

# Wollongong Local Planning Panel Assessment Report | 15 November 2022

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2022/961
<b>Proposal</b>	Five (5) year approval is sought for the partial closure of Market Street, between Keira Street and Keira Lane (including northern footpath) to enable an annual New Year's Event to operate in conjunction with the Illawarra Hotel
<b>Property</b>	Illawarra Hotel 160-164 Keira Street Wollongong Market Street, Wollongong
<b>Applicant</b>	MMJ Wollongong
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Major Development Team (MJ)
<b>Prior WLPP meeting</b>	N/A

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

#### Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 30 June 2020, as the landowner of Market Street is Council.

#### Proposal

The proposal seeks a five (5) year approval for the partial closure and use of Market Street, between Keira Street and Keira Lane (including northern footpath) to enable an annual New Year's Eve Event to operate in conjunction with the Illawarra Hotel.

#### Permissibility

The site is zoned B3 Commercial Cores pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a temporary use and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and received one (1) submission which is discussed at section 1.5 of the assessment report.

#### Main Issues

The main issues are;

- Traffic management
- Acoustic management
- Restricted consent period

## RECOMMENDATION

It is recommended that the application be approved subject to the imposition of conditions contained in Attachment 8.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS AND COMPLIANCE**

#### **Planning controls and compliance**

The following planning controls apply to the proposal:

##### State Environmental Planning Policies:

- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

##### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan 2009

##### Development Control Plans:

- Wollongong Development Control Plan 2009

##### Other policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019
- Wollongong CBD Night Time Economy Council Policy

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises five (5) year approval for the partial closure and use of Market Street, between Keira Street and Keira Lane (including northern footpath) to enable an annual New Year's Eve Event to operate in conjunction with the Illawarra Hotel, at Illawarra Hotel 160-164 Keira Street Wollongong and adjoining section of Market Street.

A 50m section of Market Street is to be closed to traffic and occupied by a stage and fenced event area for the purposes of a live music event.

#### **TEMPORARY STRUCTURES AND LAYOUT**

- Market Street to be closed to traffic between Keira Street and Keira Lane, consistent with the southern frontage of the Illawarra Hotel
- Water Barriers blocking traffic from east and west (road closure)
- Stage (generators, backstage areas, punter barrier) (~4.5 deep x 7.5m wide and 5m high)
- Creation of courtyard standing and high table areas
- Creation of VIP areas w/ bench seating
- 2.1m high fencing to enclose area
- Festoons (with supporting truss)
- 7 x WCs
- Footpath can bar (Northern footpath), Taco Bar, Smoker and Can Bar,
- Illawarra Hotel to remain unchanged, will include 'Drinks and Food Tickets' station

## EVENT PLAN

- **Date / Time:**
  - 1 December
    - 6am: Market Street road closure, Setting up of temporary marquees, stages, and / or food vending stalls etc
    - 6pm: Event start time, External Liquor License Commences, Live Music Commences
  - 1 January
    - 12.30am: Live Music Ceases, External entertainment area closed
    - 2am: External Liquor License Ceases
    - 3am: Illawarra Hotel ceases trading as per Hotel Trading hours
    - 6am: Dismantling up of temporary marquees, stages, and / or food vending stalls etc
    - 12pm (midday): Market Street reopens
- **Capacity:** 1,200 patrons (external)
- **Entertainment / Activities:** Live Music on stage facing east, food and drink offerings
- **Waste:** Waste receptacles to be placed around event area, in addition event will utilise existing hotel waste management
- **Amenities:** Combination of existing Illawarra Hotel and additional temporary amenities (x7)
- **Traffic Management:** A Traffic Management Plan prepared by Traffic Management Services has been submitted demonstrating management to road closure. Refer to attachment 5
- **Security:** To be provided at ratio of 1 per 100 patrons plus 2 x user pays Police Officers
- **Noise Management:** A Noise Assessment and Management Plan prepared by GHD detailing anticipated acoustic impact and mitigation measures. Refer to attachment 6
- **Emergency:** Emergency wardens to be on hand during event. Emergency services to be notified in advance of event.

## 1.3 BACKGROUND

### DEVELOPMENT HISTORY

#### Illawarra Hotel

The Illawarra Hotel was constructed in 1939. Council's records indicate several applications have been lodged in relation to the Hotel. Construction of the Illawarra Hotel pre-dates planning legislation and later consents do not describe the use in terms of permissible development. It is reasonable to adopt the applicant's description of the current use as 'hotel and motel accommodation' and 'pub', as defined in Wollongong Local Environmental Plan 2009.

The most recent development consent was DA-2018/714/A - *'Refurbishment of existing hotel and change of use of Level 1 to a pub and office premises and Level 2 to office premises Modification A - modify NSW Police condition 36 (amend points 9 and 10 in sub-condition 1 regarding CCTV recordings, amend sub-condition issued 21-Feb-2020.*

## NYE Event

A similar event was held in this location over the 2021/22 New Years Eve period. This event was not held under development consent, but did receive approval under the Roads Act 1993 from Council and the road closure was approved by the Wollongong Traffic Committee.

A risk assessment was undertaken preceding the event and it was determined that the event could proceed without development consent, with the endorsement of the General Manager and Director of Planning & Environment.

A review of Council records and consultation with Council's Regulation and Enforcement indicates that no complaints were received regarding this event.

## **PRELODGEEMENT MEETING**

A prelodgement meeting was held on 7 July 2022 for this proposal (Council ref: PL-2022/60).

The main issues identified and discussed were as follows:

### 1. Wollongong Local Planning Panel (WLPP)

*As the development is located on land owned by Council, the application would be required to be referred to the WLPP for determination.*

Comment: The development application is to be referred to the WLPP.

### 2. Frequency of Events duration of consent

*Council would consider an application for a multi-year consent.*

*It is noted that the longer the duration and higher frequency of events (e.g. multiple years and multiple events per year) would attract higher scrutiny in the assessment and further consideration of potential impacts, beyond that of a one-off occurrence.*

Comment: The development application requests consideration of a multi-year development consent. The application is of substance to enable consideration for a five (5) year restricted consent.

### 3. Consistency with Hotel Illawarra Consent and Liquor Licence

*The applicant is encouraged to consider consistency with the Hotel Illawarra operational development consent and related liquor licence with respect to operation matters. Including but not limited to, hours of operations, capacity and licenced boundaries.*

Comment: Not a consideration under this application, to be resolved by applicant.

### 4. Acoustic Impacts

*Acoustic impacts on surrounding businesses and residents would be a consideration in the assessment, noting the application would be notified in accordance with Council's Public Exhibition Policy.*

Comment: A Noise Assessment and Management Plan was prepared by GHD detailing anticipated acoustic impact and mitigation measures. Refer to attachment 6.

### 5. Liquor Licensing

*The applicant is encouraged to contact NSW Liquor & Gaming well in advance of event to determine liquor licence requirements.*

Comment: Not a consideration under this application, to be resolved by applicant.

### 6. Multiple Approval Streams

*Considering the nature and location of the event, multiple approvals will be required, including development application, traffic committee, roads act and liquor licence approvals.*

Comment: Draft conditions have been recommended accordingly.



## 7. Traffic and Pedestrian Impacts

*Vehicular traffic and pedestrian impacts will be significant consideration in the assessment.*

Comment: The application has satisfactorily addressed Traffic and pedestrian management. Refer to assessment under Chapter C6 and E3 of the Wollongong DCP 2009.

## 8. Early Consultation with Stakeholders

*The applicant is encouraged to consult with critical stakeholders prior to lodging any application to gauge and address concerns, including but not limited to Wollongong Police, State Emergency Services, Fire Brigade, Transport for NSW and surrounding businesses / residents. Noting these stakeholders would be notified of any ensuing application.*

Comment: The applicant has advised they have undertaken preliminary consultation, providing examples with the application.

## 9. Fireworks

*Should fireworks be proposed, refer to requirements of Clause 14 of Chapter C4 of the Wollongong DCP 2009 and advice on Council's Website: <https://wollongong.nsw.gov.au/business-in-wollongong/organisean-event/information-for-event-organisers/fireworks>*

Comment: Fireworks are not proposed under this application.

## 10. DA Submission Requirements

*To enable the DA assessment to proceed as quickly as possible a complete application should be lodged, including the following general information...*

Comment: The application was sufficient to allow lodgement, assessment and approval.

## **1.4 SITE DESCRIPTION**

The development relates to the Illawarra Hotel site, a section of Market Street and the surrounding road network in the Wollongong City Centre. Owner's Consent has been provided by the owners of the Illawarra Hotel and Council's Property Services Manager.

The hotel site is located at Illawarra Hotel 160-164 Keira Street Wollongong, the title reference being Lot 1 of DP 83618 and comprises of a rectangular shaped lot with a total area of approximately 815sqm. It has a primary frontage to Kiera Street of 17m, a secondary 47m frontage to Market Street and a tertiary 17m frontage to Kiera Lane.

The Hotel is a three (3) storey suburban local pub with bars, a commercial kitchen, courtyard, gaming room and extensive dining and seating areas at the ground level. The first floor provides storage, staff areas and unused guest rooms, while the second floor is made up predominately of unused guest rooms.

The section of Market Street to be occupied by the development is approximately 635m<sup>2</sup> in area and ~50m in length. Market Street is reasonably flat and comprises three (3) lanes of traffic, parking and adjoining footpaths. The hotel currently operates outdoor dining on the footpath along the Market Street footpath.

The site is identified zoned B3 Commercial Core zone and is located within the Wollongong City Centre. The surrounding area comprises a mixed scale and age of commercial and mixed use development.

### Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulfate soils: No earthworks are proposed and no concerns are raised in this regard.

- **Flooding:** The site is identified as being located within an uncategorised flood risk precinct. Council's Stormwater Officer has reviewed the application in recommended conditions of consent.
- **Heritage:** The Illawarra Hotel is listed as a local heritage item (6380) as the 'Illawarra Hotel'. Also there is another locally listed item in close proximity, being (5936) 'National Mutual Life Assurance Building' at 163–169 Keira Street.
- **Notation on Planning Certificate:** Business Zone- Cultural Plan and Live Music, confirms a certain level of activity and amenity impacts are to be expected in this location.
- **Classified Road:** Site has frontage to classified road (Keira Street). TfNSW did not object to the proposal, subject to conditions.

There are no restrictions on the title that would preclude the proposal.

## 1.5 SUBMISSIONS

The application was notified from 20 September to 4 October 2022 in accordance with Council's Community Participation Plan 2019. One (1) submission was received, and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
Restricted and interrupted traffic flow to the West Keira Shopping Centre.	The traffic management plan has been revised to accommodate this concern.
The retail customers coming to The Shopping Centre from Market Street (East of the site) and Keira Street (Both north and southbound) may be confused by the detour signages as indicated in the Traffic Management Plan, and they may miss the Market Street carpark entrance to The Shopping Centre.	Council's Traffic Engineer has reviewed and found it satisfactory subject to conditions.
The traffic management plan should be revised, and proper/specific signages with the appropriate traffic management plan are provided to ensure that any/all customers for The Shopping Centre are directed specifically to The Shopping Centre.	

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Stormwater, Traffic, Building, Recreation, Property, Health, Environment and Heritage Officers have reviewed the application and provided satisfactory referrals, subject to conditions. Conditions of consent were recommended and are included in the consent.

### 1.6.2 EXTERNAL CONSULTATION

Transport for New South Wales and the Wollongong Police have reviewed the application and provided satisfactory referrals subject to conditions of consent which are included in the consent.

### 2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The development entails signage which wraps around the fence / hoardings which define the east, west and southern edges of the event area. Whilst this signage is temporary, it exceeds that (size and number) that is permitted as exempt development under the Codes SEPP and LEP and therefore requires consideration.

#### **Chapter 3 Advertising and signage**

##### Part 3.2 Signage generally

##### 3.6 Granting of consent to signage

The signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

##### Part 3.3 Advertisements

##### Division 2 Control of advertisements

##### 3.11 Matters for consideration

The signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), the signage the subject of the application satisfies the assessment criteria specified in Schedule 5 and any other relevant requirements of this Chapter.

##### 3.12 Duration of consents

The signage is temporary in nature and the consent is to be restricted to five (5) years, consistent with this section.

##### Division 3 Particular Advertisements

##### 3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

TfNSW has reviewed the proposal and found it satisfactory.

#### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

#### **Chapter 4 Remediation of land**

##### 4.6 Contamination and remediation to be considered in determining development application

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The proposal involves the partial closure of an existing street and there are no constraints or past uses that give rise to concerns or the need for further investigation regarding land contamination and WLPP as determining authority can be satisfied that clause 4.6 matters are thus satisfied.

#### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

#### **Chapter 2 Infrastructure**

##### 2.119 Development with frontage to classified road

Market Street intersects with Keira Street which is a classified road. The impacts on the operation of the classified road due to the proposal are acceptable. TfNSW were notified of the proposal and raised no objection, subject to conditions.

## 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Clause 1.4 Definitions

**temporary structure** has the same meaning as in the Act.

#### **Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it—*
  - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
  - (b) contributes to the vitality of the Wollongong city centre.*

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a temporary use of land which satisfies the criteria of Clause 2.8 and is permissible in the zone with development consent. No change to the existing 'pub' land use relevant to the Illawarra Hotel is proposed.

#### Clause 2.8 Temporary use of land

*(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*

*(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*

*(3) Development consent must not be granted unless the consent authority is satisfied that—*

*(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

Comment: The development is temporary in nature and does not entail any construction works or alterations or additions. The development will not prejudice Market Street other than during events subject to conditions of consent.

*(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

Comment: The amenity impacts that will result from the operation of the event are not inappropriate given the temporary nature of the event and amenity expectations considering the date of event and city centre location. In this sense, the development will not result in “adverse impacts”. The event has support from internal referral bodies and external agencies.

*(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

Comment: No environmental attributes or features or heritage significance will be affected. Relevant natural hazards include flooding have been considered and are not of significance to preclude the event, subject to conditions.

*(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Comment: Market Street can be returned to its current condition, there are no permanent structures proposed. This will be required as a condition of consent.

*(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.*

Comment: N/A

*(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).*

Comment: N/A

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of buildings

The maximum building height for Market Street is 32m. Whilst not technically a building, the maximum height of structures related to the event is approximately 5m.

##### Clause 4.4 Floor space ratio and Clause 4.4A Floor space ratio – Wollongong city centre

No change to gross floor area or floor space ratio is proposed.

#### **Part 5 Miscellaneous provisions**

##### Clause 5.10 Heritage conservation

*(4) Effect of proposed development on heritage significance*

The Illawarra Hotel is listed as a Local Heritage Item (6380) as the ‘Illawarra Hotel’.

Also there is another locally listed item in close proximity, being (5936) National Mutual Life Assurance Building 163–169 Keira Street.

A Heritage Impact Statement (HIS), prepared by MMJ Town Planning & Advisory has been submitted in support of the application. The HIS addresses the significance, physical description, historical notes/providence and impacts of the proposal.

The event is temporary in nature and no alterations to land use or built form area proposed. No impact on heritage significance of nearby items is anticipated.

Council's Heritage Officer has reviewed the proposal and HIS and found the development to be satisfactory subject to condition.

The proposal is satisfactory with regard to the provisions of CI 5.10.

*(5) Heritage assessment*

*The consent authority may, before granting consent to any development—*

*(a) on land on which a heritage item is located, or*

*(b) on land that is within a heritage conservation area, or*

*(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

The HIS addresses the management heritage implications of the proposal and potential impacts on the significance of the item.

No impact on the heritage values is anticipated.

Further, regarding the nearby item being ((5936) National Mutual Life Assurance Building), no impacts on heritage significance will result and a heritage management document is not required.

Clause 5.21 Flood planning

The site is classified as an uncategorised flood risk precinct.

The development is limited to temporary event, retaining a commercial use within the hotel and not altering floor levels. No significant impact on flood risk or the floodplain will result.

Council's Stormwater Engineer provided conditions of consent regarding preparation of a Flood emergency response plan, monitoring weather conditions in lead up to event and appropriate emergency response.

**Part 7 Local provisions – general**

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils. An acid sulfate soils management plan is not required as no excavation is proposed.

**art 8 Local provisions—Wollongong city centre**

Clause 8.1 Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows—

*(a) to promote the economic revitalisation of the Wollongong city centre,*

*(b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*

*(c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*

- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*
- (f) to promote housing choice and housing affordability,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

The proposed event is suited to a city centre location, will complement the economic revitalisation of the WCC, will enhance the vitality, identity and diversity of the WCC, whilst promoting tourism opportunities.

The development is satisfactory with regard to the objectives for development in the WCC.

## **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

NA

## **2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

The development has been assessed against the relevant provisions of WDCP 2009 and found to be satisfactory. No variations are proposed. The full table of compliance can be found at Attachment 7 to this report.

### **2.3.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN**

#### Wollongong City-Wide Development Contributions Plan - City Centre

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development\* is less than \$250,000 (nil) - contributions do not apply.

## **2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

## **2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

### **Environmental Planning and Assessment Regulation 2021**

#### 62 Consideration of fire safety

Fire safety was considered in the recent alterations and additions to the Illawarra Hotel building. The event does not necessitate further upgrades.

#### 63 Considerations for erection of temporary structures

Council's Building and Fire Safety Officer has recommended conditions with regard to temporary structures

## **2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

Considering the temporary nature of the proposal, there are not expected to be long term, unreasonable adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls, detailed in the body of this report.
- The submission received during notification would not preclude the development.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent.
- **Noise:** Temporary acoustic impacts during the event are anticipated and have been addressed in the Noise Assessment and Management Plan submitted with the application.

Whilst there will be impacts on nearby residents these are temporary in nature, limited to New Years Eve (a date which extended trade and related impacts are acknowledged in the Liquor Act), and on balance are acceptable considering the positive cultural, social and economic contribution such an event brings to the WCC.

Council's Environment Officer has reviewed the proposal and recommended conditions regarding acoustic management.

Monitoring and reporting of acoustic output will be required with recourse available should the event not comply with stipulated levels.

- **Traffic:** The proposed road closure will impact vehicular access through this section of the WCC for the duration of the event (incl. bump in / bump out). A Traffic Management Plan has been submitted in support of the proposal, detailing suitable management measures.

The general impact of the closure will be temporary in nature and is unlikely to have a significant impact on access to businesses, services or the public domain.

TfNSW and Council's Traffic Engineer have considered the proposal and found it satisfactory subject to conditions. It is noted the closure will ultimately be considered and approved by the Wollongong Traffic Committee.

## **2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any significant negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## **2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

Refer to Section 1.5 of this report.

## **2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The proposal is considered to be in the public interest as it demonstrates the following;

- Satisfactory with regard to the likely impacts
- Permitted in the zoning, consistent with zone objectives and compliant with applicable planning controls



- Consistent with the desired character of the area
- All matters raised in submissions have been resolved
- All referrals are satisfactory

### **WOLLONGONG CBD NIGHT TIME ECONOMY COUNCIL POLICY**

Whilst the policy does not technically apply to temporary uses of land, it does provide a framework for assessment of development in the WCC that operates beyond 10pm and that may have inherent amenity impacts (noise etc).

#### **1 OPERATING HOURS**

The policy permits the following maximum hours of operation for businesses in the WCC:

<b><i>LAND USE ZONE</i></b>	<b><i>INDOOR HOURS</i></b>	<b><i>OUTDOOR AREA WITHOUT RESIDENTIAL INTERFACE</i></b>	<b><i>OUTDOOR AREA WITH RESIDENTIAL INTERFACE</i></b>
<i>B3 Commercial Core</i>	<i>2am</i> <i>Thursday Friday</i> <i>Saturday only</i>	<i>2am</i>	<i>12am (midnight)</i>
<i>B4 Mixed Use</i> <i>SP3 Tourist</i>	<i>2am</i> <i>Friday and Saturday only</i>	<i>12am (midnight)</i>	<i>10pm</i>

The proposed hours exceed the maximum stipulated by the policy for this zoning (B3), event to cease 12:30am, 12am (midnight) permitted for outdoor areas with a residential interface.

#### **2 RESIDENTIAL INTERFACE**

The site is subject to a residential interface, being a shop top housing development located on the adjacent intersection.

A Noise Assessment and Management Plan submitted with the application, as is required by Clause 2. Should complaints be received appropriate recourse mechanisms have been included in the consent.

#### **3 TRIAL PERIOD**

NA – The proposed hours of operation do not necessitate a trial period. The consent is restricted to five (5) years, which is acceptable.

#### **4 DEVELOPMENT ASSESSMENT**

- *Proximity to residential development, sensitive land uses and other late trading premises.*

Proximity to residential land uses would not preclude the proposed hours of operation.

The proposal is not anticipated to result in significant undue impact, given the temporary nature of the event, commercial zoning, amenity expectations in the WCC and surrounding commercial land uses.

- *Impact on acoustic amenity.*

Acoustic impacts have been addressed in the Noise Management Plan and are acceptable. Notwithstanding, the consent contains conditions of consent limiting acoustic output and enabling recourse should noise complaints be received.

- *Scale of proposal and patron capacity.*

Scale and patron capacity suitable for proposed hours of operation.

- *Suitability of Venue Plan of Management.*

A Plan of management has been submitted and is acceptable

- *Safety, security and crime prevention impacts on site and the public domain.*

The site is subject to high level of passive surveillance and does not raise any concerns with regard to safety, security or crime prevention.

- *Accessibility of transport options*

The site is accessible, centrally located and transport options are available.

- *Potential Social impacts.*

No significant adverse social impacts are anticipated.

- *Submissions made during exhibition period.*

One (1) submission was submitted, however it did not relate to matters considered under this policy.

- *Consultation with Wollongong Police.*

The Wollongong Licensing Police are supportive of the proposal.

- *Cultural contribution to the Night Time Economy.*

The proposed event provides a live music offering and NYE celebration. The development does provide a cultural contribution to the Wollongong CBD NTE.

#### **5 VENUE PLAN OF MANAGEMENT**

A Plan of management has been submitted and is acceptable.

### **3 CONCLUSION**

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Sufficient information has been submitted with the application to allow consideration for a five (5) year restricted consent period, with one (1) event per year. A condition is proposed requiring a revised plan of management to be endorsed by Council each year before the event.

One submission has been considered in the assessment of the application and the issues raised do not preclude approval and where applicable. Internal and external referrals are satisfactory subject to conditions. The proposal is considered acceptable regarding the likely impacts and is considered supportable in its current form.

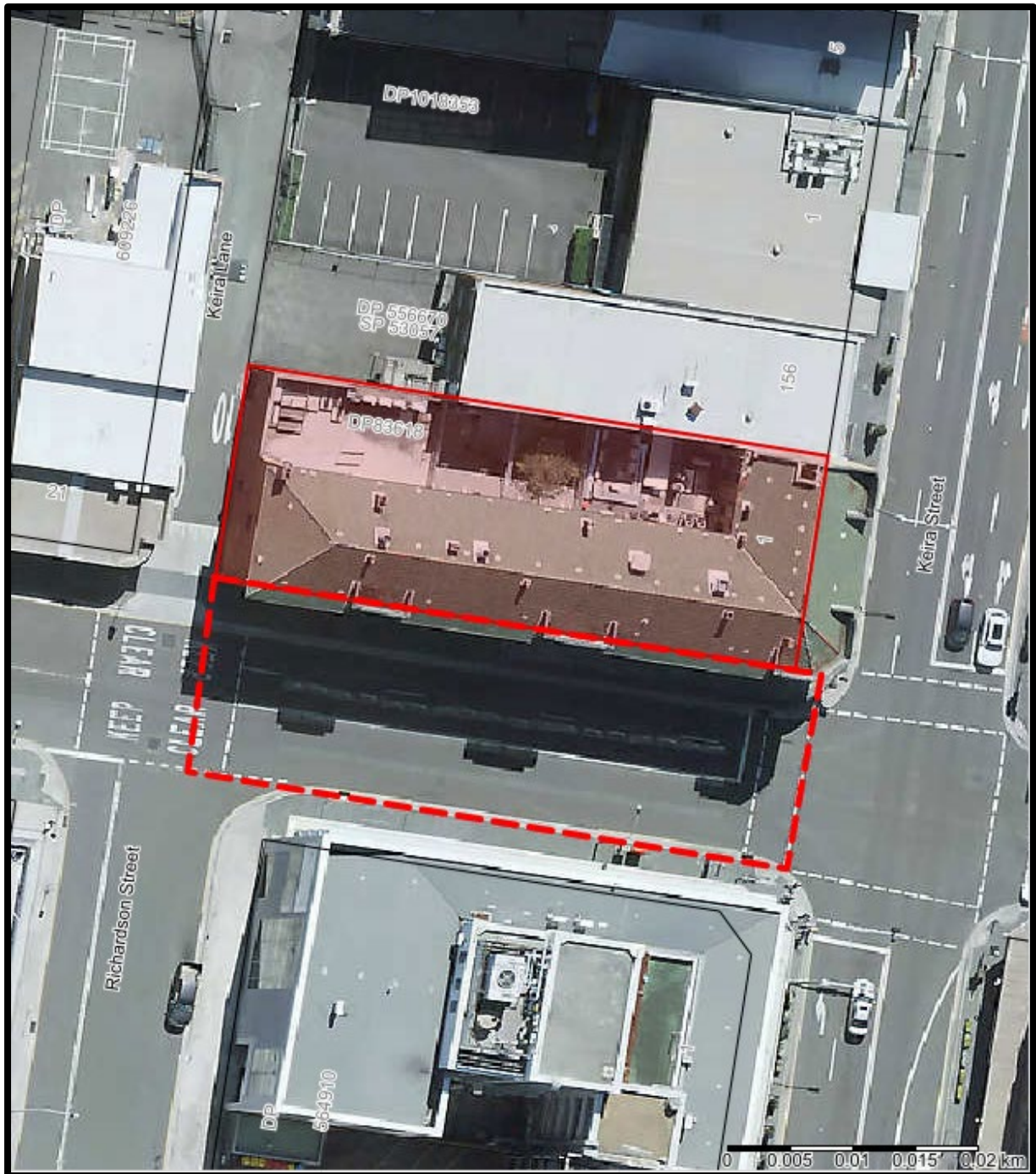
### **4 RECOMMENDATION**

It is recommended that the development application DA-2022/961 be approved subject to appropriate conditions of consent.

### **5 ATTACHMENTS**

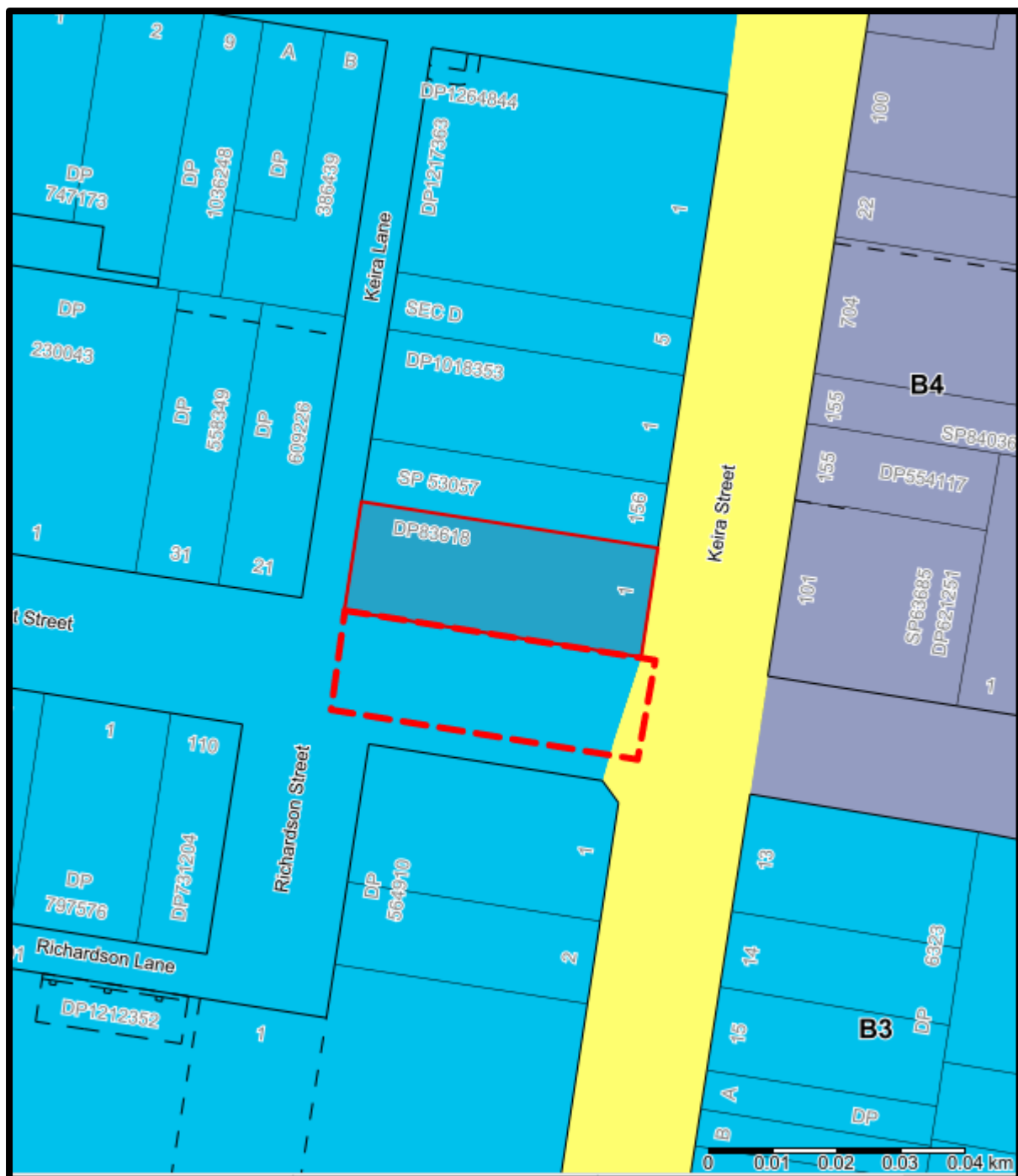
- 1 Aerial photograph (2021)
- 2 Wollongong LEP 2009 Zoning map
- 3 Architectural Plans

- 4 Event Management Plan
- 5 Traffic management plan
- 6 Noise Assessment and Management plan
- 7 Wollongong DCP 2009 Assessment
- 8 Draft conditions of consent



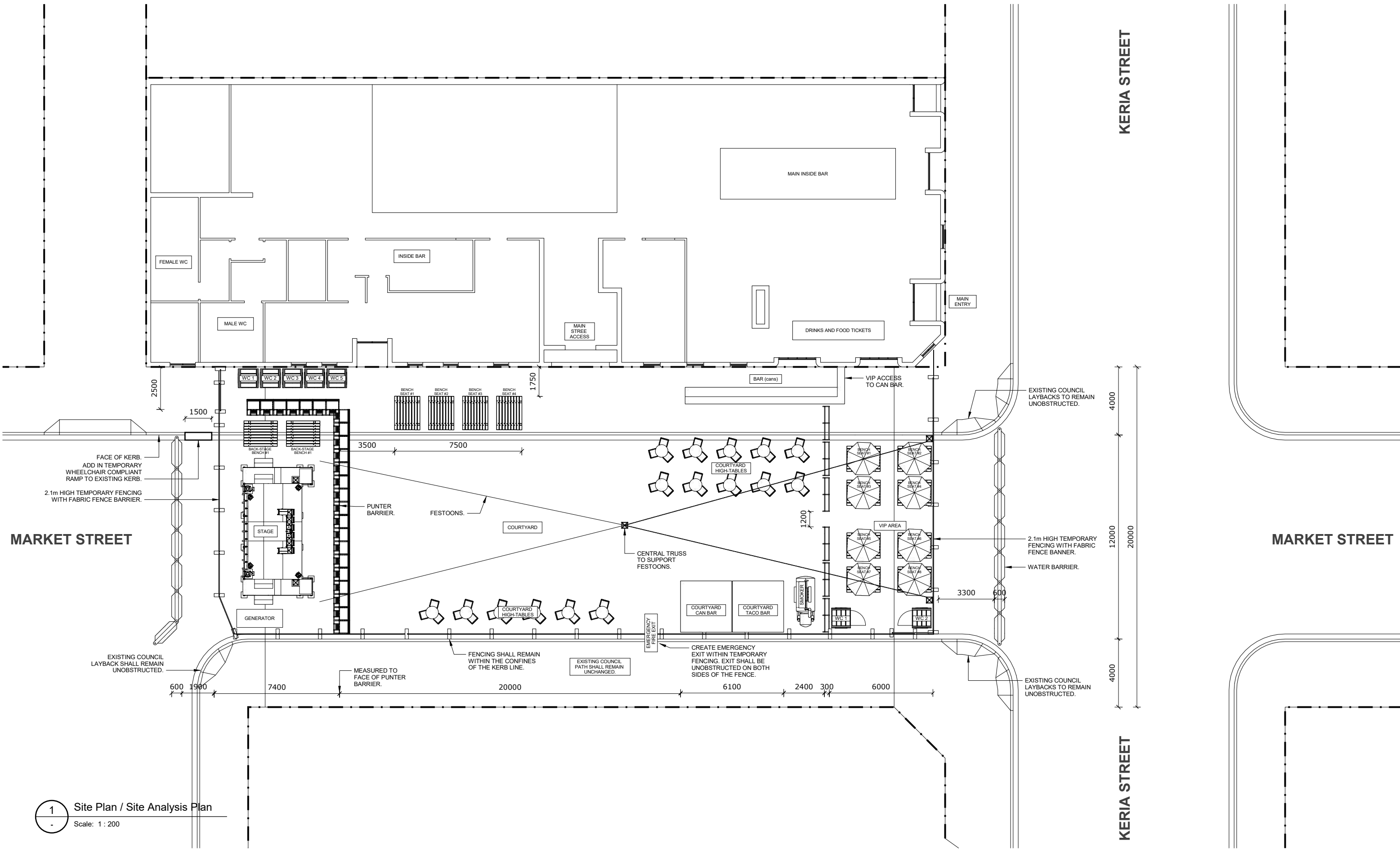
DA-2022/961

ATTACHMENT 1 - AERIAL PHOTOGRAPH (2021)



DA-2022/961

ATTACHMENT 2 - WOLLONGONG LEP 2009 ZONING MAP



1 Site Plan / Site Analysis Plan  
Scale: 1 : 200



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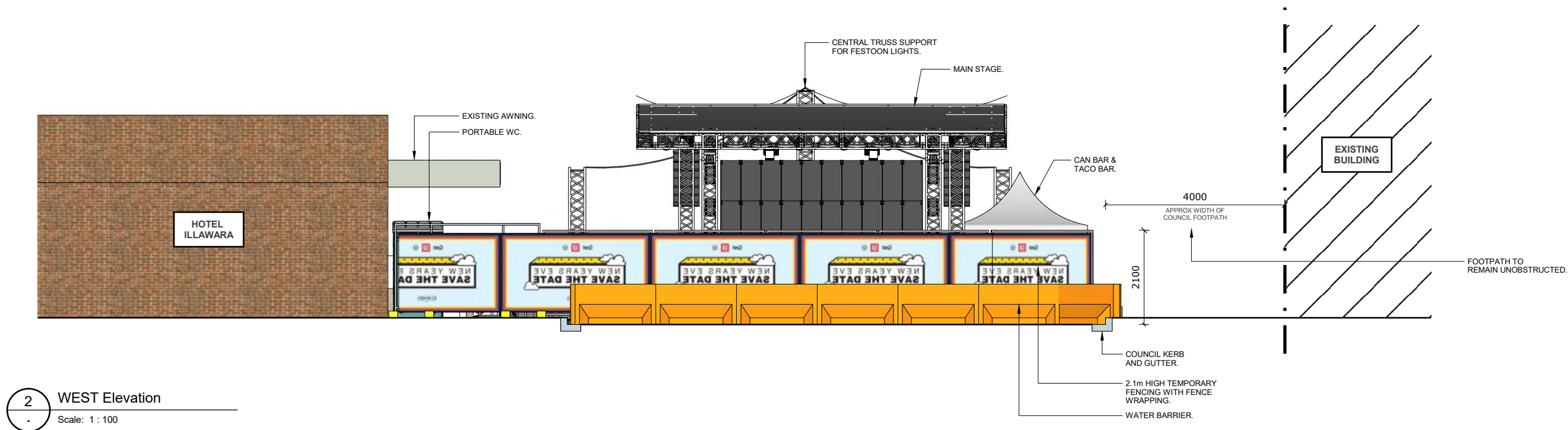
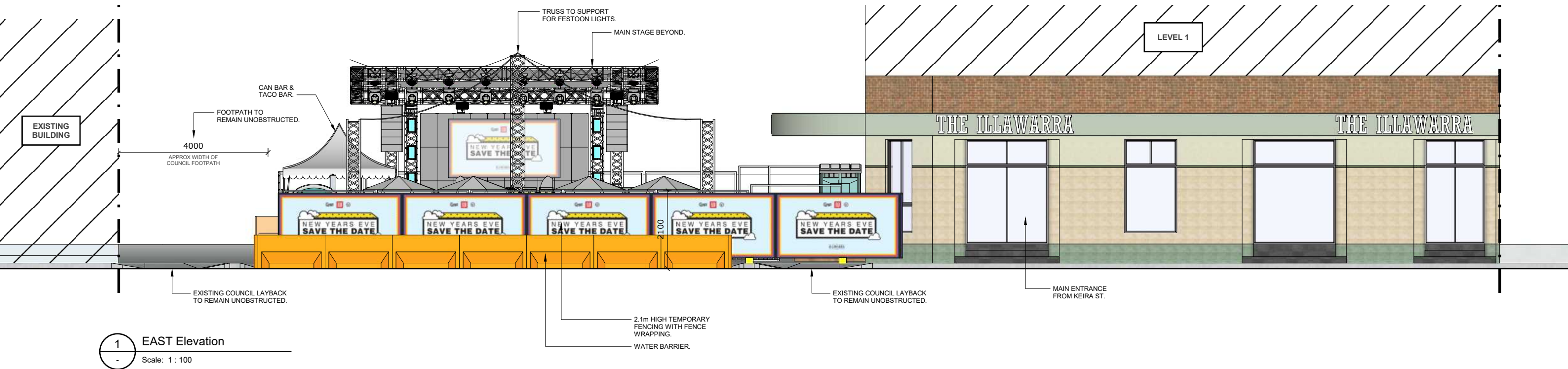
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**CLIENT**  
Hotel Illawarra  
**PROJECT**  
Block Party  
**LOCATION**  
160-164 Keira St, Wollongong  
**PROJECT NUMBER**  
#006.2022

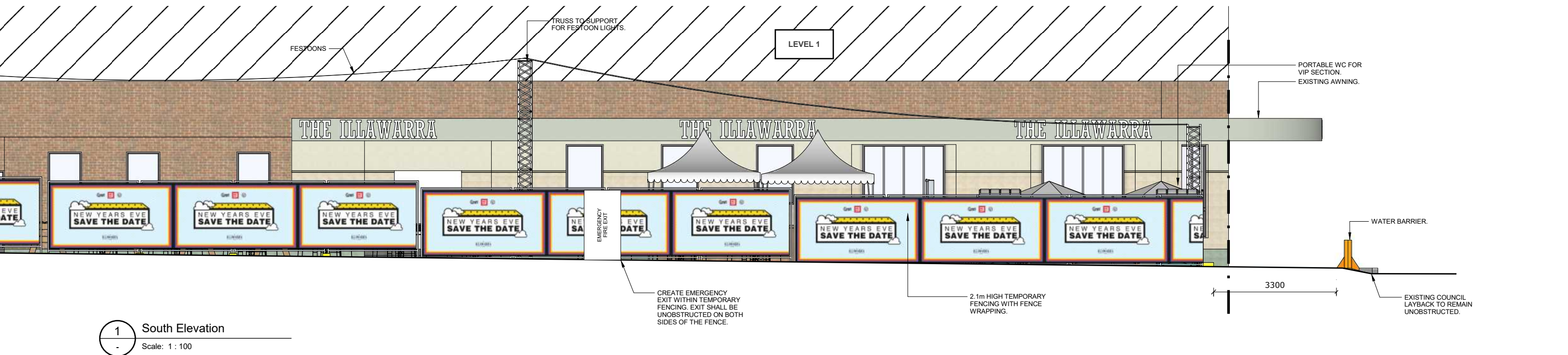
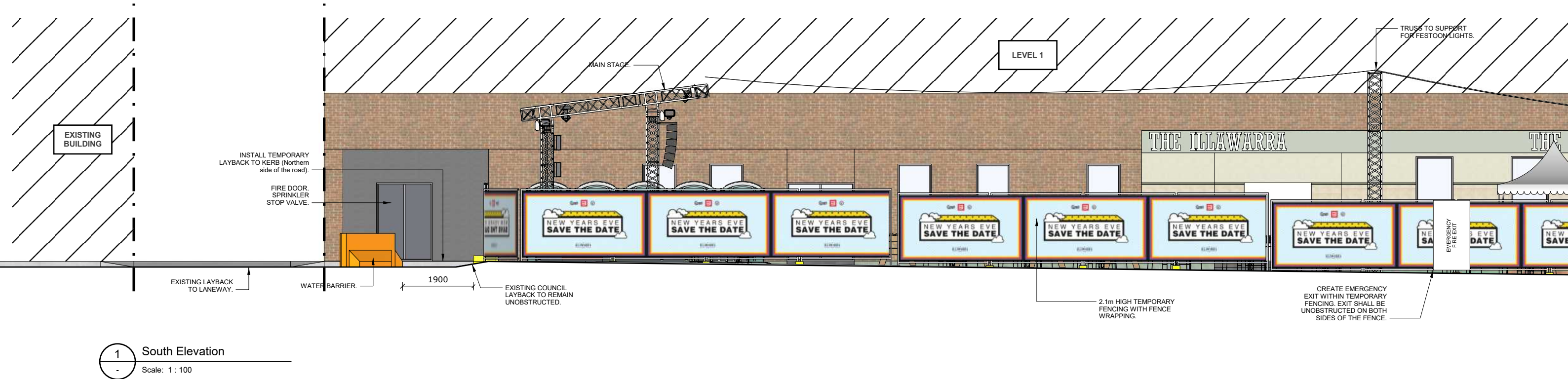
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1  
**DRAWN BY**  
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**DATE**  
11.08.22  
**Issued for DA**

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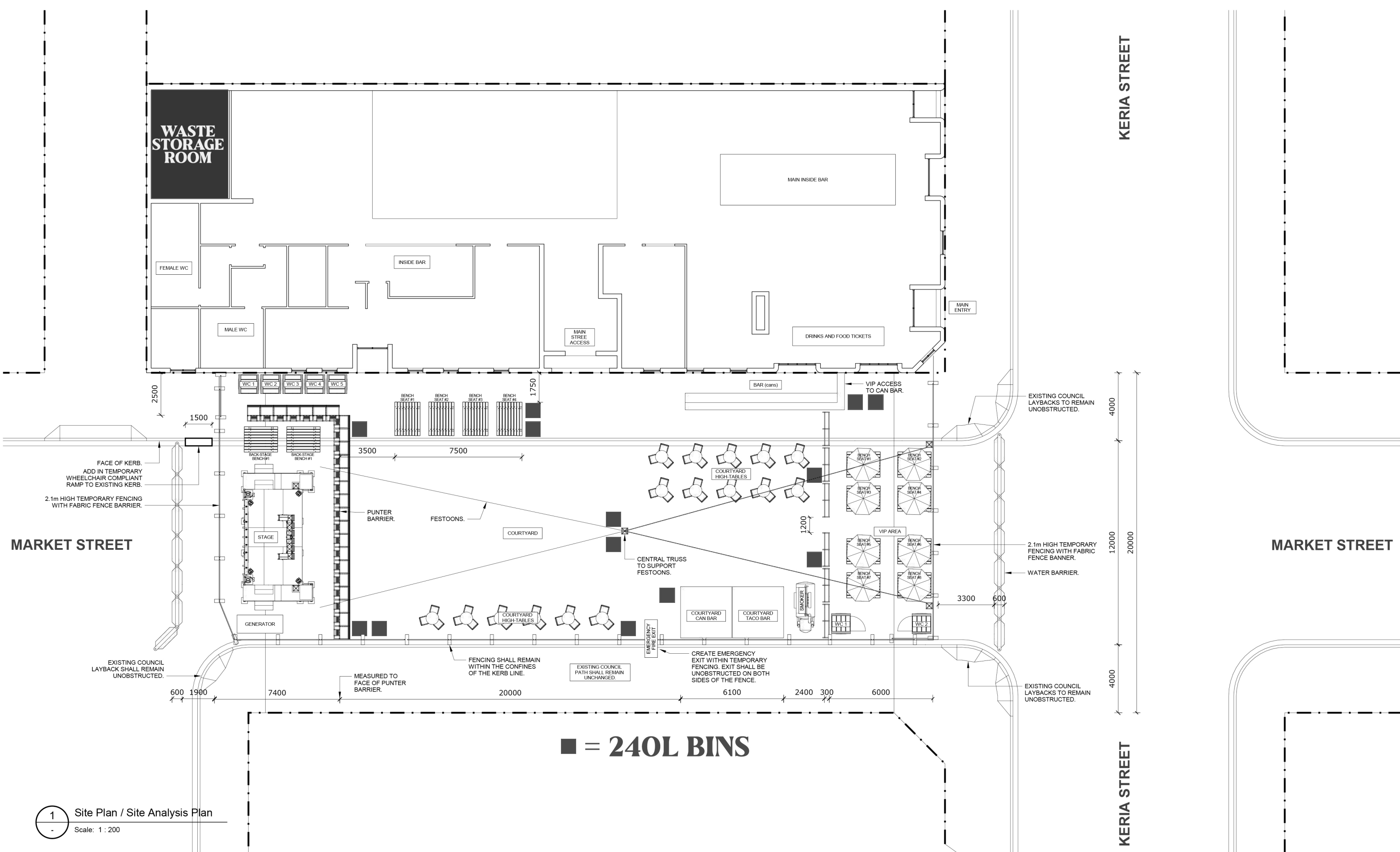












1 Site Plan / Site Analysis Plan  
Scale: 1 : 200





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CLIENT  
Hotel Illawarra  
  
PROJECT  
Block Party  
  
LOCATION  
160-164 Keira St, Wollongong  
  
PROJECT NUMBER  
#006.2022

REVISION	DRAWN BY	DATE
1	SR	11.08.22

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ISO IMAGE

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## **Hotel Illawarra Market Street NYE Block Party Event Management Plan**

### **Purpose**

This Event Plan supplements the Plan of Management and is specific to the annual event.

### **Dates**

The event will be held annual over the New Year's Eve (NYE) period for the following years

- December 31<sup>st</sup>, 2022 - January 1<sup>st</sup>, 2023
- December 31<sup>st</sup>, 2023 - January 1<sup>st</sup>, 2024
- December 31<sup>st</sup>, 2024 - January 1<sup>st</sup>, 2025
- December 31<sup>st</sup>, 2025 - January 1<sup>st</sup>, 2026
- December 31<sup>st</sup>, 2026 - January 1<sup>st</sup>, 2027

### **Key Times**

#### December 31<sup>st</sup>

6am	Market Street road closure
6am	Setting up of temporary marquees, stages, and / or food vending stalls etc.
6pm	Event start time
6pm	External Liquor License Commences
6pm	Live Music Commences

#### January 1<sup>st</sup>

12.30am	Live Music Ceases
12.30am	External entertainment area closed
2am	External Liquor License Ceases
3am	Venue Ceases trading as per Hotel Trading hours
6am	Dismantling up of temporary marquees, stages, and / or food vending stalls etc.
12 noon	Market Street reopens

### **Capacity**

To ensure a safe and comfortable environment for everyone, we're proposing a capacity of 1,200.

For context, the addition of the 1,000m<sup>2</sup> market street area to our existing internal square meterage of 600, has elevated the overall potential capacity to 1600 standing patrons based on a 1 person per 1 m<sup>2</sup> of occupiable floor space calculation.

We feel the safest approach is to cap capacity at 1200. Once entertainment ceases on Market Street (whilst continuing within the hotel), the internal capacity of the hotel must not exceed 600

patrons. A guard must be stationed on the Market Street door to ensure that the internal capacity does not exceed this number. Patrons on Market Street will be provided with the opportunity to either exit south up Keira Street or wait to re-enter the venue once capacity allows. No entry will be provided through the Keira Street Main Entry at this time.

### **Style or genre of event**

The event is aimed at people over the age of 30 through the engagement of artists such as Shannon Noel (2022/2023 event).

Food trucks / catering options will be set up within the enclosed external area. Substantial food will be available for the duration of the event.

### **Bump in / out process**

The complete bump in will be accomplished by providing truck access to the event area on Market Street up until the commencement of the event, where the water barriers will be filled and unable to be moved,

### **Waste management**

There will be no change to the day-to-day waste management of the hotel. All waste is collected from Keira Lane, and there will not be a notable increase of waste produced from a normal weekend at the hotel. Truck access will not be affected as it approaches from Victoria Street.

### **Amenities**

A combination of existing internal amenities and the installation of portable units at a sufficient quantity to meet the proposed capacity will be provided.

### **Accessibility measures**

Unhindered disabled access will be achieved through an entry provided directed into Market Street, which circumvents the stairs present on Keira Street. A surplus of both disabled and ambulant bathrooms will be provided.

### **Emergency measures**

In case of an emergency, there will be 4 key staff onsite who are fire trained including an onsite warden. Further, there will 10 members of staff with their senior first aid certificate.

### **Traffic Management**

A traffic management plan delivers the safest possible experience for pedestrians around the vicinity as well as clearly notifying street traffic of the detours in place.

### **Notification of services**

All necessary local emergency services will be notified leading up to the event to ensure that they have a clear picture of road access and the detours in place. This includes Wollongong LAC, Wollongong Fire and Wollongong Ambulance.

### **Community Notification**

The community will be notified through multiple channels of the road closure and event. This includes, but is not limited to Facebook, Instagram, radio & print.

## **Neighborhood engagement**

All residents within a 50m radius of the event will offered free tickets to the event. They will also be provided with a direct number to call if there are any issues. Furthermore, staff will patrol this radius during and after the event to ensure there is no disturbance to the good order of the area.

## **Noise**

A Noise Management Plan identifies the potential impact an external event can have on the quiet and good order of the neighborhood. By not exceeding 108dbc 1.5m about ground at 15m from the sound source, it's expected that perimeter noise won't exceed 70dbc for the neighboring residents outside of Market Street.

Stringent noise measuring will also be accompanied by a complaints management strategy that will give residents multiple means to contact the event coordinators to mitigate noise complaints.

No noise over 70 dbc is to be produced external to the premises after live entertainment ceases at 12:30am on January 1st. A sound level meter and datalogger will be onsite to ensure the sound level is constantly tested and managed.

## **Security**

Security and RSA staff must be rostered at a ratio of 1 personnel per 100 patrons.

## **Police**

When occupying Market Street, 2 User-Pay-Police are required to be present during peak times (*subject to availability*).

## **Fire**

A fire exit will be clearly mark on the southern side of Market Street which will be manned by a guard. In case of an evacuation, this exit will be opened, and patrons will be marshalled south.




## **Make Good**

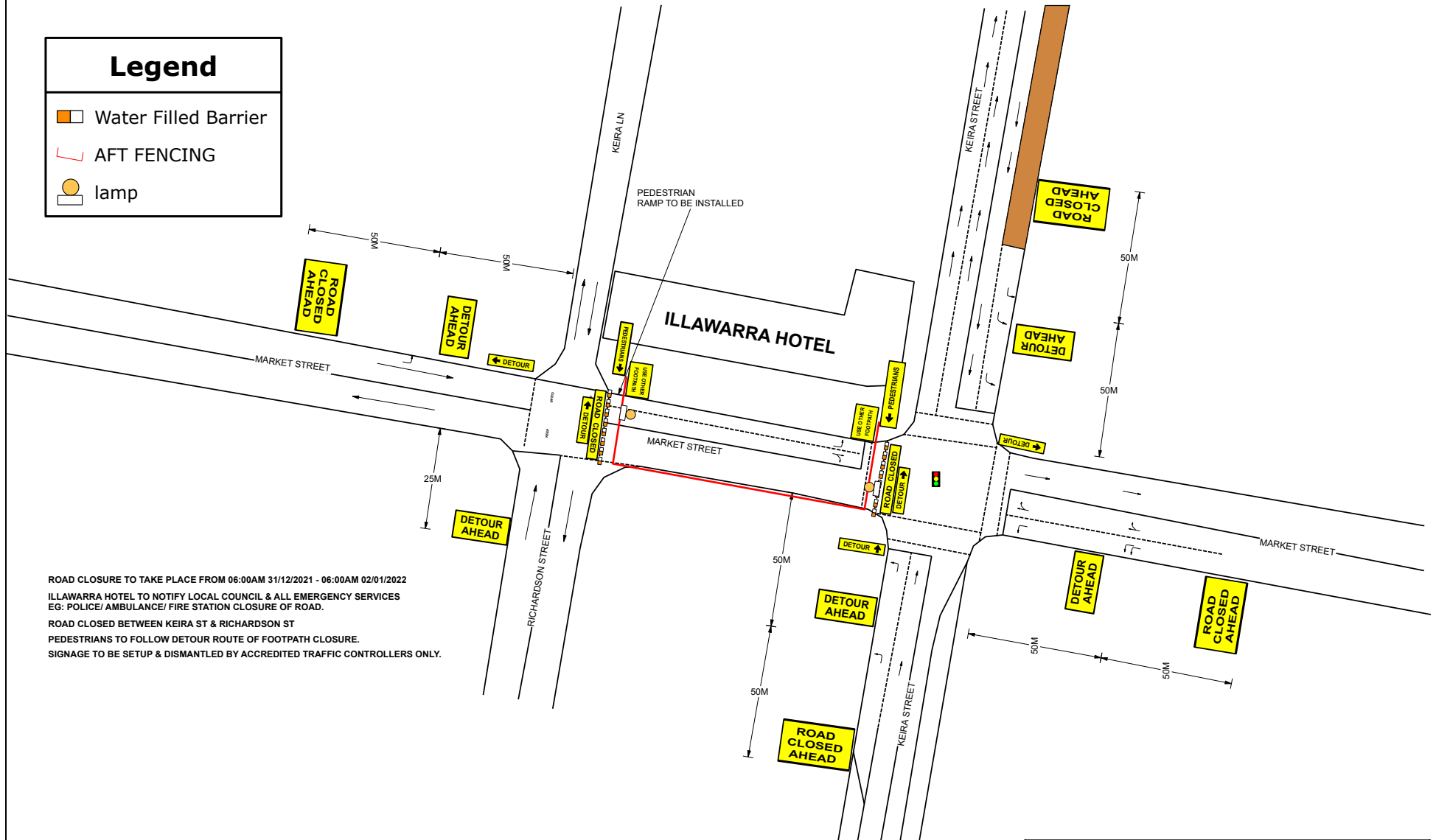
Management will ensure the street is left in the same, or better condition than it was found. Any damages will be repaired at the venue's expense.

# ATTACHMENT 5

www.invarion.com

## Legend

-  Water Filled Barrier
-  AFT FENCING
-  lamp



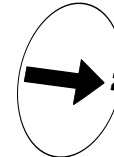
Job Number: J2305-2489 TMP No.: T2305-2489 Date: 31.12.2022 - 02.01.2023 Duration: 3 days

Author: J.Dabeski Cert. No.: 0052193920 Client: Illawarra Hotel Location: Market St, Wollongong

Comments: TMP is provided to allow and install full road closure on 31.12.2022 - 02.01.2023

*Joe Dabeski*

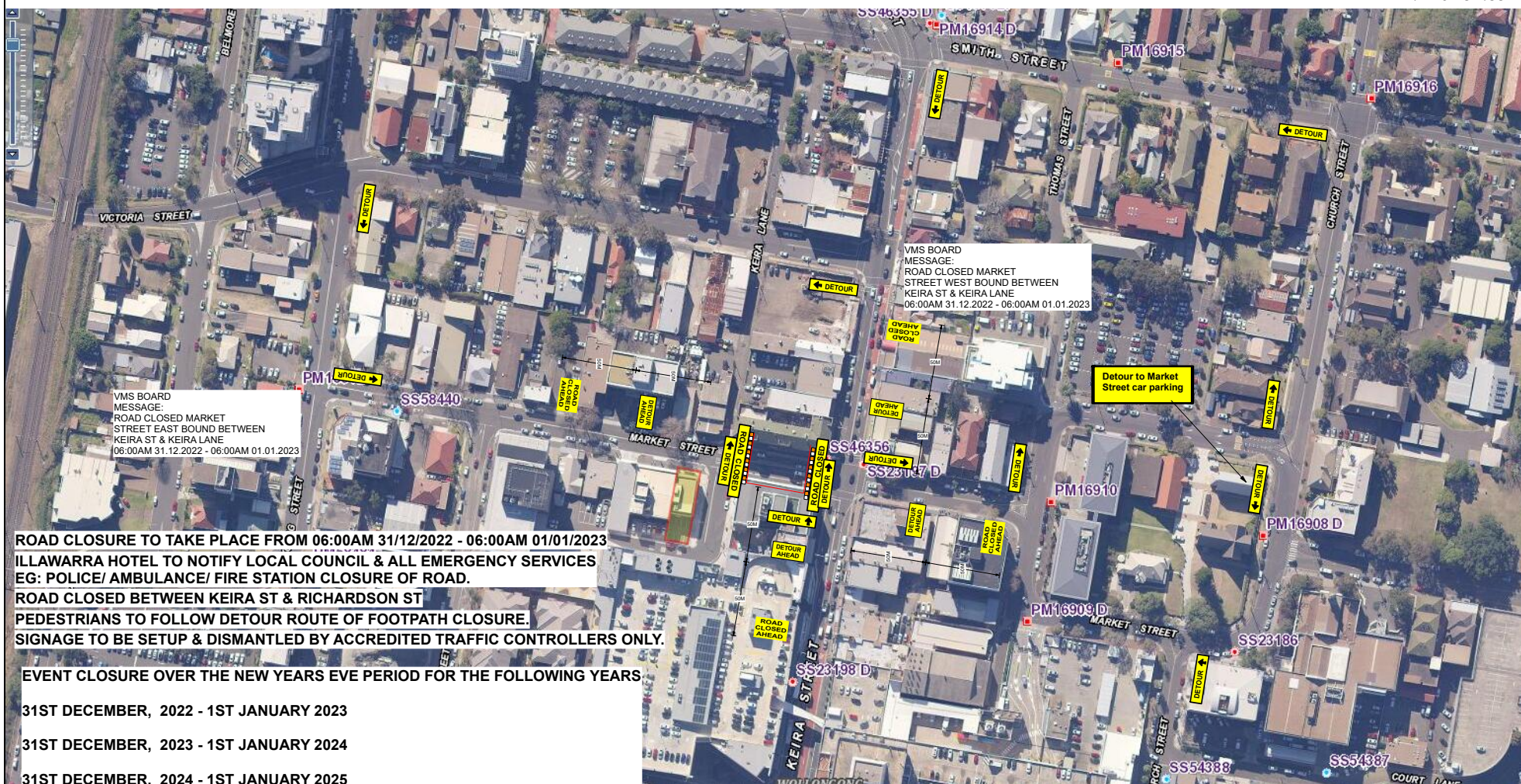
Approved: Joe Dabeski  
 Cert No.: 0052193920



Plan Amended By: .....  
 Time: .....  
 Date: .....  
 Prepare Work Zone Cert Number: .....  
 signature: .....

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 LIABILITY FOR IMPLEMENTATION OF THIS TCP IF NOT DIRECTLY  
 INVOLVED IN ITS IMPLEMENTATION.**





ROAD CLOSURE TO TAKE PLACE FROM 06:00AM 31/12/2022 - 06:00AM 01/01/2023

ILLAWARRA HOTEL TO NOTIFY LOCAL COUNCIL & ALL EMERGENCY SERVICES

EG: POLICE/ AMBULANCE/ FIRE STATION CLOSURE OF ROAD.

ROAD CLOSED BETWEEN KEIRA ST & RICHARDSON ST

PEDESTRIANS TO FOLLOW DETOUR ROUTE OF FOOTPATH CLOSURE.

SIGNAGE TO BE SETUP & DISMANTLED BY ACCREDITED TRAFFIC CONTROLLERS ONLY.

EVENT CLOSURE OVER THE NEW YEARS EVE PERIOD FOR THE FOLLOWING YEARS

31ST DECEMBER, 2022 - 1ST JANUARY 2023

31ST DECEMBER, 2023 - 1ST JANUARY 2024

31ST DECEMBER, 2024 - 1ST JANUARY 2025

31ST DECEMBER, 2025 - 1ST JANUARY 2026

31ST DECEMBER, 2026 - 1ST JANUARY 2027

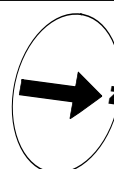


Job Number: J2305-2489 TMP No.: T2305-2489 Date: 31.12.2022 - 02.01.2023 Duration: 3 days

Author: J.Dabeski Cert. No.: 0052193920 Client: Illawarra Hotel Location: Market St, Wollongong

Comments: TMP is provided to allow and install full road closure on 31.12.2022 - 02.01.2023

Approved: Joe Dabeski  
Cert No.: 0052193920



Plan Amended By: .....

Time: .....

Date: .....

Prepare Work Zone Cert Number: .....

signature: .....

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# The Illawarra Hotel

## NYE Event Noise Assessment and Noise Management Plan



The Illawarra Hotel

29 August 2022

→ The Power of Commitment





<b>Project name</b>		The Illawarra Hotel - NYE event noise assessment and NMP					
<b>Document title</b>		The Illawarra Hotel   NYE Event Noise Assessment and Noise Management Plan					
<b>Project number</b>		12589696					
<b>File name</b>		12589696-REP_TheIllawarraHotel_NYENoiseAssessment_NMP.docx					
Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
S4	0	A Bagby	C Gordon		E Milton		29/8/22

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# 1. Introduction

## 1.1 Purpose of this report

GHD Pty Ltd (GHD) has been engaged by The Illawarra Hotel (IH) to prepare a New Year's Eve (NYE) event noise assessment and Noise Management Plan (NMP) for their proposed NYE event occurring adjacent to the IH at 160-164 Keira St, Wollongong (the Proposal). An assessment of noise emission from the Proposal has been conducted to identify any impacts from the NYE event, and determine any necessary noise mitigation and management measures to ensure noise impacts from the event minimised. All noise mitigation and management measures are provided in this report as a NMP, providing appropriate controls, protocols and noise monitoring requirements to take place during the Proposal.

## 1.2 Scope of works

The scope of works for this assessment is as follows:

- Conduct a review of relevant documentation, including similar local council DA conditions, DCP and LEP, EPA's Noise Guide for Local Government, and other noise management plans for similar events
- Based on the above review, determine suitable noise management levels for the assessment of external noise emission to nearby sensitive receivers
- Conduct high level noise modelling to determine noise levels at identified sensitive receiver locations
- Based on the modelled results, where noise from the proposed operations exceeds the relevant criteria, provide recommendations for noise mitigation and/or management measures to manage noise impacts on the surrounding community
- Based on the outcomes of the event noise assessment, prepare a Noise Management Plan (NMP) to manage noise emissions from the event to nearby noise sensitive receivers
- Prepare a report for the development application with consideration to the council and state guidelines detailing the results of the noise assessment and any recommendations for mitigation measures.

## 1.3 Limitations

*This report: has been prepared by GHD for The Illawarra Hotel and may only be used and relied on by The Illawarra Hotel for the purpose agreed between GHD and The Illawarra Hotel as set out in section 1.2 of this report.*

*GHD otherwise disclaims responsibility to any person other than The Illawarra Hotel arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.*

*The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.*

*The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.*

*The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section(s) 1.4 and 4.1 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.*

*GHD has prepared this report on the basis of information provided by The Illawarra Hotel and others who provided information to GHD (including Government authorities)], which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.*

## 1.4 Assumptions

- All noise modelling of event noise has been conducted under the assumptions outlined in Section 4.1
- Noise limits have been established based on a review of noise management plans prepared for a similar event type compared to the proposal. No background noise monitoring has been used for establishing noise criteria

- This assessment relies on event configuration details provided by the Illawarra Hotel. This assessment also relies on the music amplification configuration details provided by the audio specialist for the event Illawarra Production Services

## 2. Proposal description

The NYE event is proposed to be held at adjacent to the Illawarra Hotel on Market Street, next to its intersection with Keira Street. The expected capacity of the event is estimated to be up to 1200 standing patrons. Possession of market street for bump in is proposed to begin at 6:00 am December 31 2022, and will be released back to the public at midday January 1 2023. The proposed timetable for the event is described below in Table 1. A site plan for the event is provided in Appendix A.

**Table 1** *Event milestones*

Event milestone	Time and date
Road closure	6:00 am 31 December 2022
Liquor license commences	6:00 pm 31 December 2022
Live music commences	6:00 pm 31 December 2022
Live music ceases	12:30 am 1 January 2023
Liquor license ceases	2:00 am 1 January 2023
Street reopens	12:00 pm 1 January 2023

Sensitive residential receiver areas have been identified which have the potential to be noise affected from the NYE event. Noise compliance locations have been proposed, from which noise predictions and compliance measurements can be undertaken in order to quantify noise levels for these sensitive residential receiver areas. The sensitive residential receivers areas are listed below in Table 2, and graphically illustrated, along with the NYE event location and compliance locations, below in Figure 1.

**Table 2** *Sensitive residential receiver areas*

Receiver ID	Receiver address	Compliance point height above ground
R01	78 Market Street (60 m from event)	1.5 m
R02	88 Smith Street (250 m from event)	1.5 m
R03	2 Victoria Street (115 m from event)	1.5 m
R04	149-153 Keira Street (120 m from event)	12.5 m <sup>1</sup>
R05	90 Keira Street (245 m from event)	1.5 m

Note 1: This sensitive residential receiver area is identified as being an apartment, and the compliance point is hence specified at a height representative of higher apartment balconies above ground. Undertaking a compliance measurement during the event may not practically be possible if access is not available, and so an intermediate location as close as practically representative may be required. This is discussed further in the noise monitoring procedure in Section 5.7



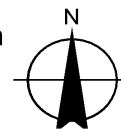


## Legend

- ◆ Compliance points
- Representative receiver areas
- Stage location
- Event location

Paper Size ISO A4  
0 50 100 m

Map Projection: Transverse Mercator  
Horizontal Datum: GDA2020  
Grid: GDA2020 MGA Zone 55



The Illawarra Hotel  
NYE Event Noise Assessment and NMP  
**NYE event location, stage location,  
sensitive residential receiver areas, and  
compliance points**

Project No. 12589696  
Revision No. -  
Date. 05/08/2022

**FIGURE 1**

Document Path: C:\Users\abagy\Desktop\IllawarraHotel\_LOCAL\QGIS.gqz

Print Date: 05/08/2022

Data Source: Google Earth Imagery 2021.

Created By: abagy



## 3. Criteria

### 3.1 Similar noise limits

Given the NYE event is proposed for one night per year, and such events potentially generate high levels of noise, a typical noise assessment against criteria related to background noise levels is not appropriate. Generally live music events are assessed against fixed criteria, including both A-weighted and C-weighted noise limits.

A review of NMPs from similar rock concert and amplified music events has been conducted in order to determine suitable noise criteria for the proposal. Table 3 provides a summary of the noise limits for each NMP and/or event.

**Table 3** Summary of noise limits review

NMP / event	Author / Proponent	Noise criteria for residential receivers	
Centennial Park and Moore Par Trust – Noise Management Plan (January 2009)	NSW Department of Environment and Climate Change	L <sub>Amax</sub> 65 dBA L <sub>Cmax</sub> 85 dBC	
Sydney Opera House – Acoustic Assessment for Modification of DA-445-10-2003 (September 2016)	Acoustic Studio	Bennelong Apartments	L <sub>Aeq(5min)</sub> 71 dBA L <sub>Ceq(5min)</sub> 86 dBC
		Other residneital receiver locations	L <sub>Aeq(5min)</sub> 66 dBA L <sub>Ceq(5min)</sub> 81 dBC
Sydney Opera House – Forecourt Events Sound Management Plan (2021)	Auditoria	L <sub>Aeq(5min)</sub> 85 dBA <sup>1</sup> L <sub>Ceq(5min)</sub> 95 dBC <sup>1</sup>	
Rock in the Park, Parramatta (27 March)	City of Parramatta	L <sub>Amax</sub> 75 dBA L <sub>Cmax</sub> 90 dBC	
Randwick Racecourse, Australian Turf Club – Night Racing	GHD	L <sub>Amax</sub> 65 dBA and L <sub>Cmax</sub> 85 dBC has since been revised to L <sub>Aeq(5min)</sub> 60 dBA L <sub>Ceq(5min)</sub> 80 dBC	
New Sydney Football Stadium EIS	INSW	L <sub>Aeq(5min)</sub> 70 dBA L <sub>Ceq(5min)</sub> 90 dBC	
Note 1: Noise limits were set for an intermediary location representative of the nearest residential receivers south of the forecourt, being the Bennelong Apartments			

### 3.2 Proposal noise limits

The following noise limits are proposed for this noise assessment. As provided above, typically event noise limits have been provided as either L<sub>Amax</sub> and L<sub>Cmax</sub> criteria. It is recently regarded however that an L<sub>max</sub> noise limit descriptor presents problems in assessing compliance as there are often other extraneous sources of noise that contribute to reported L<sub>max</sub> noise levels. Similar to standard City of Sydney noise conditions for entertainment noise, the L<sub>10</sub> descriptor (the noise level exceeded 10% of the time during a measurement) is sometimes used to measure the “typical noisiest” event noise level, however this is a statistical level which cannot be used for further analysis, modelling or calculations. As such, a L<sub>eq(5min)</sub> noise limit descriptor is considered for noise limits for this event, for the following reasons:

- A 5-minute measurement interval is long enough to capture event noise levels, whilst not being too long so as for high noise level instances to be energetically averaged out over the course of a longer measurement interval
- The L<sub>eq</sub> descriptor is an energetically averaged noise level for a given duration, which can be used for further analysis and modelling
- Recent guidance from the NSW EPA suggests that an L<sub>eq</sub> descriptor is a reliable indicator for community annoyance



- A 5-minute measurement interval is considered a suitable duration, as longer measurement intervals would introduce additional delay between a identified exceedance and noise level reduction actions

The  $L_{eq(5min)}$  descriptor used as part of both Randwick Racecourse night racing events, Sydney Opera House and the most recently approved EIS for the new Sydney Football Stadium is considered the appropriate noise descriptor for establishing suitable noise limits for this proposal. The latest approved NML has been adopted, which would be reasonable for a New Year's Eve event occurring once a year. The proposed noise limits for this proposal are provided below in Table 4.

**Table 4**      *Proposal noise limits*

Noise source	Measurement location	Proposal noise management level (NML)
Amplified music and performance noise	Boundary of residential receiver	$L_{Aeq(5min)}$ 70 dBA $L_{Ceq(5min)}$ 90 dBC

## 4. Noise assessment

### 4.1 Noise modelling methodology

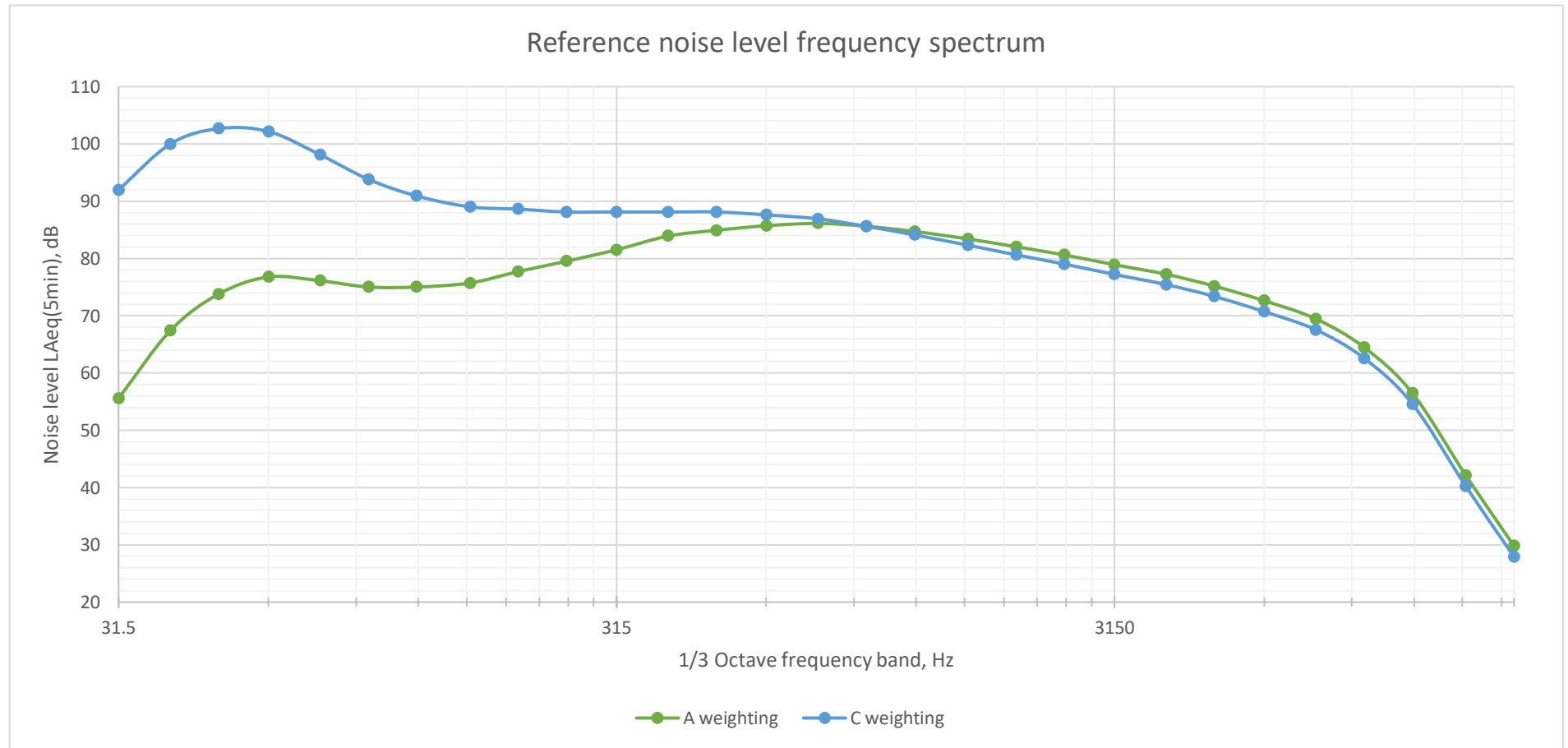
Noise modelling has been conducted in order to determine the event noise levels at nearby noise sensitive residential receivers. Noise modelling was conducted using SoundPlan 8.2, utilising the 'stage' source option to fully capture the directivity and source heights of the proposed stage and speaker layout. The 'stage' source was imported from d&b ArrayCalc V10, a simulation software package used for designing and assessing line arrays, columns and point source loudspeakers and subwoofers. The imported stage was constructed based off advice from the proposal's production technicians IPS. The model settings used for predictions are provided below in Table 5. A diagram of the ArrayCalc speaker arrangement model is provided in Figure , and a screen shot of the SoundPlan environmental noise model is provided in Figure .

**Table 5** Noise modelling inputs and assumptions

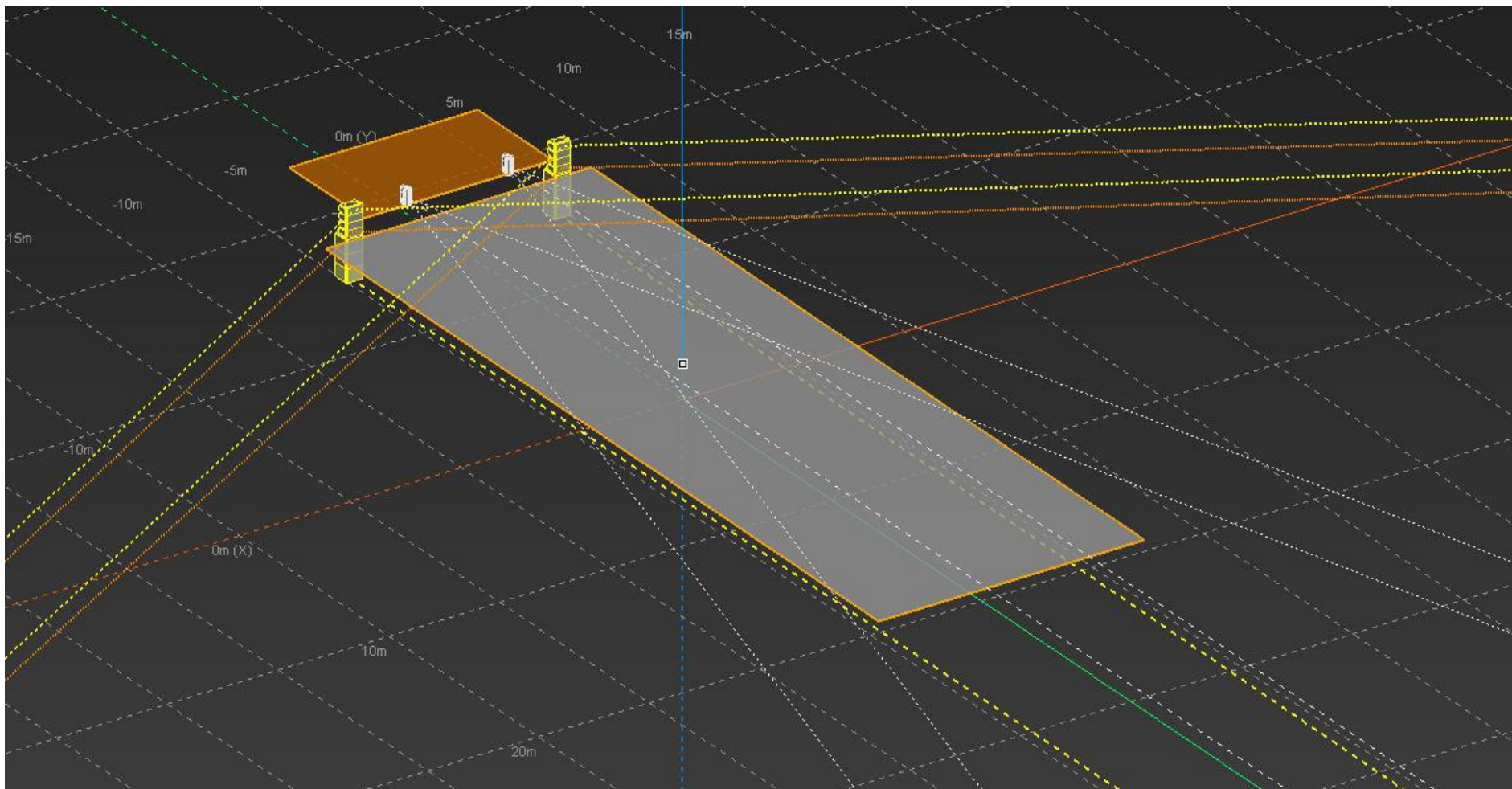
Input / assumption	Description
Software	SoundPLAN Version 8.2
Prediction algorithm	ISO 9613:1996
Topography	Based on LiDAR data
Buildings	Building shape sourced from Microsoft building footprint dataset Building heights from LiDAR data
Ground absorption	0.0 for urban landscape, assuming 100% of ground assumed to be reflective
Meteorological conditions	<ul style="list-style-type: none"><li>Atmospheric air absorption was based on an average temperature of 10°C and an average humidity of 70% (conservative)</li><li>Atmospheric propagation conditions were modelled with moderate inversions from source to receiver (ISO 9613)</li></ul>
FOH event noise level reference point	15 m into the audience from the centre of the stage edge, at a height of 1.5 m above ground
FOH event noise level reference	L <sub>Aeq(5min)</sub> 95 dBA L <sub>Ceq(5min)</sub> 108 dBC
Reference noise level frequency spectrum	Spectrum of typical live performance rock band. Full spectrum provided below in Table 6 and Figure 2
Receiver point height	1.5 m above ground
Contour grid spacing	15 m
Contour grid height	1.5 m above ground

**Table 6** Reference noise level frequency spectrum

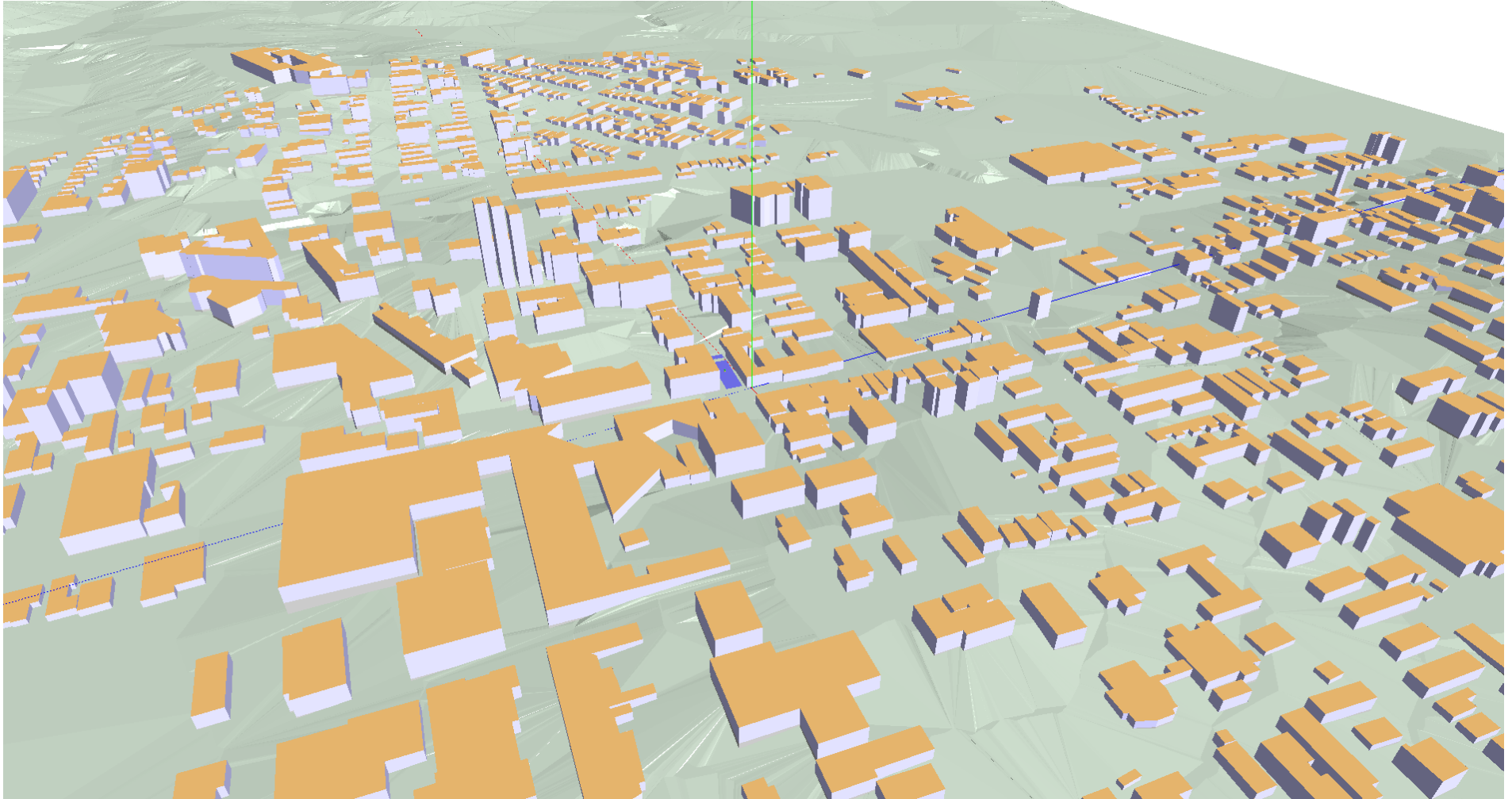
Source noise level weighting	Reference spectrum noise level per 1/3 octave frequency band [Hz] $L_{A/Ceq(5min)}$ , dBA/C																												
	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000	12500	16000	20000
A weighted	56	67	74	77	76	75	75	76	78	80	82	84	85	86	86	86	85	83	82	81	79	77	75	73	69	64	56	42	30
C weighted	92	100	103	102	98	94	91	89	89	88	88	88	88	88	87	86	84	82	81	79	77	75	73	71	68	63	55	40	28



**Figure 2** Reference noise level frequency spectrum



**Figure 3** *ArrayCalc speaker arrangement model*



**Figure 4**      *SoundPlan environmental noise model screenshot*



## 4.2 Noise modelling results

The results of the noise modelling are provided below in Table 7. Noise contour maps for both A-weighted and C-weighted  $L_{eq(5min)}$  noise levels are provided below in Figure 5 and Figure 6.

It is predicted that the NML both in A- and C-weightings will be exceeded at receiver location R01 (78 Market Street). Given the high source noise levels of the amplified rock music comprising the event and proximity to it for these receivers, it is expected that the NMLs would be exceeded, and noise impacts may be experienced at these receiver locations. Noise impacts however would be limited to the duration of the event itself, which is to only occur for one night annually, with noise emission ceasing after the amplified music is complete at 12:30 am. As such, long term noise impacts are not anticipated from the result of the event.

The difference between the predicted  $L_{Aeq(5min)}$  and  $L_{Ceq(5min)}$  noise levels increases the further away from the event the receiver location is. This is to be expected as noise attenuates less the lower in frequency it is. An example of this can be seen for receiver location R03 where it is 13 dB below the A-weighting NML, however is only 2 dB below the C-weighting NML.

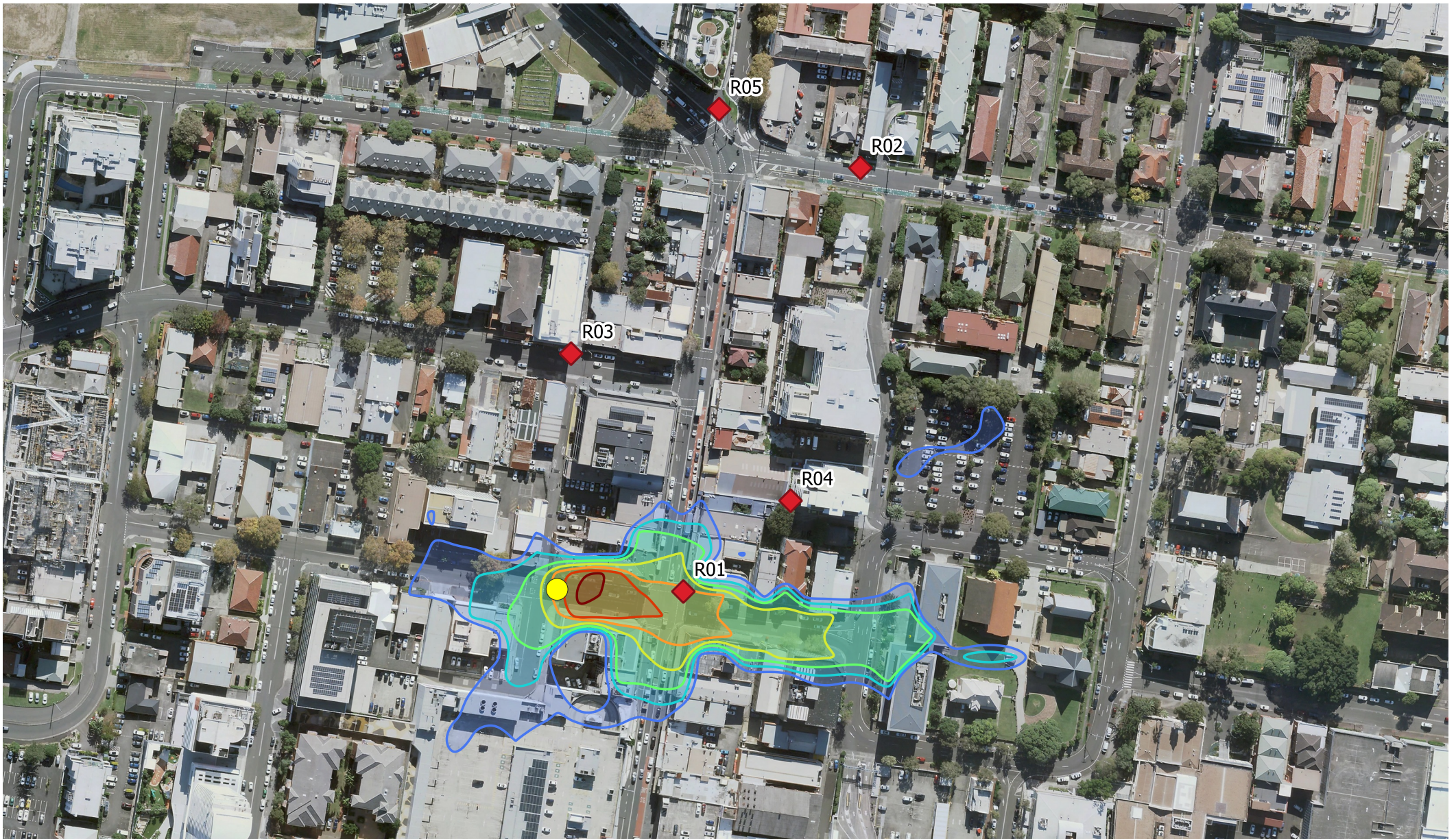
Whilst exceedances of the NML are predicted, short term noise impacts during the event itself can be managed to ensure that event noise levels during the actual event do not exceed these predictions, and exacerbate NML exceedances. Further, management measures and a monitoring program can ensure that no further exceedances of the NML are experienced at other receivers where compliance is predicted.

Management measures are provided in the Noise Management Plan (NMP) as part of Section 5.

**Table 7** Predicted noise levels

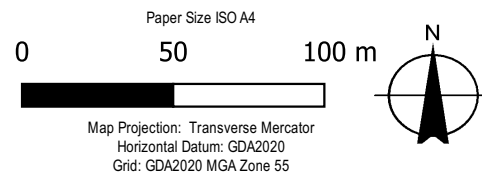
Receiver ID	Location	Predicted noise levels and NMLs $L_{eq(5min)}$ , dB			
		A weighting		C weighting	
		Predicted noise level	NML	Predicted noise level	NML
R01	78 Market Street (60 m from event)	87	65	94	85
R02	88 Smith Street (250 m from event)	44		71	
R03	2 Victoria Street (115 m from event)	52		78	
R04	149-153 Keira Street (120 m from event)	69		87	
R05	90 Keira Street (245 m from event)	47		73	





## Legend

- ◆ Receiver prediction point
- Stage location
- Noise level contour
- 80.00
- 85.00
- 90.00
- 95.00
- 65.00
- 70.00
- 75.00



The Illawarra Hotel  
NYE Event Noise Assessment and NMP

Noise level contour map  
LAeq(5min)

Project No. 12589696  
Revision No. -  
Date. 04/08/2022

**FIGURE 5**

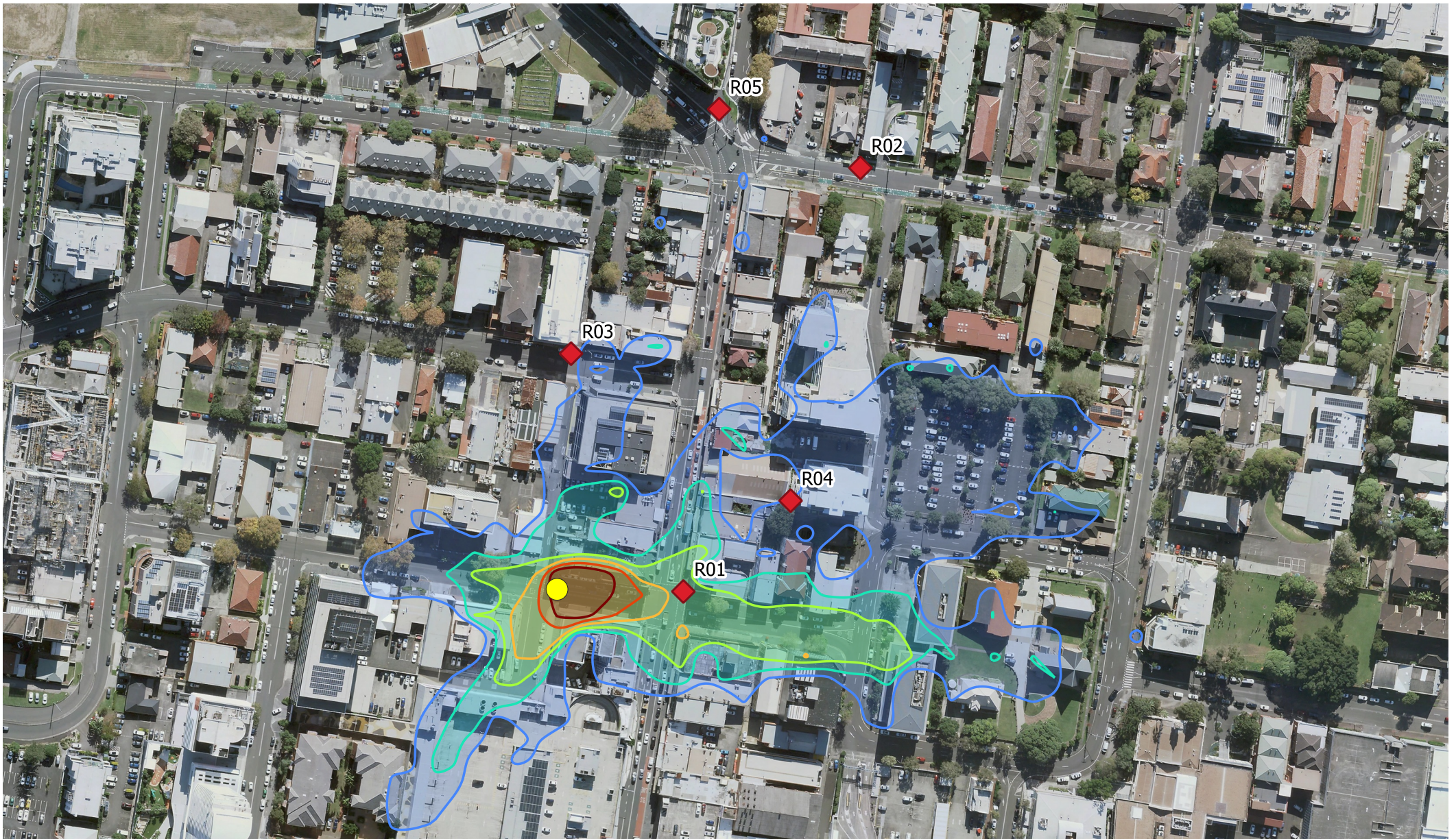
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Print Date: 04/08/2022

Data Source: Google Earth Imagery 2021.

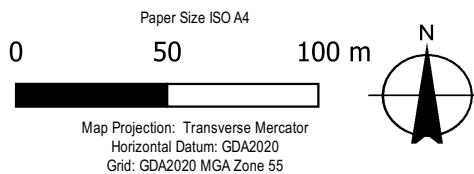
Created By: abagby





### Legend

- ◆ Receiver prediction point
- Stage location
- Noise level contour
- 80.00
- 85.00
- 90.00
- 95.00
- 100.00
- 105.00



The Illawarra Hotel  
NYE Event Noise Assessment and NMP

Noise level contour map  
LCeq(5min)

Project No. 12589696  
Revision No. -  
Date. 04/08/2022

**FIGURE 6**

Document Path: C:\Users\abagby\Desktop\IllawarraHotel\_LOCAL\QGIS.gqz

Print Date: 04/08/2022

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Version: 1, Version Date: 12/09/2022

Data Source: Google Earth Imagery 2021.  
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## **5. Noise management plan**

### **5.1 Site supervision**

#### **5.1.1 Prior to event**

Security staff should be deployed to locations (ingress routes and entry points) around the site to ensure that all patrons are entering the site in a quiet and orderly manner and are not loitering in areas that may impact the nearby sensitive receivers.

#### **5.1.2 During event**

Security staff should continue to monitor areas in the vicinity of the site to ensure all patrons have entered and are not loitering in areas that may impact the nearby sensitive receivers.

#### **5.1.3 Completion of event**

At the completion of the event, security staff should ensure that all patrons are directed as practically possible away from sensitive residential receivers; preferably south along Keira Street towards the commercial centre of Wollongong.

Patrons exiting on foot should be directed towards a taxi rank or public transport. Should the patrons leave the area on foot, security or staff should be directing them to be doing so in a quiet and orderly manner. Should the patrons ignore the requests of security, and there is a high likelihood that residents will be impacted by the noise from the patrons, the police should be called to attend to the issue if security deem the noise from the patrons is significant.

### **5.2 Patron attendance and signage**

Events are proposed to be held between 6:00 pm and 12:30 am. The road will be closed for the event from 6:00 am, and so it is expected that patrons may enter the event space prior, however the liquor license also begins at 6:00 pm.

Signage should be erected at all exits informing patrons to leave the site in a quiet and orderly manner and to consider the residential receivers in the vicinity of the event.

### **5.3 Staff training**

All staff and security staff should undergo training prior to working at their first event. The training must educate staff regarding the following:

- Requirements of this Noise Management Plan, including noise limits
- Location of the sensitive receivers
- Mitigation and management measures outlined in this plan
- Acoustic monitoring plan
- Dealing with noise complaints from residents and management of noise related complaints during the event
- Details of exit routes from the site following completion of the event
- Any changes to procedures since last briefing

A training program should be established to assist with the education of all staff in consultation with a qualified acoustic consultant.

A copy of this noise management plan should be provided to all staff.

## 5.4 Community Consultation

Prior to the event, the Illawarra Hotel should locally advertise. The advertising should detail the following:

- A hotline contact number for noise complaints on the evening of the event
- an email address for complaints following the event
- the name and date of the event
- the start and finish time of the event
- the expected spectator size
- hours of operation for the complaints line
- expected  $L_{Aeq(5min)}$  and  $L_{Ceq(5min)}$  noise levels during the event

### 5.4.1 Additional communications for residences exceeding the NML

Additional communications should be made for the sensitive residential receiver areas predicted to exceed the NML, being those located at 78 Market Street. The following additional content should be included in these communications:

- Predicted noise level and degree of NML exceedance.
- Information around the noise monitoring procedure put in-place ensuring event noise levels do not exceed predictions or increase exceedance (see section 5.7).
- The expected times in which the exceedance is likely to occur. Reference to the event milestones (Table 1 of this report) should be made.
- An offer of free entry to the event would be given to resident.

## 5.5 Complaints

Complaints arising from the noise emission during the event should be documented and responded to in a sensitive, timely and consistent manner. The following process should be established to ensure all complaints are dealt with in an appropriate manner:

- A staff member will be nominated to deal with complaints from the community. Contact details of this member of staff will be displayed at each entry point of the site, and hotline will be maintained during the event
- All complaints will be logged within a complaint register (see example table below). An archive of complaints will be maintained, documenting the nature of the complaint and the actions implemented for resolving the complaint
- The Illawarra Hotel operations manager will relay the complaint, including location, to a qualified acoustic technician. The technician will investigate the complaint by conducting an attended measurement at the complaint location, in accordance with the monitoring procedure outlined in Section 5.7, including implementing any sound level adjustments to event noise levels
- Following each event, the complaint log is to be reviewed and actions should be put in place to resolve the complaint for future events. Depending on the nature of the complaint, this may involve follow up discussions with the complainant, or consultation with the regulatory authority, police or acoustic engineer.
- The complaints log will be made available to relevant regulatory authority on request
- An example excerpt from the complaints log is provided below in Table 8. The complaint log should be reviewed at regular intervals to identify common complaints and recurring issues. The review can be used to adjust operations to reduce the number of complaints at future events.

Table 8 Complaints log template

Item	Comments
Date and time of call	
Name and location of the caller	



Item	Comments
Contact details of caller	
Nature of complaint	
Action taken	
Staff member handling complaint	

## 5.6 Management plan review

Following completion of the first NYE event, a review of the noise management plan should be undertaken to determine the appropriateness of the measures in the plan.

The management plan should be reviewed and updated based on the following:

- Community consultation sessions
- Emails received from the community
- Noise monitoring undertaken during the event
- Complaints received during the event
- Any resolution actions taken by the Illawarra Hotel based on the complaints received

## 5.7 Noise monitoring procedure

A suitably qualified acoustic consultant will be required to attend the event to conduct noise measurements during the proceedings, including sound checks prior to the main event commencing. The acoustic consultant will have communication to the audio technician setting the event noise levels, and will relay noise level adjustments where appropriate. The procedure for noise monitoring is as follows:

1. Prior to the event, the acoustic consultant will attend the event sound check to measure event noise levels, and calibrate event noise levels through communication with the audio technician where required.
2. During the event, the acoustic consultant will roam around both the FOH reference point and the receiver locations to measure event noise levels and calibrate event noise levels through communication with the audio technician where required.
3. Calibration measurements will be undertaken at the both the FOH reference point in the audience section, as well as the compliance points (provided below in Figure 7. The consultant will assess compliance against the compliance criteria, provided below in Table 9. Compliance measurement locations are provided below in

**Table 9** Compliance measurement locations and compliance criteria

Measurement location	Compliance criteria
FOH reference point (15 metres from stage edge, 1.5 m height above ground)	L <sub>Aeq(5min)</sub> 95 dBA L <sub>Ceq(5min)</sub> 108 dBC
Receiver location R01	L <sub>Aeq(5min)</sub> 87 dBA L <sub>Ceq(5min)</sub> 94 dBC
Receiver location R04	L <sub>Aeq(5min)</sub> 69 dBA L <sub>Ceq(5min)</sub> 87 dBC
Receiver locations R02, R03 and R05	L <sub>Aeq(5min)</sub> 65 dBA L <sub>Ceq(5min)</sub> 80 dBC

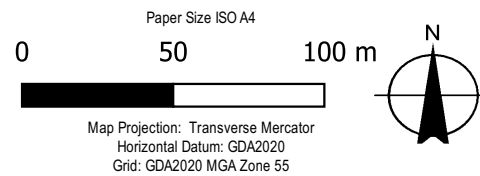
4. Sound level meters must be Type 1 and comply with AS IEC 61672-2004 *Electroacoustics – Sound Level Meters*. The equipment must be within current NATA calibration.
5. A calibration check should be performed at the start and the end of the monitoring period and be within the acceptable variance of +/-0.5 dB.

6. Extraneous noise and ambient noise should be excluded from the compliance noise measurements. This refers to any noise events not attributable to the outdoor performance (i.e passing vehicles, wind gusts in trees, noise from the general public outside of the racecourse). Any excluded measurement should be accompanied by an attended observation of the attributable noise source.
7. The measurement should not be undertaken if the wind speed exceeds 5 m/s or during any rain events. Wind speed anemometer readings should be taken and noted during the monitoring period.
8. The measurement location should be outside the potentially impacted receiver (or a representative location) at a minimum distance of 3.5 m away from a facade or vertical reflecting surface. If this is not possible an appropriate correction should be applied to the measurement to account for reflected noise.
9. The microphone height should in general be 1.2 m to 1.5 m above the ground level or at the height where a complaint is received, such as multi storey building.
10. Considering item 8 and 9 above, if responding to a noise complaint the measurement location should be taken as close as practicable to where the noise impact is alleged to occur.
11. The sound level meter should be set to a 'Fast' time weighting with the 'A' and 'C' Weighting as specified.
12. 1/3 octave band spectrum levels should be recorded
13. Details of measurement location and conditions, noise levels and observations should be documented using the noise measurement form below in Figure 8. An alternative may be used, however the same details should be included.





- Legend**
- Stage location
  - ◆ FOH reference point
  - ◆ Receiver location points



**The Illawarra Hotel**  
**NYE Event Noise Assessment and NMP**

**Compliance measurement locations**

Project No. **12589696**  
 Revision No. **-**  
 Date. **04/08/2022**

**FIGURE 7**

Document Path: C:\Users\abagy\Desktop\IllawarraHotel\_LOCAL\QGIS.gqz

Print Date: 04/08/2022

Data Source: Google Earth Imagery 2021.

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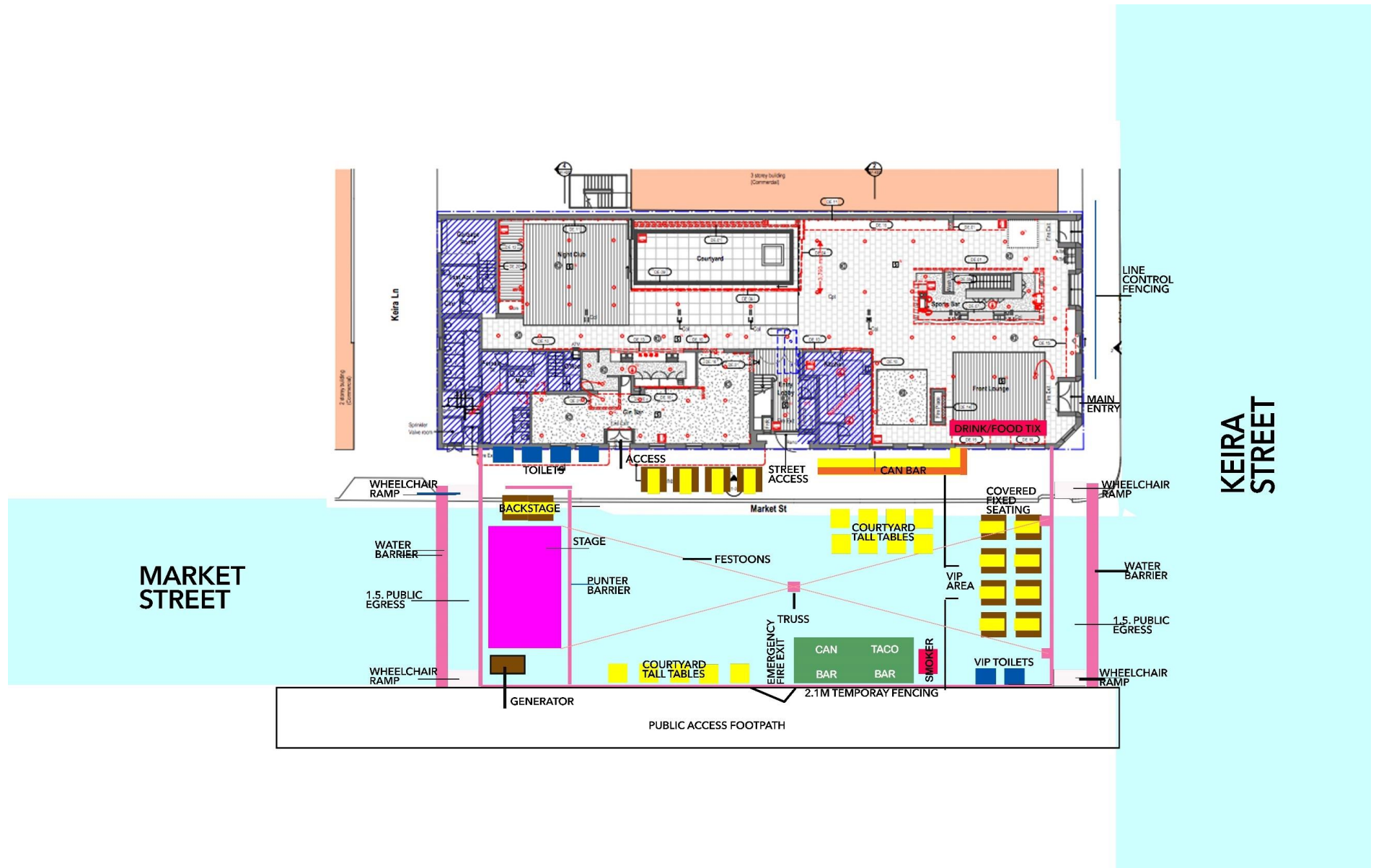
The Illawarra Hotel Market Street Block Party - Noise Measurement Form								
<i>The purpose of this noise measurement form is to provide a field record of the noise levels produced at the time of the race events and any actions taken as a result. Event monitoring is to be undertaken against the relevant criteria provided in the Acoustic Report prepared for the night racing event</i>								
Details		SLM details		Calibrator details			Calibration check:	
Site:		Make:		Make:			Pre-cal:	
Event:		Model:		Model:			Post cal:	
Est .Crowd Size:		Type:		Serial:				
Date:		Serial:		Cal date:				
Time:		Cal date:		Cal frequency:				
Meteorological Conditions: (measurements are not to be taken when wind speed are greater than 5 m/s or it is raining) Average wind speed:                      Gust wind speed:                      Wind direction: Temperature:                                  Humidity:                                  Barometric pressure:								
Monitoring location plan								
Measurement Details:								
ID	location	Distance	Start time	Period	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>Cmax</sub>	Comments / Exceedence?
Complaints record:								
Complainant name		Contact/address		Reason			Action/Status	
Operator name:			Role:			Signed:		Date:

Figure 8 Noise measurement form template

# **Appendix A**

## **NYE event site plan**







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→ **The Power of Commitment**

## ATTACHMENT 7

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

The consent to contain notes stating Council encourages the use of recyclable food and drink containers and the proper recycling of all waste, in addition single use plastics to be discouraged.

### CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone and as such this chapter is applicable to the development. An assessment against the relevant sections is outlined below.

#### 5 Planning requirements for development in the regional city and major regional centres

##### 5.1 Wollongong City Centre

1. The specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D (Locality Based/ Precinct Plan) of this DCP.

#### 9 General design requirements for retail and business premises developments

The development relates to a 'retail premises' (Illawarra Hotel – 'pub') however it does not introduce any matters for consideration under Clause 9.

#### 13 Works in the public domain

The event is to occur within the public domain, however no permanent works are proposed.

### CHAPTER C6: EVENTS MANAGEMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>3 Transport management plan &amp; temporary road closure requirements for major events</u>	<p>The event proposes closure of Market Street, Wollongong for the duration of the event (approx. 1 day).</p> <p>A Traffic Control Plan has been provided showing the details of the proposed traffic control devices to be implemented for the event such as directional signage and temporary barriers.</p> <p>Council's Traffic Engineer and TfNSW has considered the proposal and found it satisfactory subject to conditions.</p> <p>The road closure will be considered by the Local Traffic Committee. Conditions of consent will be imposed in this respect.</p>	Y
<u>4 Events held on council land</u>	<p>Whilst Market Street is technically Council land, no such plan of management or booking mechanism is in place for the site.</p> <p>The development will be subject to approval under the Roads Act 1993 for use and placement of structures within the roadway.</p>	Y

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5 Other relevant legislation</u>	<p>Applicant will be required to have WH&amp;S procedures in place to protect event workers and patrons.</p> <p>Any consent will contain conditions regarding compliance in this respect.</p>	Y
<u>6 Event management</u>	<p>The event has been held in the past without incident. The proposal requires no further consideration in this respect.</p>	Y
<u>7 Car parking</u>	<p>No onsite or additional parking is proposed for the event.</p> <p>Staff and attendees are anticipated to park elsewhere or use active &amp; public transport to access the event.</p> <p>Considering the city centre location, access to public transport and convenient pedestrian/bicycle access, this is acceptable.</p> <p>It is noted Council did not receive any complaints regarding parking as a result of last years event.</p> <p>Further, Council's Traffic Engineer has considered the proposal and found it satisfactory subject to conditions.</p>	Y
<u>8 Lighting</u>	<p>The applicant has advised Any additional lighting will be directed away from nearby dwellings and not located in a position likely to cause a traffic hazard on adjoining roads.</p> <p>The lighting of the outdoor component will enable the safe movement of people through the event.</p> <p>Conditions of consent to be imposed in this regard.</p>	Y
<u>9 Toilet facilities</u>	<p>7 x additional toilets to be provided in addition to Illawarra Hotel facilities.</p> <p>Accessible amenities will be provided/available.</p>	Y
<u>10 Security / crowd management</u>	<p>Security to be provided at ratio of 1 per 100 patrons plus 2 x user pays Police Officers.</p>	Y

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	<p>Sufficient quantity of qualified security personnel will be employed for the duration of the event.</p> <p>Duties will include monitoring entry and exit points, general surveillance to ensure safety and good behaviour of crowd, assist in co-ordination of emergency procedures, and ensure quiet and efficient movement of people from the site at the conclusion of the event. The security staff shall remain in attendance until all patrons have left the event.</p>	
<u>11 Public liability insurance</u>	Conditions of consent will be imposed requiring a minimum public liability insurance, including indemnification of Council.	Y
<u>12 Incident reporting</u>	An incident reporting mechanism shall be required as a condition of consent.	Y
<u>13 Emergency response plan</u>	The applicant has provided information outlining their emergency response plan. This will also be required as a conditions of consent.	Y
<u>14 Fireworks / pyrotechnics displays</u>	NA	
<u>15 Amusement devices &amp; temporary structures (including stages)</u>	<p>Several temporary structures will be erected to enable the event, as detailed in the proposal section of this report.</p> <p>Council's Building and Fire Safety Officer has recommended conditions in this respect.</p> <p>Standard conditions of consent will be imposed with regard to compliance with relevant legislation and requirements.</p>	Y
<u>16 Food stalls /mobile food vans</u>	<p>All food stalls or mobile food vans will be required to notify the NSW Food Authority.</p> <p>Temporary food outlets will comply with Council requirements, including the Temporary Food Premises Code.</p>	Y



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>17 Accessibility to the event by people with a disability</u>	<p>Council's Health Officer has reviewed the proposal and found it satisfactory, subject to conditions.</p> <p>The applicant has noted the event is designed to ensure accessibility by people with a disability.</p> <p>The provision of special viewing areas and accessible facilities such as toilets and food and drink counters are proposed.</p> <p>Further, accessible areas within the Illawarra Hotel will be available.</p>	Y
<u>18 Copyright issues – live or pre-recorded music</u>	<p>Onus will be on the operator to ensure compliance with Copyright and intellectual property law.</p>	Y
<u>19 Fundraising events</u>	NA	NA
<u>20 Alcohol free zones</u>	NA – Event to be subject to related liquor licence application	NA
<u>21 Trading licence</u>	NA	NA
<u>22 Waste management / recycling</u>	<p>Adequate garbage and recycling facilities are to be provided to cater for the anticipated number of people.</p> <p>This will be required as a condition of consent.</p>	Y

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Wollongong City Centre

The proposed event is considered to be consistent with the existing and desired future character for the locality.

## **CHAPTER D13 – WOLLONGONG CITY CENTRE**

### **2 Building form**

No change to built form proposed.

### **3 Pedestrian amenity**

Approved pedestrian access and active frontage retained, no changes proposed.

### **4 Access, parking and servicing**

No change to existing access, parking and servicing proposed.

### **5 Environmental management**

No environmental concerns raised by proposal.

## 6 Residential development standards

The proposal does not include a residential component.

## 7 Planning controls for special areas

The site is within special Area 6: Keira Street.

The given the temporary nature of the proposal, the development does not raise any concerns regarding the controls of Clause 7.

## 8 Works in the public domain

No permanent work proposed or required.

### CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The applicant has noted the event is designed to ensure accessibility by people with a disability.

Refer to commentary under Chapter C6, see above.

### CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Adequate lighting will be provided, to be subject of condition of consent.	Y
<u>3.2 Natural surveillance and sightlines</u>	Event area subject of adequate natural surveillance and sightlines. Surveillance systems will be in place as well as security management. Pedestrians will not be affected as footpaths will remain open at all times/ including a section open at set of traffic lights to cross road.	Y
<u>3.3 Signage</u>	Signage will identify site, event, entries/exits etc.	Y
<u>3.4 Building design</u>	NA	NA
<u>3.5 Landscaping</u>	NA	NA
<u>3.6 Public open space and parks.</u>	NA	NA
<u>3.7 Community facilities and public amenities</u>	NA	NA
<u>3.8 Bus stops and taxi ranks</u>	NA	NA

### **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

Car Parking, access and servicing / loading has been addressed adequately for the purposes of the event.

Refer to commentary under Chapter C6, see above.

### **CHAPTER E7: WASTE MANAGEMENT**

Waste management has been addressed adequately for the purposes of the event.

Refer to commentary under Chapter C6, see above.

### **CHAPTER E11 HERITAGE CONSERVATION**

#### **10 HERITAGE IMPACT ASSESSMENT**

A Heritage Impact Statement (HIS), prepared by MMJ Town Planning & Advisory has been submitted in support of the application. The HIS addresses the significance, physical description, historical notes/providence and impacts of the proposal.

Council's Heritage Officer Office have reviewed the proposal and found it satisfactory subject to conditions.

The development will not have any significant adverse impacts on the subject precinct or nearby items.

#### **14 DEVELOPMENT IN THE VICINITY OF A HERITAGE SITE**

Regarding the nearby item being ((5936) National Mutual Life Assurance Building), no impacts on heritage significance will result and a heritage management document is not required.

### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is classified as an uncategorised flood risk precinct.

The development is limited to temporary event, retaining a commercial use within the hotel and not altering floor levels. No significant impact on flood risk or the floodplain will result.

Council's Stormwater Engineer provided conditions of consent regarding preparation of a Flood emergency response plan, monitoring weather conditions in lead up to event and appropriate emergency response.

## ATTACHMENT 8 - DRAFT CONDITIONS FOR: DA-2022/961

### For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
A-000	1	Site Plan	progenia	11 August 2022
A-250	1	East & West Elevation	progenia	11 August 2022
A-251	1	South Elevation	progenia	11 August 2022
T2305-2489		TMP (including Legend)	Traffic Management Services	
T2305-2489		TMP	Traffic Management Services	

Document Title	Version No	Prepared By	Dated
Hotel Illawarra Market Street NYE Block Party Event Management Plan			

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### General Conditions

#### 2. Restricted Consent Period

This development is valid for a period not exceeding five (5) years from the date of the first event, the final event to be held 31 December 2027 – 1 January 2028.

**Note:** The Council may, upon receiving an application under Section 4.55 of the Environmental Planning and Assessment Act 1979, prior to the lapse date of this consent extend the period in which this consent is valid.

Any application under Section 4.55 of the Environmental Planning and Assessment Act should be made to Council at least four (4) months prior to the lapse date of the consent in order to allow adequate processing/assessment of the application. This application must be on the prescribed form. Any application received after the lapse date cannot be considered.

### **3. Endorsement of Event**

The event is to operate in accordance with the event plan of management - Market Street NYE Block Party - Event Management Plan, stamped with this consent, except where superseded by a condition of this consent.

Prior to each event, the plan of management is to be reviewed and submitted to Council for endorsement. The review should occur in consultation with Police.

In addition to matters included in the current Event Management Plan, the review is to address the alcohol management plan, noise management plan and traffic management plan (TMP) that includes a hostile vehicle mitigation plan.

The reviewed Event Management Plan is to be submitted to Police and Wollongong Council at least 21 days prior to the event.

### **4. Yearly Submission of Traffic Guidance Scheme**

The applicant must re-submit Traffic Guidance Scheme(s) to the Wollongong City Council's Traffic Section two (2) months prior to all approved annual events to ensure that changes in local traffic conditions and additional requirements are incorporated into the road closure plans.

### **5. Transport For NSW Conditions**

The development shall comply with the following conditions from Transport for NSW:

- Local Traffic Committee recommendations and Council approval must also be obtained to support and approve this event and associated road closures.
- The proponent must obtain a Road Occupancy Licence (ROL). The ROL application requires a TMP to be prepared by a person who is certified to prepare Traffic Control Plans. TfNSW recommends that the application be lodged a minimum of one (1) month prior to the event.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a TMP to be prepared by a person who is certified to prepare Traffic Control Plans.
- The western boundary of the Keira Street/Market Street intersection is to be a No Stopping zone during the duration of the road closure. This must be reflected in the TMP to be submitted to obtain the ROL.
- All costs associated with implementing the required road signage and changes to the operation of the traffic signals will be paid by the proponent.

### **6. Road Closures need Council Approval**

For the regulation of traffic or closure of local roads for events, the applicant is required to obtain approval from City of Wollongong Traffic Committee and Wollongong City Council.

**Note:** It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Guidance Scheme prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The Traffic Guidance Scheme shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

### **7. Temporary Events Registration**

Each food business/stall/van is required to be registered with Council. A Food Business Notification Form must be submitted prior to business operations commencing. The appropriate form can be completed on Councils' web page by visiting:



<https://wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/food-businesses>

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.

**8. Food Outlets**

Food outlets shall comply with Council's Guidelines for Food Handling at Temporary Events. This document can be found at:

<https://wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/food-businesses>

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a copy.

**9. Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the relevant requirements the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

**10. Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

**11. Advertising Signage**

This consent authorises the temporary installation of advertising signs only as shown on the approved plan. This consent also authorises the erection of general advertising, advisory, and directional signage within upon the event site. Any additional advertising signage will require separate Council approval.

**12. Number of Persons Accomodated**

The number of persons accommodated during the event shall be limited to the following:

Room/Area	Number of People
Outdoor Event Area	1,200
Illawarra Hotel	Dictated by related applicable development consent

**13. Emergency Response Plan**

A written Emergency Response Plan is to be prepared in accordance with the requirements of Chapter E6 – Events Management within Wollongong DCP 2009. The plan is to be available to Council officers on request.

**14. Compliance with Statutory Authorities/Government Departments**

Compliance with the requirements of any Statutory Authorities or Government Departments such as, but not limited to:

- SafeWork NSW Authority;
- NSW Roads & Maritime Services Authority;
- Traffic for NSW;
- NSW Environment Protection Authority;
- NSW Police Service; and
- NSW Fire Brigade.

**15. Public Transport Usage**

Communication with event staff, competitors and spectators is to encourage, where possible, the use of public transport for travel to and from the event.

**16. Bicycle Parking**

Secure bicycle parking is to be provided on site for the duration of the event, commensurate with ticket sales and anticipated patronage.

**17. Legislative Compliance**

The developer must comply fully with the provisions of the Work Health and Safety Act 2011 and the Protection of the Environment Operations Act 1997 at all times.

**18. National Construction Code Series (BCA)**

Building Work – Compliance with Building Code of Australia All building work, including the erection of temporary structures used as an entertainment venue (within the meaning of the Environmental Planning and Assessment Regulation 2000 being a cinema, theatre or concert hall or an indoor sports stadium), must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia.

**19. Temporary Structures – General Considerations**

Temporary structures not used as an entertainment venue should generally comply with the Australian Building Codes Board “Temporary Structures” Standard 2005.

**20. Temporary Toilet/Closet Facilities**

Toilet facilities with hand washing facilities must be provided onsite and be of sufficient number to accommodate the population at all times when workers and patrons occupy the site. The number of toilets is to be in accordance with the requirements of the Building Code of Australia.

Each toilet provided must be:

- a. capable of flushing and connected to either:
- b. the Sydney Water Corporation Ltd sewerage system or
- c. an accredited sewage management facility or
- d. an approved chemical closet.

**21. Cleaning of Toilet Facilities**

The event organiser is required to ensure toilet facilities are cleaned and maintained in a suitable hygienic condition for use.

**22. Safety Hazards**

When setting up marquees and equipment, all pegs, ropes and structures should be secured appropriately and not present a safety hazard to the public. The applicant should ensure they undertake the appropriate Dial Before Dig process prior to installing any pegs into the ground.

**23. Ground Surface to Sustain Structure or Device**

The ground or other surface on which any structure, vehicle, or device is to be erected or placed, must be sufficiently firm as to sustain the structure/vehicle/device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason.

**24. Promotion of Public Transport to Reduce Traffic and Parking Impacts**

All ticket sales and promotional information must confirm to guests that due to on-street parking limitations - carpooling, the use of public transport, active transport is the preferred method of travel for ease of travel, reduction in delays and minimising traffic and parking impacts within the local area.

**25. Crime Prevention through Environmental Design (CPTED) - Public Spaces**

The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS 1158:1999 or AS 4360:1999.

**26. Lighting**

The lighting of the site must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

**27. Emergency Services and Police**

The local Police and Emergency Services shall be notified of the event details at least two (2) weeks in advance of the commencement of the event.

**28. Written Notice**

The applicant/operator must provide written notice of the event to surrounding businesses prior to the event.

**29. Nuisance**

The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

**30. Public Liability Insurance**

The operator is to hold and maintain Public Liability Insurance in respect of the land in the amount of \$20 million dollars and a copy of the Certificate of Currency of such insurance is to be provided prior to the activity.

**31. Site Set-Up**

Site set-up must be undertaken no earlier than 48 hours before the commencement of the camping event unless the prior written approval from Council is obtained. Vehicles associated with the delivery and installation of the set-up shall not remain parked on grassed areas once unloading and installation is completed.

**32. Event Notification**

A minimum of 14 days prior to each event, surrounding businesses and residents are to be notified of event details and road closure.

Parties to be notified are those that were included in the public exhibition of this development application. This information may be requested from Council.

Evidence of notification is to be made available provided to Council on request.

**Before the Commencement of Building Work**

**33. Notification to SafeWork NSW**

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

**34. Depth/Location of Services**

The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

**35. Road Occupancy Licence (ROL) from Transport for NSW (TfNSW)**

Prior to any works commencing, the applicant shall obtain a ROL from TfNSW in conjunction with Council's permit under Section 138 of the Roads Act 1993.

The developer shall apply for a ROL from the TfNSW Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a TMP to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow two (2) weeks prior to commencement of work to process the ROL.

**Note:** An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

### **36. Works in Road Reserve - Major Works**

Any erection of structures, occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Sections 125, 126 and 138 of the Roads Act 1993.

The application form for Works within the Road Reserve –Sections 125, 126 and 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a. Digging or disruption to footpath/road reserve surface;
- b. Loading or unloading machinery/equipment/deliveries;
- c. Installation of a fence or hoarding;
- d. Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e. Pumping stormwater from the site to Council's stormwater drains;
- f. Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g. Construction of new vehicular crossings or footpaths;
- h. Removal of street trees;
- i. Carrying out demolition works.

Restoration must be in accordance with the following requirements:

- i. All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road Reserve".
- ii. Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

### **While Building Work is Being Carried Out**

#### **37. Protection of Public Places**

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- a. A hoarding or fence must be erected between the work site and the public place;
- b. an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. safe pedestrian access must be maintained at all times;
- e. any such hoarding, fence or awning is to be removed when the work has been completed.

#### **38. Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

### **39. Flood Emergency Response Plan (FERP)**

A FERP is to be prepared by a suitably qualified and experienced civil engineer and must include the following:

- a. location of all exits for any part of a temporary structures used in association with the event;
- b. Methods for evacuating patrons and vehicles from the flood affected area and from buildings and structures to nominated places of safety in the event of a flood;
- c. Details of a reliable, predictive rainfall and flood warning process including the trigger for evacuation, ongoing monitoring of rainfall and flood levels, methods for informing and directing patrons and the time frames available for evacuation. The plan must consider the Fairy Cabbage Catchment Flood Study 2020, which is available for free from the SES Flood Data Hub.
- d. Identify safety officers appointed to be present during the event must have appropriate training in evacuating persons from the area, to a place of safety in the event of a flood.
- e. A plan mapping details of reliable evacuation routes from the site.
- f. An area to store materials, equipment, structures and machinery susceptible to damage when inundated. This area must be above the 1 in 100 year flood level as determined by a suitably qualified civil engineer with experience in flooding. Any storage of materials, equipment, structures and machinery below the 1% AEP flood level plus freeboard shall be adequately secured to Counteract the force of buoyancy. The area shall also be clear of any drainage pits.
- g. Where equipment, materials or structures are proposed to be stored in places that do not comply with (vi) above then information is to be provided to demonstrate how items are to be secured to counteract forces of buoyancy.
- h. contact details (including mobile phone and email addresses) of person(s) responsible for conducting the event including the event coordinator, the on-site coordinator/manager and all persons responsible for decision-making in all phases of the event (set-up, performance and pack up).
- i. a chain-of-command diagram or list indicating responsibilities and contact details for all personnel involved in emergency management procedures during the event;
- j. a plan showing the location of emergency response areas within the site;
- k. the permanent means of access and egress by emergency vehicles and staff including sufficient area within the site for manoeuvring of fire trucks;
- l. proposed evacuation procedures and public warning systems including catering for people with disabilities (including hearing and visual impairment);
- m. contact details for all emergency services.

A copy of the FERP is to be provided to Council's Emergency Management and Event Management sections a minimum two (2) weeks prior to the event commencement date.

### **40. Extreme Weather Conditions**

The event must not be held where there is a likelihood of extreme weather events including risk of flooding to the site or following a heavy rainfall occurrence where the land is severely waterlogged. The person authorised to conduct the event must, on the day prior to the event commencement date, and each day during the event, review weather forecasts and weather warnings affecting the site on the event commencement date and the dates for which the event is scheduled (if more than one day).

On occasions when extreme weather or heavy rain is forecast or any warning has been issued (including heavy rain, flood watch, flood warning, flash flooding warning, riverine flooding warning) then the event must be cancelled. Should an extreme weather event occur on the event commencement date or on any day the event is scheduled, the person authorised to conduct the event shall contact relevant weather forecasters and emergency service authorities (including the



Bureau of Meteorology and the local branch of the State Emergency Service) to determine the potential severity and estimated duration of the extreme weather event.

Information obtained shall be used to determine if the event can continue or be cancelled. Council's Events Team must be informed of any decisions to cancel the event.

### **Prior to Occupation**

#### **41. Occupation Certificate**

Temporary Structures used as Entertainment Venue Pursuant to clauses 156(1)(b) and 268(A) of the Environmental Planning and Assessment Regulation, 2000.

Appoint and obtain from a Registered Certifier an Occupation Certificate prior to the occupation of temporary structures, being a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent); or a mobile structure that is used as an entertainment venue, as defined by the Environmental Planning and Assessment Regulation 2000 being a cinema, theatre or concert hall or an indoor sports stadium.

### **Occupation and Ongoing Use**

#### **42. Restricted Hours of Operation**

The hours of operation for the outdoor event shall be restricted to 6pm 31 December to 12:30am 1 January. The Illawarra Hotel is to operate in accordance with the relevant development consent.

Any alteration to the approved hours of operation will require separate Council approval.

#### **43. Noise Restrictions**

All sound systems and amplifiers sound must comply with the following:

- LAeq (5 minutes) of 87 dBA or 94 dBC at nearest affected residential apartments on Market Street and Keira Street.

#### **44. Noise Management Plan**

The event is to operate in accordance with the Noise management plan, Noise Assessment & Management Report prepared by GHD Consulting dated 29 August 2022. Section 5. Noise Management Plan must be implemented prior to the event, during the event and post event.

Noise management included staff training, community consultation and consultation with the residence exceeding the noise management limits (NML) and complaints procedure.

#### **45. Noise Monitoring**

Sound monitoring is to be undertaken at the event and a copy of the results must be provided to Council within 30 days after the event. The noise monitoring and reporting should be undertaken as per the Section 5.7 of Noise Assessment & Management Report prepared by GHD Consulting dated 29 August 2022.

Following evaluation of the monitoring results, amendments to Noise Restrictions (Condition 47) and Noise Management Plan (Condition 48) may be required by Council.

#### **46. Noise Complaints**

Should noise complaints be received as a result of operation of the event, Council may request the restaurant operators to submit an amended acoustic report prepared by a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC). The report must assess the noise both indoor and outdoor and recommend a suitable attenuation plan to meet the NSW EPA Noise Criteria and Liquor & Gaming NSW noise criteria for the following year's event.

A copy of the acoustic report with the consultant's recommendation must be sent to Council prior to finalising recommendations to meet the noise criteria.

#### **47. Public Safety**

The applicant must ensure that public safety is not compromised.

**48. Public Access**

The event organisers are to ensure that an appropriate level public access be maintained to areas surrounding the event at all times over the duration of the event and are to ensure public safety is not endangered by the event proceedings or loading/unloading activities.

**49. Neighbourhood Amenity**

Signs must be placed in clearly visible positions within the event requesting patrons, upon leaving the premises, to do so quickly and quietly, having regard to maintaining the amenity of the area

The licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the licensee is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner.

**50. Restoration**

The applicant should be made responsible for the reimbursement to Council for the costs of restoration works should damage to the road surface occur as a result of the proposed activity. Pre and post dilapidation reports are required.

**51. Hard Surfaces**

The applicant is to ensure that any paved or hard surfaces are clean and that barbeques or mobile food vans or stalls do not discharge or leak any substances onto the hard surfaces.

**52. Sight Distance**

Any proposed structures adjacent to the roadway shall comply with the requirements of AS2890.1 to provide for adequate sight distance.

**53. All Traffic Control Costs are the Responsibility of the Applicant**

All traffic control within the road reserve is to be at the applicant's cost.

**54. Fire Safety Measures**

All new and existing fire safety measures shall be maintained in working condition at all times.

**55. Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

**56. Waste Management**

An adequate number of waste receptacles for both general rubbish and recyclable materials shall be placed strategically around the site, and collected after the event. Waste shall not be allowed to accumulate on the site and the site shall be left clear of all waste material upon completion of the event.

**57. Site Left Clean and Tidy**

The event organiser shall ensure the site is left clean and tidy after use.

**58. Smoke Free Environment**

The proprietor shall comply with the NSW Health Department "Smoke-Free Environment Act".

**59. Heritage - Signage**

The cloth mesh signage is approved for installation from 31st of December to 1st January of each consent year only. This consent does not approve any advertising or event signage on the Hotel Illawarra Building, Facade or awning during the five-year consent period.

**60. Waste Management**

An adequate number of wheelie bins for both general rubbish and recyclable material shall be positioned strategically around the site, and collected the next day after the event.

Waste shall not be allowed to accumulate on the site and the site shall be left clear of waste material and litter upon completion of the event.

The applicant must ensure all waste generated by the operations is lawfully disposed of. This can include the provision of a waste receptacle or ensure their clients are aware of existing waste

receptacles available on the site. Consideration should be given to the source separation of recyclable and reusable materials.

**61. Greywater**

All greywater must be contained and disposed of appropriately.

**62. Lighting**

Temporary lighting on the site must not cast glare on adjacent residents.

**63. Site Kept Neat and Tidy**

During the operation of the event the site shall be kept in neat and tidy condition at all times.

**64. Incident Reporting**

A systematic method reporting incidents that have occurred at an event is required. This should include a written incident reporting manual whereby staff are required to provide written details on the exact nature of the incident and what procedures were implemented to deal with the incident.

**65. Security**

Security personnel must be employed for the duration of the event as detailed in the documentation submitted with the application. Duties to include monitoring entry and exit points, general surveillance to ensure safety and good behaviour of crowd, assist in co-ordination of emergency procedures, and ensure quiet and efficient movement of people from the site at the conclusion of the event. Security are to remain at the premises following closure and ensure patrons leave the immediate area in an orderly manner.

**66. After the Event – Site Condition**

The site must be cleaned up and returned to its condition prior to this use being carried out within 24 hours of the conclusion of the event. Should further cleaning be required by Council, the organisers shall contact Council's Works Division to determine the applicable fee. The applicant is responsible for reimbursement to Council for the cost of restoration works, should damage to the ground surface occur as a result of the proposed activity.

**67. Waste Management**

An adequate number of waste receptacles for both general rubbish and recyclable materials shall be placed strategically around the site, and collected on the same day after the event. Waste shall not be allowed to accumulate on the site and the site shall be left clear of all waste material upon completion of the event.

**68. Keep Footpaths Clear of Obstructions**

Footpaths shall not be obstructed by temporary structures, staging, equipment, speakers or signage.

**69. Any Traffic Control within the Road Reserve must be at the Applicant's Cost**

If the development requires traffic control within the road reserve, it must be provided at the applicant's cost.

**70. Sale and Consumption of Liquor**

The sale and supply of liquor in the licensed premises must be in accordance with the terms and conditions of an approved liquor license issued by the Office of Liquor and Gaming NSW.

The licensee must ensure that no alcohol is to be consumed outside the premises including the car park and footpath.

**71. Glass**

No food or beverages are to be sold and/or supplied in glass containers or single use plastics.

**72. Alcohol**

The licensee is to ensure that alcohol does not enter or leave the event.

**73. Occupation of the Site**

The premises must not be occupied by staff or security contractors beyond one (1) hour after the cessation of the event, this does not apply to bump out processes.

**74. Copies of Consents and Management Plans to be Kept On-Site**

A full and current copy of all current development consents for the operation of the licensed premises must be kept on-site and made available to Police, Council Officers or Special Investigator upon request.

**75. Closed-Circuit Television (CCTV) System**

The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

- a. The system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
- b. Recordings must be in digital format and at a minimum of six (6) frames per second,
- c. Any recorded image must specify the time and date of the recorded image,
- d. The system's cameras must cover the following areas:
  - i. All entry and exit points on the premises,
  - ii. The footpath immediately adjacent to the premises, and
  - iii. All publicly accessible areas (other than toilets) within the premises.

The licensee must also:

- Keep all recordings made by the CCTV system for at least 30 days,
- Ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

**76. Incident Register**

The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:

- a. Any incident involving violence or anti-social behaviour occurring on the premises,
- b. Any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
- c. Any incident that results in a person being turned out of the premises under section 77 of the Act,
- d. Any incident that results in a patron of the premises requiring medical assistance.

The licensee must, if requested to do so by a police officer or inspector:

- i. Make any such incident register immediately available for inspection by a police officer or inspector, and
- ii. Allow a Police officer or inspector to take copies of the register or to remove the register from the premises.

The licensee must ensure that the information recorded in the incident register under this condition is retained for at least three (3) years from when the record was made.

**77. Crime Scene Preservation**

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- a. Take all practical steps to preserve and keep intact the area where the act of violence occurred,
- b. Retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the liquor and gaming NSW website,
- c. Make direct and personal contact with NSW Police to advise it of the incident, and
- d. Comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

### **Reasons**

The reasons for the imposition of the conditions are:

- 1. To minimise any likely adverse environmental impact of the proposed development.
- 2. To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4. To ensure the development does not conflict with the public interest.