



Plan of Management  
Use of the Site as Temporary Function Centre

4 Henstock Rd, Arcadia

1 May 2023

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## 1 Introduction

Barker Ryan Stewart have been engaged by Chanticleer Gardens to prepare a Plan of Management (POM) for the operation of part of the site for use as a temporary function centre at 4 Henstock Rd, Arcadia.

This POM outlines the on-going management principles for the proposed use.

Where this plan conflicts with the requirements of Work Health and Safety (WHS) Policy then safety and environmental obligations shall override this POM.

The POM includes a description of the project, identifies the purpose, outlines the process and addresses management principles relating to the potential impacts including noise, waste and traffic management.

This POM is drafted for consideration by Council and should be adopted or amended as a condition of consent, where granted.

## 2 Project Overview

### 2.1 Existing Development

The site supports an existing dwelling house, detached cabana and swimming pool, and a secondary dwelling as shown in Figure 1 below. In addition, the site has been heavily planted with formal gardens and large canopy tree species to create formal garden rooms.



Figure 1: Aerial image of site (Nearmap; 2022)

Direct street access is available to the site from Henstock Road and the built elements are serviced by an existing driveway that is located adjacent to the eastern and northern boundaries.

## 2.2 Proposed Development

It is proposed to use the site for a temporary function centre. Figure 2 identifies the proposed operation of the uses on site. Refer to full plan for details in Appendix A.

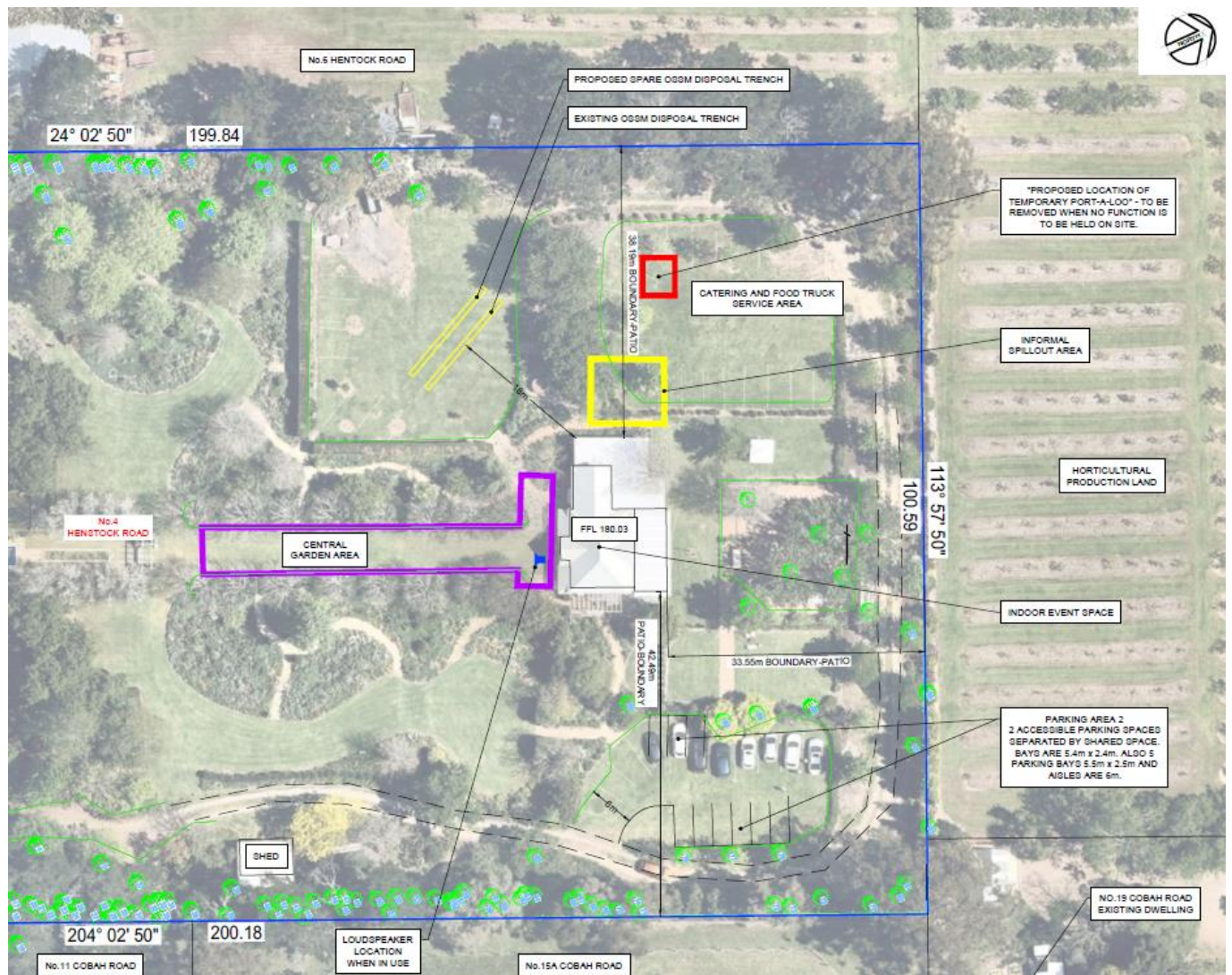


Figure 2: Site Plan indicating proposed use (Source: BRS, 2023)

The development is categorised as a temporary function centre. The operational particulars are identified below.

### 2.2.1 Temporary Establishment of use - Function Centre

The subject application proposes temporary use of the site for a function centre in accordance with the provisions of Clause 2.8 Hornsby Local Environmental Plan (LEP) 2013. Functions will be limited to a maximum period of 28 days (whether or not consecutive days) in any period of 12 months, excluding time required for set up and pack down as established by NSWLEC caselaw<sup>1</sup>.

<sup>1</sup> NSWLEC Caselaw Marshall Rural v Hawkesbury 40644 of 2015; and Lomman v Windbelt 2017/00076964.

The function spaces are categorised by location as they require different restrictions on their use. These are identified in Figure 2, and as follows;

1. Indoor event space: The internal living areas and verandah of the secondary dwelling are proposed to be used for events/functions.
2. Central garden area, located between the existing dwelling and secondary dwelling as shown in Figure 2.
3. Informal "spill out" area to the western outdoor room.

Occupancy and trading hours of these spaces is proposed as shown in Table 1.

**Table 1: Function Centre Maximum Occupancy Rates**

<b>TEMPORARY FUNCTION CENTRE</b>			
<b>Location</b>	<b>Maximum people</b>	<b>Hours (Monday – Saturday)</b>	<b>Restrictions</b>
Function Area	Maximum 70	10.30am – 6pm	Refer RWDI Acoustic Report dated 030223
Staff & Sub-consultants	Approx 10 – 15	10.30am – 6pm	Refer RWDI Acoustic Report dated 030223
Deliveries		9am – 5pm	Refer RWDI Acoustic Report dated 030223

This Plan of Management (POM) forms part of the contract for use of the premises. The POM addresses the management of an event. This will include parking, noise, music, service of alcohol, unruly behaviour and complaints management.

There are two staff involved in the operation of the site, these are the owners/proponents of the temporary function centre. All functions will utilise sub-contractors for catering, food/drink service, waste management. Food and drink service will be undertaken from food trucks or the like, where preparation is undertaken off site. Food waste is contained within the food truck or removed from the premises by the sub-contractor. Service of food and alcohol will be undertaken by the sub-contractors in accordance with Food & Alcohol service regulations.

All lighting on site is to be used in accordance with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'.

Music is proposed to be used through the on site speaker system and live music as limited in the Acoustic Assessment. The restrictions on this use are detailed in Appendix B and will be regulated through the POM subject to any hire agreement for the function centre. Figure 4 identifies the proposed acoustic measures to be utilised in combination with the function centre.

Portable toilets will be utilised for all functions and will be temporarily placed on site for the duration of the function. The transport and cleaning of these portable toilets is addressed herein. Only 1 double portable toilet is required to be provided on site. An example of the portable toilet is identified in Figure 3. The toilet is delivered and collected within a reasonable period (1 – 2 days) by the contractor, as coordinated by the proponent, and must occur during the trading hours as per Table 1. These will also be used for catering and other on site contractors during an event. The toilets within the secondary dwelling will not be available for guest use and will be locked off during an event by the proponent/owners.



Figure 3: Example of luxury portable powder room (Source: Portable Powder Room; 2021)

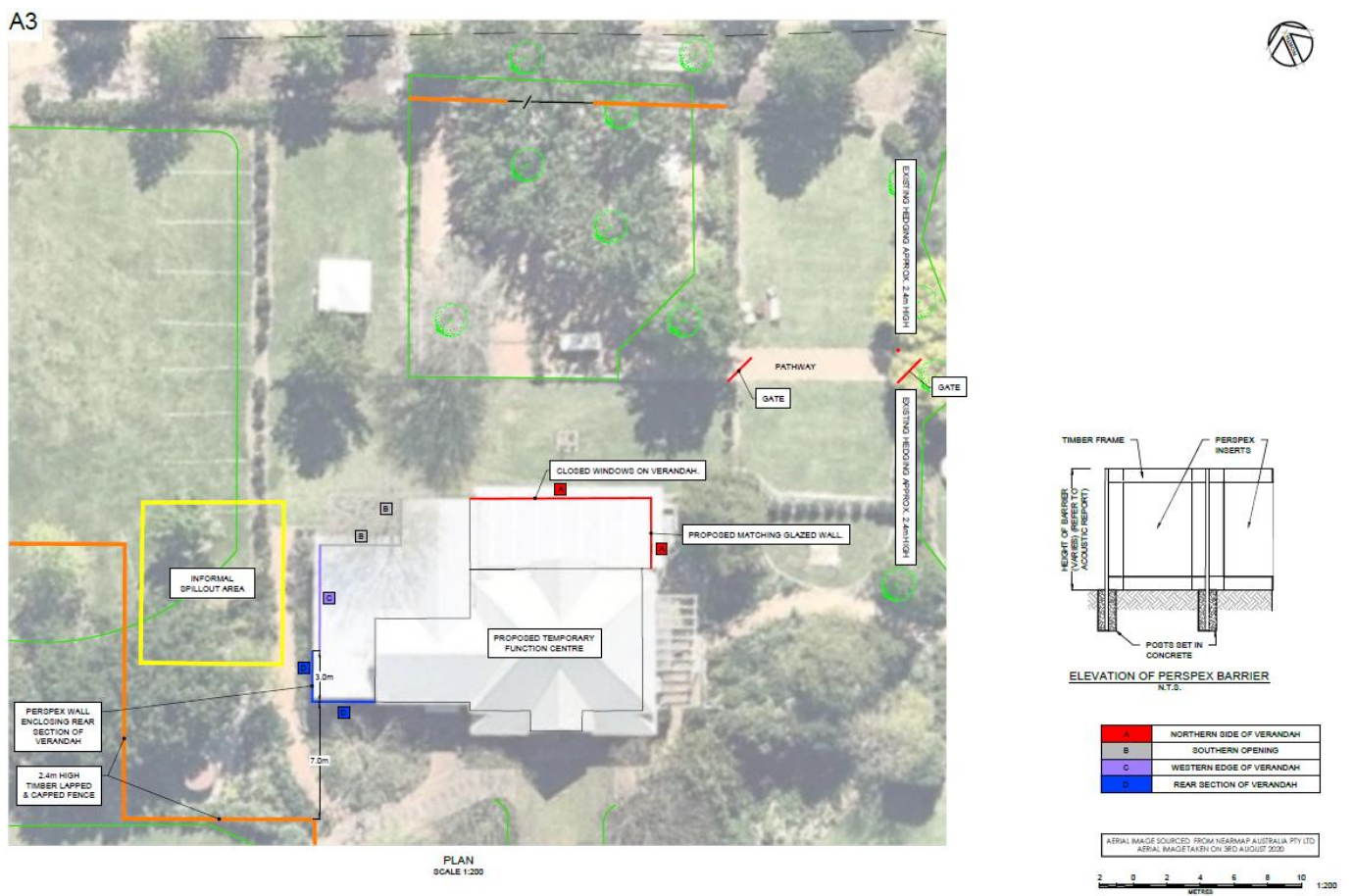


Figure 4: Acoustic Measures Plan (Sheet 141) of proposed use (Source: BRS 2023)



## 3 Purpose of the Plan of Management

### 3.1 Aim of Plan of Management

This POM covers the temporary use of the site for a function centre. The aim of the POM is to;

- *Allow for the efficient management of events and functions on site in accordance with the business plan for the Proponents;*
- *To promote a positive guest experience through a well managed site that will ultimately generate a reputation for Chanticleer Gardens as a destination for tourists;*
- *To ensure no adverse impact results as a consequence of the temporary use; and*
- *To provide accountability for the Proponents and Function Holders for the safe and responsible management of guests on site.*

## 4 Management Principles

The following tables outline management measures to be adopted by proponents to ensure a safe working environment for function holders, external providers and guests is provided.

Ultimate responsibility for the site remains with the proponents (owners) of the site, however the POM forms one of the terms for the function holders contract for agreement to hire.

### 4.1 Proponents and Sub-contractor/external service provider operational details

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Staff	<p><b>Proponents</b></p> <ul style="list-style-type: none"> <li>The proponent is the owner of the site.</li> <li>Two (2) proponents/owners will be onsite during operation.</li> </ul> <p><b>Sub-contractors / External Service Providers</b></p> <ul style="list-style-type: none"> <li>All sub-contractors and external service providers are to be scheduled for operation on site by the proponents.</li> </ul>	Ongoing	Proponents
Provide sufficient amenities for both male and female service providers	<p><b>Staff Amenities – External Service Providers</b></p> <ul style="list-style-type: none"> <li>Portable toilet amenities for sub-contractors and external service providers are to be installed on site.</li> <li>Signage provided within the Secondary Dwelling to direct staff and guests to external portable toilets.</li> </ul>	Prior to and During Events	Proponents
Staff Parking	<p><b>Staff parking</b></p> <ul style="list-style-type: none"> <li>Parking areas for sub-contractors/external service providers will be located as identified in the Site Plan at Figure 2 and Appendix A.</li> </ul>	Prior to and During Events	Proponents
Ongoing supervision	<p><b>Measurement and Monitoring</b></p> <ul style="list-style-type: none"> <li>Monitoring of the sub-contractors/external service providers to ensure their compliance with the POM terms.</li> </ul>	Ongoing	Proponents

### 4.2 Occupation of Site – Maximum visitors

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Number of people on site	<p><b>Temporary Function Centre</b></p> <ul style="list-style-type: none"> <li>Maximum of 70 guests on site.</li> <li>Estimated 10 – 15 sub-contractors on site.</li> </ul>	During operation.	Proponents /Function Holder
Sub-contractors & Service Operators	Estimated 10 – 15 sub-contractors on site.	On-going Outside event only during hours of operation.	Proponents /Function Holder

### 4.3 Hours of Operation

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Hours of operation	<p><b>Temporary Function Centre</b></p> <p>Monday – Saturday: 10.30am – 6pm.</p> <ul style="list-style-type: none"> <li>Limited to a maximum of 28 occurrences per calendar year. An 'occurrence' does not include time for function set up and pack down.</li> <li>Registration of functions to be kept for each calendar year and supplied to Council on request.</li> <li>Excludes high risk activities such as teenage/young adult birthday parties.</li> <li>Function holder is to be made familiar with the restriction to number of guests and operating hours.</li> </ul>	Ongoing	Proponents

### 4.4 Food Handling and Responsible Service of Alcohol

No kitchen facilities are proposed under the temporary use for functions booked for the use of the site.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Food Handling	<p><b>Proponents</b></p> <ul style="list-style-type: none"> <li>Food preparation is conducted off site in advance by the catering company;</li> <li>No storage of food is permitted on site;</li> <li>All food requirements are organised by the function holder.</li> </ul>	Ongoing	Proponents/ Sub-contractors
Food Handling	<p><b>Sub-contractors / External Service Providers</b></p> <ul style="list-style-type: none"> <li>Food is delivered, served and handled in accordance with <i>Guidelines for Mobile Food Vending Vehicles</i> and the NSW Food Act 2003, Food Regulation 2015 and Food Standards Code;</li> <li>Food trucks are to be parked in the nominated parking area as shown on the plans; and</li> <li>Residue of food wastage will be disposed of by the food caterer and no waste is to be left on site.</li> </ul>	Ongoing	Proponents/ Sub-contractors
Responsible Service of Alcohol	<p>All caterers must comply with the following, among any other relevant controls:</p> <ul style="list-style-type: none"> <li>Food Act 2003 and Food Regulation 2004</li> <li>Food Standards Code (Food Safety Standards)</li> <li>Responsible Service of Alcohol Guidelines NSW Liquor &amp; Gaming.</li> <li>All sub-contractors, as required, are to carry Responsible Service of Alcohol (RSA)</li> </ul>	Ongoing	Proponents to inspect RSA card at time of booking to form terms of agreement, and at operation of the event.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
	<p>competency card. The proponent is to site this as part of the terms for hire, and presentation of same on site at the time of the function.</p> <ul style="list-style-type: none"> <li>Function holder to engage sub-contractors and make them aware of the obligations of the POM.</li> </ul>		Sub-contractors to present RSA card at time of booking.

## 4.5 Transport and Parking

Adequate off-street parking is available for approximately 42 vehicles, in locations identified on the Site Plan (see Appendix A). Private car will be the predominant mode of transport for each event given the isolated location of the site and the 'destination' marketing of this use.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
On site parking	<p><b>Proponents</b></p> <ul style="list-style-type: none"> <li>Carpooling is to be encouraged through marketing of the site.</li> <li>Ensure the measures identified in the Traffic Management Plan (Appendix D) are employed for temporary functions.</li> <li>Proponents to undertake traffic management controls during the operation of a function.</li> <li>Proponent to ensure adequate signage is displayed to reduce speed on site and minimise noise when entering and exiting vehicles.</li> <li>Function holders will be provided with contact details for the local alternative transport (bus, Uber etc).</li> <li>Function holders to be advised of the parking areas to be used for guests and sub-contractors in advance of the event.</li> <li>Function holders to be advised that the use of high powered motor vehicles and motorbikes or the like should not be utilised in any wedding party vehicles.</li> </ul>	Ongoing	Proponents
On site parking	<p><b>Sub-contractors / External Service Providers</b></p> <p>All sub-contractors and external service providers are to be scheduled for operation on site by the proponents within the operating hours.</p> <p>All sub-contractors to park in the nominated parking areas.</p> <p>Where equipment associated with cool rooms and catering trucks exceeds a combined noise level of 85dBA the proponent is to install temporary shielding (portable screen or the like).</p>	Ongoing	Proponents

### 4.6 Waste Management & Cleaning/Maintenance of the Site

There is a minimal-impact policy in regard to waste. To encourage efficient use of waste facilities on site the following measures are to be adopted;

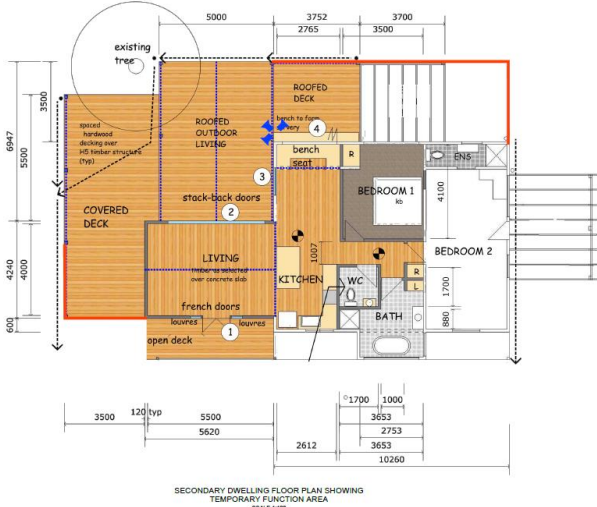
- Display signs that clearly identify garbage and recycling bins using colour coding according to AS4123.7-2006 Mobile Waste Containers – colours, markings and designation requirements provide directional signage and other techniques, such as lines on the ground, to show the location of, and routes to, waste storage facilities.
- All garbage and recycling generated needs to be stored in appropriate bins or containers with permanent well-fitting lids.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Waste management	<p><b>Temporary Function Centre</b></p> <ul style="list-style-type: none"> <li>• The Function Holder/Proponent is to advise all external sub-contractors to include waste and recycling bins for waste disposal during use of the site for a temporary function. Waste materials will then be removed from the site by the contractors and disposed of.</li> <li>• Adequate and convenient temporary storage for waste and recycling containers to be provided on site for each function (as identified by the proponent).</li> <li>• No grease trap is provided on site therefore food preparation will not occur on-site. The kitchen in the existing secondary dwelling will be made inaccessible during events.</li> <li>• All waste generated as a result of temporary functions, including general waste, packaging, recyclable materials, will be removed from the site by external sub-contractors (including toilet wastewater/port-a-loo) as employed by function holders.</li> <li>• All function holders are to ensure that the site is to be left in a clean and tidy manner and this will be a term of the booking that it is left in this manner.</li> </ul>	Ongoing	Proponent/ Function Holder

### 4.7 Noise Management

All Noise Mitigation Measures and controls contained within Appendix B are to be adhered to.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Noise management	<p><b>Temporary Function Centre</b></p> <ul style="list-style-type: none"> <li>• The proponent is to make the function holder aware of the following noise controls that apply to the site;</li> <li>• There are two areas (see Figure 2) in which amplified sound music could be presented:</li> </ul>	Ongoing	Proponent

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
	<p>i. Function Centre ii. Central Garden area</p> <ul style="list-style-type: none"> <li>The amplification in these areas can only occur through the fixed speakers on site. A noise limiter is to be applied to the speakers and their maximum operational levels set (as discussed in Appendix B). The central garden will have one loudspeaker set for a maximum level of 80 dBA at 1 m with directionality.</li> <li>Presentation of music or other amplified sound should not take place in any other area.</li> <li>No DJ's are permitted. Musical entertainment must be limited to an acoustic duet (singer and accompanist) with no acoustic drums, wind or brass instruments.</li> <li>Live music should not include any percussive accompaniment, either from a natural acoustic instrument or an electronic drum machine or rhythm generator.</li> </ul>  <p>Figure 5: Function Centre Floor Plan (Sheet 121) of proposed use (Source: BRS 2023)</p> <ul style="list-style-type: none"> <li>The recommended loudspeaker type is as per Appendix B.</li> <li>The secondary loudspeaker should be deactivated if there are less than 55 guests.</li> <li>Only pre-recorded music played through the fixed loudspeakers in the Events Centre should be presented for dancing. The function holder is to be advised that only the on site sound amplification equipment is to be used.</li> </ul> <p>After the maximum sound levels that this sound system can produce have been set</p>		

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
	<p>during the commissioning process, access to the settings of the digital signal processor should not be allowed by unauthorised people.</p> <ul style="list-style-type: none"> <li>• Display signs asking guests to be quiet when leaving, including car park areas. Signage should discourage idling of vehicles. All high powered vehicles are to park within the Carpark 1 area located adjacent to the street.</li> <li>• As part of the function holder agreement to be signed stating "The bond will be forfeited if any reasonable complaint is received by Council, the police, or the NSW Office of Liquor, Gaming and Racing".</li> <li>• The function holder is to be advised of the rural setting, the rural background noise levels, and the need to respect the amenity of neighbours.</li> <li>• All persons are to have left the premises and the surrounding area by 6.00pm; and</li> <li>• Deliveries are to occur during the operating hours only.</li> <li>• No mechanical equipment utilised with exception of sub-contractors on site and located in nominated position.</li> </ul>		

#### 4.8 Minimum Standards for Portable Toilets

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Portable toilets	<p><b>Proponents</b></p> <ul style="list-style-type: none"> <li>• To advise service provider of location for portable toilets (as identified on the site plan see Figure 2).</li> <li>• Calculation of the minimum required toilets is to be in accordance with the "Code Of Practice: Guidelines For The Provision Of Portable Toilets On Construction Sites And At Events Where Connection To A Sewer Is Not A Practical Solution". Wedding events or functions where female guests have a greater proportion these numbers may be increased.</li> <li>• Portable toilets are to be provided during all functions on site.</li> <li>• No access is to be provided to the toilets within the secondary dwelling during functions and these are to be secured during a function.</li> <li>• Signage provided directing guests to the portable toilet location both external and at the door to the internal WC. "Not in use"</li> </ul>	Ongoing	Proponents / Sub-contractors.

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
	signage to be placed on the internal WC during an event.		
Portable toilets	<p><b>Sub-contractors / External Service Providers</b></p> <ul style="list-style-type: none"> <li>Portable toilets are to be delivered and positioned in accordance with Hire and Rental Industry Association Ltd Portable Toilets Division "Code of Practice: Guidelines For The Provision Of Portable Toilets On Construction Sites And At Events Where Connection To A Sewer Is Not A Practical Solution", or as amended.</li> <li>Portable toilets located on site as nominated.</li> <li>All servicing, cleaning and maintenance is to be undertaken off site and in accordance with the above code of practice.</li> </ul>	Ongoing	Proponents / Sub-contractors.

#### 4.9 Visitor Safety, Site Rules & Emergency Evacuation

##### Guest Safety & Site Rules

- All function holders to agree to the terms of the POM as part of contract.
- Functions to exclude Teenage birthday parties or 'combined' teenage and older birthday parties, 21st birthday parties or any function organised over the internet or via SMS text messaging.
- Where security is required (at the discretion of the proponent) and is not arranged by the function holder the proponent will arrange security to be present at the function in accordance with this plan. This will be at the expense of the function holder.
- In the event of an emergency, guests, visitors and staff are to gather in the car parking area adjacent to Henstock Road. The function holder is to be made familiar with the emergency evacuation location point and safe path of travel (refer Appendix E) by the Proponent.
- Signage identifying direction to emergency evacuation point and at the emergency evacuation point is to be provided on site.

##### Fire Safety & Emergency Evacuation

- Fire safety equipment (fire extinguisher/s and fire blanket/s) are to be provided. Fire safety equipment is to be located for ease of access in the event of a fire occurring.
- Fire safety equipment is to be tested annually and have current tagging (refer to Australian Standard 2444).

#### 4.10 Complaint Management and Neighbour Notification

The following rules will form part of any Temporary Function Hire Agreement with the proponent and will be the subject of any booking terms and agreement.



POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
Complaints Management	<p><b>Proponents</b></p> <p>Complaints are to be managed in a sympathetic and respectful manner. Neighbours will be advised of the event and an all hours contact phone numbers for the proponent for complaints to be provided. A record detail of all complaints taken by the proponent will include:</p> <ul style="list-style-type: none"> <li>• The name of the person taking the complaint.</li> <li>• The date, time and nature of the complaint.</li> <li>• The name, address and contact details of the complainant, and</li> <li>• The details about how the complaint was handled and what action was taken.</li> <li>• if no action was taken, the reasons why no action was taken.</li> </ul> <p>A complaints register is to be completed for each 12 month period for the operation of the temporary function centre and made available to Council upon request.</p>	Ongoing	Proponents
Responsibilities of Function Holder	<p><b>Function Holder</b></p> <ul style="list-style-type: none"> <li>• Swimming in the swimming pool is strictly prohibited. Parents are responsible to ensure children are supervised during their visit.</li> <li>• The site has a strict no pets policy, subject to prior negotiation with proponent.</li> <li>• Fires – Please do not light any fires within the site without the prior agreement of the proponent.</li> <li>• Smoking – Smoking is only permitted in designated areas. Cigarette butts are to be discarded in waste receptacles provided. Please do not discard butts on the lawns and gardens.</li> <li>• Lost Property – The proponent takes no responsibility for guests' personal property. Any personal property left behind will be returned to the booking holder only.</li> <li>• Property restoration- the site should be left in a similar state to its condition on arrival. Any damaged buildings, structures, equipment, gardens or turfed areas will be rectified, repaired, replaced or otherwise restored as soon as practicable after the event, and to the satisfaction of the proponent.</li> <li>• Termination of hire agreement and forfeit of bond. No amplified or live music will to be played after 5pm. Offensive noise is</li> </ul>	Ongoing	Proponents/ Function Holder

POTENTIAL ISSUE	CONTROL MEASURES	TIMING	RESPONSIBILITY
	prohibited and will result in termination of permission to occupy the property, eviction, loss of rental paid and extra charges for security and other expenses which will be deducted from Security Deposit or Bond under the Terms and Conditions.		

## 5 Management Responsibility

### 5.1 Accountabilities

#### 5.1.2 Proponent

The Proponent is responsible for management and shall establish and maintain the policies contained within this POM.

The Proponent ensures that the Function Holder and Sub-contractors understand and implement the requirements of the Plan of Management prior to the event. This POM will form part of the terms of agreement for any function to be held on site, where the terms of the POM are breached this will result in a loss of bond.

#### 5.1.3 Subcontractors

The Function Holder/Proponent shall clearly define the scope of service including the subcontractor's responsibilities for the controls outlined in the Plan of Management.

The subcontractor may only enter the site from the designated access points as shown on the site plan in Appendix A. Only sub-contractors with a scheduled appointment shall be granted access to the site.

#### 5.1.4 Function Holder

The Function Holder shall be made aware of their responsibilities and obligations as defined in this POM prior to agreement being made with the proponent. The terms of the POM will be the subject of the hire agreement between the Function Holder and the Proponent to ensure a financial disincentive is attached to the successful operation of the function.

#### 5.1.5 Communication Protocols

Both formal and informal communication systems are in place for any event to ensure that information regarding the Plan of Management is circulated effectively to relevant parties.

Subcontractors shall be included in communications to ensure the compatibility and effectiveness of their systems.

Communication with the community shall be done through the Proponent. The Proponent is responsible for the timing and effectiveness of all communications.

#### 5.1.6 Function/Event Monitoring

The Proponent will be the contact person with regard to implementation of the Plan of Management.

The Proponent has authority to initiate emergency response procedures where necessary.

### **5.1.7 Specific Emergency Responses, Contact Details, Emergency Preparedness**

Any specific Emergency Response procedures required to be implemented are to be outlined by the Proponent.

The Contact details of the emergency services are to be located on site at a location that is easily accessible to all.

## **6 Amendments to this Plan**

The proponents can amend this POM where necessary, if those changes are deemed to result in improvements to the management of the premises. Consent may be required from Council, should any changes relate to specific conditions of development consent.

Appendix A – Site Management Plans  
(provided with DA documents)

Appendix B – Acoustic Measures Summary as prepared by  
RWDI

(provided with DA documents)

## Appendix C – Waste Management Plan

(provided with DA documents)

Appendix D – Traffic Management Plan  
(provided with DA documents)

Appendix E – Emergency Evacuation Plan  
(provided with DA documents)