

DRAFT CONDITIONS OF APPROVAL

**SCHEDULE 1 CONDITIONS OF CONSENT**

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**Parameters of consent**

**1. Terms of this approval**

Development Consent granted under this determination is limited to the temporary use of the land for wedding functions (or the like) as described in the plans and documentation approved under Condition 3 of this Consent, and in accordance with the following parameters:

- a. a maximum of 14 events in any period of 12 months;
- b. a maximum of 130 persons are permitted on the site during any given event;
- c. all event attendees are to be transported to and from events by motor vehicle, and buses are to be used to transport the majority of guests to and from the events;
- d. events are to occur on Saturday and Sunday; no events are to occur from Monday to Friday;
- e. event related traffic must not access the site prior to 9:00am on a Saturday or Sunday;
- f. for each event, amplified music is to cease by 9:30pm, and all guests must depart the site by 10.00pm. No activities, including vehicle traffic associated with the functions are to take place later than 10.00pm;
- g. following any function, the site is to be returned to same condition it was in prior to the commencement of the function by the end of the first business day after the event. This includes the removal of any temporary structures; and
- h. traffic associated with event set-up and with event pack-up must not access the site before 10:00am or after 2:30pm on weekdays.

**2. Time Limit on Development Consent**

Approval for the temporary use of the land for wedding functions is limited to a period of 2 years from the issue of an Occupation Certificate for the first event.

Noise monitoring is to be carried out in accordance with the requirements specified in Condition 10 below. As specified in that condition, this development consent will cease if the monitoring demonstrates continued non-compliance with the noise levels specified in the TTM Environmental Noise Assessment Report (dated 16/02/2017).

**3. Development is to be in accordance with approved plans**

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
Plan 3.1	Site Development Plan	Planning Resolutions	April 2017
16SYA0051	Victoria Park Weddings, Environmental Noise Assessment Report (Rev. 1)	TTM Consulting Pty Ltd	16/02/2017

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**4. Erection and use of tent, marquee, booth, stage or platform**

- a) The total floor area of all marquees and tents that are used at the same time must not exceed 300m<sup>2</sup>.
- b) Each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent or marquee.
- c) The structure must be erected at ground level.
- d) If any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided.
- e) Each tent or marquee must have a width for each exit of at least:
  - (i) 850mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or
  - (ii) 1m in any other case.
- f) No tent or marquee can have a wall height exceeding 4m.
- g) Each tent or marquee must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee, not exceeding 6m.
- h) No tent or marquee can contain tiered seating.
- i) 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) 1 exit if the tent or marquee has a floor area of not more than 25m<sup>2</sup>,
  - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m<sup>2</sup>,
  - (iii) 4 exits in any other case.
- j) Trees growing on the land on which the structure is erected or on adjoining land must not be damaged as a result of the erection or use of the structure.
- k) Arrangements must be in place for the collection of any waste or recyclable materials likely to be generated as a result of the use of the structure;
- l) In the case of the erection and use of a stage or platform, 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 following conditions are to be complied with prior to the issue of a Construction Certificate for road and/or building works**

**5. Acoustic fencing design details and specifications**

Details and specifications for acoustic fencing must be submitted to the Council for approval prior to the issue of construction certificate. The design must comply with the recommendations in Environmental Noise Assessment Report prepared by TTM Acoustic Consulting dated 16/02/17. All information in respect of this condition must be prepared by a suitably qualified and experienced acoustic professional.

**6. Consent required for works in the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

**Driveway (residential areas)**

A bitumen sealed driveway in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

**7. Internal driveway details required**

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Vehicular access must be in accordance with AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 20 metres;
- f) drainage (open drains, pipes, etc.), including calculations and catchment details;
- g) passing bays every 200m (minimum) to accommodate buses;

The internal accessway is to be bitumen sealed for a distance of at least 280m starting from the property boundary.

**NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".**

**8. Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information [www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-.doc](http://www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-.doc)

**The following conditions are to be complied with prior to any building or construction works commencing**

**9. Erosion and sediment measures**

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion

& Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

**The following conditions are to be complied with prior to the issue of an Occupation Certificate for the first event**

**10. Noise Management and Monitoring Plan**

A Noise Management and Monitoring Plan (NMMP) must be prepared by a suitably qualified acoustic practitioner. The Noise Management and Monitoring Plan (NMMP), is to be prepared in accordance with the recommendations in the approved Environmental Noise Assessment Report, dated 16 February 2017, by TTM Consulting Pty Ltd (Job No 16SYA0051), to the satisfaction of Council. The Noise Management Plan must include the following:

- a) details to ensure adequate measures, roles and responsibilities are in place to ensure that event noise remains inaudible above background levels at nearby dwellings;
- b) identification of nearby residences and other sensitive land uses;
- c) assessment of expected noise impacts;
- d) detailed examination of all feasible and reasonable management practices that will be implemented to minimise noise impacts
- e) strategies to promptly deal with and address noise complaints. This should include any records that should be kept in receiving and responding to any noise complaints;
- f) details of performance evaluating procedures (for example, sound checks on amplified music or public address systems);
- g) procedures for notifying nearby residents living within 1 kilometre of the property of forthcoming functions, times that they are likely to notice noise emanating from wedding functions and the contact details for the onsite manager for complaints and queries to be made, and responded to;
- h) reference to all relevant consent conditions, including hours of operation and number of guests;
- i) operational details about the use of any noise monitoring equipment to record sound pressure levels around the property;
- j) measures to ensure speakers within the wedding marquee, and the marquee openings, are faced away from neighbouring dwellings;
- k) name and qualifications of person who prepared the report; and
- l) protocols for the monitoring of the first three wedding events, including a requirement that a report be provided to Council following the third wedding, outlining the results of noise monitoring and compliance with the requirements of this consent.

The protocols must include detailed contingency measures that would be implemented if the monitoring demonstrates that noise at sensitive receivers has exceeded that predicted in Table 11 of the TTM Environmental Noise Assessment Report (dated 16/02/2017).

In that case, monitoring is to be extended to the next two events, with a further report to be provided to Council at the end of this extended monitoring period.

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If the noise levels at sensitive receivers have not been met at either of these two events, this development consent will cease.

The Noise Management and Monitoring Plan must be submitted to Council for approval prior to issue of an occupation certificate for the first event.

**11. Acoustic Fencing**

Acoustic fencing must be installed in accordance with approved plans and specifications. The applicant must provide documentary evidence to certify to council that the acoustic fence has been installed as recommended by Environmental Noise Assessment Report prepared by TTM Acoustic Consulting dated 16/02/17.

**12. Certificate of Compliance from Rous Water – Water Management Act 2000**

A Certificate of Compliance shall be obtained from Rous Water, confirming that all Developer Charges payable to Rous Water have been provided to Rous Water.

***Note:** Rous Water is the Water Supply provider for the location of the subject development. The applicant must organise the provision of a water service to the development with Rous Water and provide a Certificate of Compliance from Rous Water to this Council.*

**13. Food Businesses**

All food businesses shall be approved under Council's permit system to ensure safe food standards can be achieved. The 'temporary event' shall be registered on the NSW Food Authority database ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)) to comply with the Food Standard Code 3.2.2 Clause 4.

An inventory of all temporary food stalls that will be operating on the site is to be provided to Council. The inventory is to include stalls operating prior to and following the event, during the event (including staff and VIP facilities and licensed stalls) and associated with the primitive camping grounds.

A provision of services for food stalls report is to be provided to Council. The report is to include the following:

- availability of electrical power to all food stalls (noting that unless reliable 24 hour power is available, refrigerated foods will deteriorate and may cause food poisoning);
- reliable access to potable water, (noting that all potable water storage tanks used by food stalls are to be clearly labelled and secured to prevent contamination);
- utility washing facilities and associated wastewater and sillage collection, storage and disposal options;
- access/egress paths to ensure adequate provision for evacuation in emergencies, re-supply and general movement around stalls. (Adequate lighting and signs to be provided to ensure safe paths of travel);
- appropriate fire management response (all portable fire services to be covered by an annual test certificate);
- toilets with separate hand washing facilities;
- garbage and recycling as part of the waste management strategy for the proposed activities;
- safety and security issues, such as transporting cash, any hazards associated with the new event site, etc.;

- nominated buffers to vegetation (in compliance with Council and RFS fire requirements);
- protection of food handlers from excessive noise sources (in compliance with the Occupational Health & Safety Act 2000).

**14. Section 68A approval required**

An **approval** under Section 68A (2)(b) of the Local Government Act 1993 to operate a system of sewage management (i.e. *“hold...sewage that is to be subsequently discharged into a public sewer”*) must be obtained.

**15. Trade Waste - Section 68 approval required**

An **approval** under Section 68 of the Local Government Act 1993 to discharge trade waste into Council’s sewer must be obtained.

**The following conditions are to be complied with at all times**

**16. Noise Management and Monitoring Plan**

The development must be managed and operated in accordance with the approved Noise Management and Monitoring Plan. All staff must be inducted to the NMMP and a copy must be available on the premises at all times.

Noise from events must remain inaudible at nearby dwellings or outside the boundaries of the property.

**NB:** Breaches of approved noise levels may result in the issue of Prevention Notices (and associated penalties) as per *Section 96 of the Protection of the Environment Operations Act 1997 (POEO Act)*.

**17. Amplified Sound Equipment**

In accordance with Section 8.2 of Environmental Noise Assessment Report prepared by TTM Acoustic Consulting dated 16/02/17, amplified sound equipment must not exceed a noise level of 81dB(A) when measured at three (3) metres or 91dB(A) at one (1) metre.

Amplified sound equipment shall be operated within the marquee at all times. Amplified sound is not permitted outdoors.

**18. Temporary food stalls to comply with the NSW Food Act 2003**

Ensure that all premises for the sale of food (as defined under the Food Act 2003) at the proposed event must comply with the following requirements:

- All food and food service businesses must comply with the requirements of the New South Wales Food Act 2003 and Food Regulation 2015 (incorporating the Food Standards Codes);
- Food vendors operating in the Byron Shire are required to register with Council and apply for a temporary food stall permit issued by Council prior to the sale of food at the venue;
- All essential fire services to be annually tested and certified. Appropriate fire extinguishers to be provided by every temporary food stall.
- The applicant and all food vendors must comply with any reasonable directions issued by an authorised officer of Council;

- e) All liquid and solid wastes generated by food service premises must be adequately contained whilst on the site; and disposed of so as not to cause any nuisance or harm to the environment;
- f) Potable water used in the preparation of food for sale must be kept clean and uncontaminated. All potable water storage tanks provided for use by food stalls are to be clearly marked 'Potable Water'. All hose connections if required must be of food grade materials;
- g) Electricity supplies for all proposed activities associated with temporary structures must comply with Australian Standard AS3002-1985 "Electrical installations – Shows and Carnivals". In addition adequate electrical supply must be provided to ensure food storage appliances are capable of maintaining statutory temperature requirements.

**19. Adequate amenities to be provided**

The applicant shall provide sufficient amenities for patrons. Numbers of toilets and hand washing facilities shall be calculated according to BCA requirements.

**20. Adequate Sanitary Facilities to be provided**

Adequate facilities for the disposal of sanitary items must be provided.

**21. Collection of liquid waste by contractors**

All collections shall be made by Council or EPA approved contractors only and disposed at appropriately licensed waste management facilities.

The property owner or authorised representative of the property is to maintain a log book of all liquid trade waste management activity on the premises. The log shall be available for Council Officers to inspect on-site at all times.

The log book shall include the following items: - the day, date and time of collection of waste; type and volume of waste collected; the name of the driver and transport company that collected the waste; vehicle registration number; and signature of tanker driver for each entry in the log book.

**22. Guests must not use the facilities in the dwelling or shed**

Guests must not use the toilets, sinks, showers, kitchen or laundry facilities in the dwelling or shed. Guests must only use the temporary facilities (i.e. portable toilets).

**23. No Interference with Amenity of Neighbourhood**

The proposed use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises in accordance with this development must not cause or permit "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to impact upon neighbouring residential dwellings at any time.
- b) All amplified music and public address systems must be operated so that they are not audible outside of the boundary of the property between 10:00 pm on any day, and 8:00 am on the following day.
- c) The Applicant/Licensee is responsible for the quiet and good order of the neighbourhood in the vicinity of the premises.

- d) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- e) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- f) All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- g) Goods deliveries, fuel deliveries and waste collection shall be restricted to daytime operating hours.

**24. Toilet waste additives**

No additives are permitted to be used in the toilet waste.

**25. Food preparation waste**

Waste from food preparation activities is not permitted to be discharged.

**26. Other Parties, Gatherings and Celebrations**

Any informal parties, gatherings or other celebrations on the day after or prior to wedding function day to be limited to the hours of 11am to 3pm. No "buck's nights" or "hen's nights" approved.

## **SCHEDULE 2 PRESCRIBED CONDITIONS**

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**The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:**

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

## **SCHEDULE 3 NOTES**

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**Occupation Certificate required:**

The events must not be held at the site until a Principal Certifying Authority has issued an Occupation Certificate.

**Protection of the Environment Operations Act 1997:**

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site

may be subject to a penalty infringement notice (“on-the-spot fine”) or prosecution.

**Penalties apply for failure to comply with development consents**

Failure to comply with conditions of development consent may lead to an on the spot fine (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.