue of the Occupation Certificate. The OMP shall be based on the information provided in the Statement of Environmental Effects, prepared by Planning Resolutions, Dated 3 October 2017, the recommendations Environmental Noise Assessment Report, prepared by TTM, Dated September 2017, except where amended by the conditions of this consent. The OMP is required to also specify the following:
 - (i) Compliance with the conditions of development consent 2017/557;
 - (ii) The engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP;
 - (iii) Requirement for the on-site manager to be present on the development site throughout the event. Contact details for the on-site manager will be provided to neighbouring property owners;

- (iv) Requirement for 14 days notice to be provided to all properties noted as a “noise sensitive receiver” in the Environmental Noise Assessment Report, prepared by TTM, Dated September 2017, prior to a function being held at the subject site. Details to be included in the notice are the date of the function, hours of the function, number of guests and the function number in that 12 month period (i.e. Function 1 of 26);
 - (v) Requirement for the majority of guests to arrive by small buses (with provision to be made for up to a limited number of private vehicles for guests, with preference given to those guests who are elderly and/or families with small children) with parking prohibited on the adjoining public roads;
 - (vi) Limitations on function times and noise generation in accordance with the terms and conditions of development consent 2017/557;
 - (vii) A requirement for all future clients (for example, bride and groom) to sign contracts linked to compliance with the OMP;
 - (viii) Complaint handling procedures, including the recording of all complaints received and the response to those complaints. The record of complaints to be made available to Council on request;
 - (ix) A copy of the approved Operational Management Plan and the Noise Management Plan is to be provided to all properties identified as “sensitive receptors”.
24. A Noise Management Plan (NMP) for the Place of Assembly (Function Centre and Refreshment Room) shall be submitted to and approved by Council prior to the issue of the Occupation Certificate for the development. The NMP shall detail, but not be limited to, the following:
- (i) Identify noise limits/restrictions at various locations within the property,
 - (ii) Notification processes for sensitive receivers of upcoming functions,
 - (iii) Identify monitoring locations and practices for compliance assessment,
 - (iv) Identify processes for dealing with non-compliances,
 - (v) Identify roles and responsibilities for actions within the NMP, and
 - (vi) Complaints handling practices.
25. All drainage grates located within traffic movement areas shall be fixed to avoid rattling.
26. The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Environmental Noise Assessment Report, prepared by TTM, Dated September 2017 (or as amended) and has been approved via the plans and documentation referred to in condition 17 prior to the issue of the Occupation Certificate. If Council is not the PCA for the development a copy of the certification is to be provided to Council.
27. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines (2014). The potable water shall generally meet the Australian Drinking Water Guidelines requirements. A water quality assurance program shall be developed and submitted to NSW Health, a copy of the approved plan shall be submitted to Council prior to the issue of the Occupation Certificate.
28. Prior to commencement of operations the water supply is to be sampled and analysed by a NATA certified laboratory for chemical, physical and microbiological parameters in order to verify suitability of supply. The water sampling results are to be submitted to Council within 14 days of receipt of results. Further assistance can be sought by referring to the NSW Health Department's “*Private Water Supply Guidelines*” – copies are available from Council's Public and Environmental Health Section.

29. All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*". Upon installation of lighting and before final commissioning, a report from a qualified consultant shall be submitted to the Principal Certifying Authority (PCA) demonstrating compliance with AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".

During Operation or Use

30. Operational waste management activities at the site shall be in accordance with the Site Waste Minimisation and Management Plan (SWMMP) prepared by Planning Resolutions, Dated 28 September 2017, which has been approved by Council.
31. Vehicles servicing the development (including deliveries of goods and waste collection) shall be restricted to between the hours of 7.00am to 6.00pm daily.
32. Operational activities at the site shall be in accordance with the Noise Management Plan and Operational Management Plans (as referred to in conditions 22, 23 and 24 of this consent) which has been approved by Council.
33. Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment, Dated September 2017 prepared by TTM, and as amended by Council as outlined below:
- a. Microphones and amplified speakers be limited to a noise level of 81 dB (A) at 3 metres (or 91 dB(A) at 1 metre), and are to occur inside the Place of Assembly building. Music shall be turned down at 10pm so as to inaudible at any nearby residential receiver (not on the same lot).
 - b. Use of the Place of Assembly building is permitted to occur between the hours of 7am and 11pm (with all patrons having left the site by 11.30pm).
 - c. Venue setup, goods deliveries and waste collections shall occur between the hours of 7am and 6pm.
 - d. Any grates or other protective covers in the entrance driveways must be rigidly fixed in position to eliminate movement and be maintained.
 - e. All functions/events held in the Place of Assembly building are to cease by 11pm, with amplified music to be turned off at 11pm. All guests are required to move inside the building and all windows and doors (including louvered doors and windows) within the building are to be closed from 10pm onwards.
34. Noise associated with the mechanical plant must not give rise to any one or more of the following:
- (a) Transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
 - (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as LAeq, 15 minute; or
 - (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
35. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines 2014 and an approved Quality Assurance Program.

36. Water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitising shall be of a potable standard. Non potable water may be used for cleaning and similar uses, only where it will not compromise the safety of food on the premises.
37. The use of the fire pit shall comply with the requirements of the Protection of the Environment Operations (Clean Air) Regulation 2010 to prevent or minimise air pollution including;
- (a) Taking into account the potential for smoke to impact on people having regard for wind direction, weather conditions and the length of time that the fire is likely to burn
 - (b) Taking reasonable measures to ensure that material being burnt is not wet or green
 - (c) Burning only material that is suitable for burning.
38. All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".

Schedule 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,806.00	0.6134	\$7,241.80
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$177.00	0.6134	\$108.57
TOTAL					\$7,350.37