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27 October 2016

BARANGAROO DELIVERY AUTHORITY
Attn: Ms. Carla Armanet
Level 21, 201-217 Kent St
SYDNEY NSW 2000

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D/2015/938

Dear Madam,

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 29-51 Hickson Road , BARANGAROO NSW 2000.

A copy of the DA Assessment Report can be viewed online at the City of Sydney's website <http://development.cityofsydney.nsw.gov.au/DASearch/> or if you would like to purchase a copy please visit Council at one of the following locations:

- CBD/One Stop Shop Town Hall House Level 2, 456 Kent Street Sydney;
- Kings Cross Neighbourhood Service Centre 50-52 Darlinghurst Road Kings Cross;
- Glebe Customer Service Centre, 186 Glebe Point Rd, Glebe;
- Redfern Neighbourhood Service Centre 158 Redfern St Redfern.

If further information is required, please contact **Russell Hand ph. 9246 7321, email rhand@cityofsydney.nsw.gov.au**. Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Corradi', is positioned above the name of the signatory.

CHRISTOPHER CORRADI
Area Planning Manager

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2015/938
Applicant	BARANGAROO DELIVERY AUTHORITY
Land to be developed	29-51 HICKSON ROAD, BARANGAROO NSW 2000 Part Lot 101 DP 1204946
Approved development	Temporary use of the future Cultural Cutaway space below Barangaroo Headland Park for a range of public and private events.
Cost of development	\$0
Determination	The application was determined under delegation of Council and was granted consent subject to the conditions in Schedules 1 and 2.
Consent is to operate from	27 October 2016
Consent will lapse on	27 October 2018

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date in which you received this notice.

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

NOTICE OF DETERMINATION – D/2015/938

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Russell Hand on ph. 9246 7321.**

A handwritten signature in black ink, appearing to read 'G. Jahn', with a stylized flourish at the end.

GRAHAM JAHN AM
Director - City Planning, Development & Transport

CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2015/938 dated 3 July 2015, as amended by supplementary information submitted on 10 August 2016 and as amended by the conditions of this consent.

(2) LIMITATIONS OF CONSENT – USE ONLY

This consent is limited to the use of the land only, including associated temporary structures. This consent does not grant approval for any permanent physical works to be carried out.

(3) MAXIMUM CAPACITY OF PERSONS

The maximum number of persons (including staff, patrons and performers) permitted in the Cultural Cutaway premises at any one time is 5,500 persons.

(4) POM TO BE SUBMITTED, APPROVED & MUST BE COMPLIED WITH

- (a) The noise components of the following Plan of Management (POM) documentation submitted in support of this Development Application have not been approved by this consent:
 - (i) Appendix 2 to SEE – (*Section 4*), “*Noise Management, Operational Plan of Management, Barangaroo Point Cultural Cutaway Space – Cutaway, June 2015*”. Council Ref 2015/337216.
 - (ii) Appendix 5 to SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225.
- (b) A Plan of Management checklist must be prepared to address all operational and management procedures in relation to noise to be employed, to ensure that the premises will operate in compliance with all noise criteria given in this consent and without disturbance to the surrounding locality.
- (c) The Plan of Management must include but not be restricted to:

- (i) Compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
 - (ii) Compliance with all other aspects aside from noise criteria of the report referenced in part (a)(ii) above of this conditions. The noise criteria that this approval must comply with will be as per this consent.
 - (iii) Incorporate *Section 4* of Appendix 5 to SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225.
 - (iv) Provide a definitive list of streets for which residents and business whom occupy the adjacent land will be notified prior to any Planned Category 1 or 2 event as per *Section 6* of Appendix 5 to SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225
- (d) The Plan of Management must be submitted for the written approval and satisfaction of Council’s Area Planning Manager within 4 months of the date of this consent.
- (e) Upon approval of the Plan of Management, it must be complied with. The Barangaroo Delivery Authority, in addition to any event proponent, must ensure that the Plan of Management is complied with.
- (f) Satisfaction of parts (b) through (e) of this condition will not prohibit events from being planned, approved and held by the BDA in the interim period until 27 February 2017. However, after 27 February 2017, no Category 1, 2 or 3 events may be held until such time as part (d) of this condition is satisfied.

(5) ALL EVENTS TO BE PLANNED & APPROVED BY THE BDA, A REGISTER OF DETAILS KEPT & NOTIFICATIONS ARE TO OCCUR

All event operations held at the Cultural Cutaway premise must be planned and organised and operated in consultation with and to the satisfaction of the Barangaroo Delivery Authority (The BDA).

Prior to, during the occurrence of, and after any event being held at the Cultural Cutaway, The BDA must ensure the following is carried out:

- (a) That an accurate and documented hard copy record of events are kept and available for review by any person during normal business hours at The BDA offices. The record is to contain the following information at a minimum:
 - (i) The Category Event Type of the Planned Event held, i.e. 1, 2, 3 or 4.
 - (ii) The details of the organisation or individual who held the event, inclusive of a contact person.

- (iii) The date the event is/was scheduled and held.
- (iv) An overview of the activities the planned event will encapsulate.
- (b) In addition to the above, from 27 February 2017 being 4 months after the date of this consent, The BDA is to establish and maintain the following on its website:
 - (i) An overview of planned events to be held in the next three calendar months. Planned Category 1 & 2 events are to be marked with an asterisk (*) referencing potential audible noise off-site and referring the reader to the complaints hotline.
 - (ii) An overview of planned events held in the calendar year to date.

(6) BARANGAROO DELIVERY AUTHORITY TO ESTABLISH EVENTS COMPLAINT HOTLINE & RECORD OF COMPLAINTS

The Barangaroo Delivery Authority (The BDA) must establish and operate an Events Complaint Hotline in accordance with the following parameters:

- (a) A complaints hotline is to be established and maintained by The BDA for the purpose of reporting environmental pollution (including noise) complaints to The BDA for action.
- (b) The hotline number must remain consistent throughout the term of this consent irrespective of the event held.
- (c) The hotline must be active and staffed during:
 - (i) The operation of any event, and
 - (ii) During any bump in or bump out period which occurs during the hours of 6pm to 7am on any day.
- (d) Upon establishment of the complaints hotline, The BDA is to write to The Area Manager – Health & Building North, Council of the City of Sydney, advising of the Hotline number. This is to occur prior to any event being held after 27 February 2017, being 4 months after the date of this consent.
- (e) The BDA is to establish a written record of complaints which is to be kept for the duration of this consent. The following details of all complaints received in relation to the operation of or bump-in and bump-out of any event are to be kept:
 - (i) The complainants name, address and a return phone number (where provided),
 - (ii) The nature of the complaint, e.g. noise, music, or noise from patrons or noise from setup, crowds of people blocking road, etc.
 - (iii) The results of an investigation conducted into the complaint, inclusive of whom actioned the complaint, and any action or inaction taken as a result of the investigation.

- (iv) An overview of any information conveyed to the complainant in discussion following an investigation into their complaint.

(7) BUMP IN & BUMP OUT ACTIVITIES – NOISE & OPERATIONAL RESTRICTIONS ON ANY EVENT

- (a) Meaning – Bump in and bump out activities are operations conducted for the preparation, setup, removal or disassembly of the event. Any reference to construction and construction work within the Construction Code of Practice also means a reference to bump in and bump out activities.
- (b) Bump in and out activities may occur at any time but must comply with the following criteria:
 - (i) All work associated with bump in and bump out activities must comply with the noise limits prescribed by the City of Sydney Code of Practice for Construction Hours/Noise 1992 and methodologies and be in accordance with the Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. This noise criteria is applicable at any residential or commercial premise.
 - (ii) Noise generated by work from bump in and bump out activities undertaken on site must be inaudible within any residential premise between the hours of 10pm and 7am.
 - (iii) Use of intrusive appliances are not approved. Intrusive appliances has the same meaning and definition as per the City of Sydney Code of Practice for Construction Hours/Noise 1992.

(8) PLANNED CATEGORY 1 EVENTS - NOISE & OPERATIONAL RESTRICTIONS

(a) Category 1 Event - Definition

For the purposes of this determination, Planned Category 1 Events are activities which are taken to be major events of potential high noise impact on the surrounding environment and must only occur in accordance with all terms of this condition.

Category 1 Events are taken to be those with operations which are planned to and or operate in excess of the PLANNED CATEGORY 2 EVENTS – NOISE & OPERATIONAL RESTRICTIONS condition.

(b) Noise – Entertainment, Patrons & Amplified Noise.

The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:

- (i) 65 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the $L_{CEq, 10\text{minute}}$ should not exceed 75 dB(C) during these times.

- (ii) 55 dB(A) between the hours of 7:00am to 10.00am, and 10.00pm to 11pm. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10minute}$ should not exceed 65 dB(C) during these times.
- (iii) Amplified noise, music and other entertainment noise (excludes patron noise) is to be inaudible outside the above hours at all times.
- (iv) The exception to the above is New Year's Eve and New Year's Day morning when the operations outlined above may cause additional audible noise as follows:
 - a. 65 dB(A) between the hours of 10pm to midnight (as a guideline to resolving low frequency noise issues, the $L_{CEq, 10minute}$ should not exceed 75 dB during these times), and
 - b. 55 dB(A) between the hours of midnight and 2am (as a guideline to resolving low frequency noise issues, the $L_{CEq, 10minute}$ should not exceed 65 dB during these times).
- (v) The $L_{Aeq, 10\text{ minute}}$ and $L_{CEq, 10\text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise.
- (vi) The following meanings are given:
 - a. Entertainment Noise means music (unamplified or amplified), or any other noise which is generated in course of providing entertainment to a group of people other than that generated by mechanical plant and ancillary equipment to support or service the use.
 - b. Patron Noise means conversational discourse noise and other noise made by patrons who attend the event while within the venue.
 - c. Amplification noise means any noise generated by a loudspeaker or any other device or apparatus used for the purpose of providing speech or sound reinforcement including music.

(c) **Permitted Hours and Maximum Number of Days**

Permitted hours of operation are 7.00am to 12.00 midnight, any day of the week. However, operations must also be in accordance with the following:

- (i) There must be no more than 4 Planned Category 1 Events per calendar year, in addition to an event which runs across the last day of the year, through New Year's Eve and into the morning of New Year's Day (henceforth referred to as the New Year's Eve Event) which is taken to be a Category 1 Event.

Thus a total of 5 Category 1 Events are permitted in any calendar year.

(ii) Excluding bump in and bump out days, a Planned Category 1 Event must not operate for more than one day during the above approved hours with the exception of the New Year's Eve Event. The New Year's Eve Event must operate within the following permitted times:

- a. 7am to Midnight, on the last day of the year,
- b. Midnight to 2am, on the first day of the year.

(d) **Community Notification of Planned Category 1 Event & Complaints Hotline**

Notification and consultation of Category 1 events will be as per section 6 of Appendix 5 to the SEE – (*Noise Criteria*), "*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*", Version 06 dated 5 July 2016, Council Ref 2016/426225 and the approved plan of management resultant from Condition 4.

(e) **Noise Monitoring & Reporting of Planned Category 1 Event**

Prior to any planned category 1 event being held with an amplified noise aspect (excludes PA systems used for crowd announcements), The Barangaroo Delivery Authority (The BDA) is to hire a Suitably Qualified Acoustic Consultant* who must:

- (i) Review and familiarise themselves with:
 - a. Any approved plan of management resultant from Condition 4, and review this consent,
 - b. Review Appendix 5 to the SEE – (*Noise Criteria*), "*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*", Version 06 dated 5 July 2016, Council Ref 2016/426225.
 - c. The proposed event and the surrounding environment.
- (ii) Provide advice as to the specific setup of the proposed event for the purpose of minimising noise impact,
- (iii) Be available on the day of the event to undertake noise monitoring in accordance with Appendix 5 to the SEE – (*Noise Criteria*), "*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*", Version 06 dated 5 July 2016, Council Ref 2016/426225, and any additional requirements resultant from Condition 4. Additionally, the Suitably Qualified Acoustic Consultant, The BDA and the proprietor of the planned event must:
 - a. Ensure that the planned event complies with the noise criteria,
 - b. The BDA and the proprietor of the planned event must follow all instructions given by the Suitably Qualified Acoustic Consultant in relation to noise control,

- c. Adequately staff the event to ensure compliance with a.- b. above.
 - d. Respond to any complaints in accordance with the methodology given in Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225, in addition to any additional requirements resultant from Conditions 4, 5 and 6.
- (iv) Report on the event to The BDA and the North Area Manager – Health & Building, in accordance with Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225.

* note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(9) PLANNED CATEGORY 2 EVENTS – NOISE & OPERATIONAL RESTRICTIONS

(a) Planned Category 2 Event – Definition

For the purposes of this determination, Planned Category 2 Events are activities which are taken to be medium scale events with a medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this condition.

Category 2 Events are taken to be those with operations which are planned to and or operate in excess of the PLANNED CATEGORY 3 EVENTS – NOISE & OPERATIONAL RESTRICTIONS condition.

(b) Noise – Entertainment, Patrons & Amplified Noise.

The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:

- (i) 55 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10\text{minute}}$ should not exceed 65 dB(C) during these times.
- (ii) Amplified noise, music and other entertainment noise (excludes patron noise) is to be inaudible outside the above hours at all times.
- (iii) The $L_{Aeq, 10 \text{ minute}}$ and $L_{Ceq, 10 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. (iv) The following meanings are given:

- d. Entertainment Noise means music (unamplified or amplified), or any other noise which is generated in course of providing entertainment to a group of people other than that generated by mechanical part and ancillary equipment to support or service the.
- e. Patron Noise means conversational discourse noise and other noise made by patrons who attend the event while within the venue.
- f. Amplification noise means any noise generated by a loudspeaker or any other device or apparatus used for the purpose of providing speech or sound reinforcement including music.

(c) Permitted Hours & Maximum Number of Days

Permitted hours of operation are 10am to 10pm, any day of the week. However, operations must also be in accordance with the following:

- (i) There must be no more than 6 planned Category 2 Events per calendar year.

(d) Noise Monitoring & Reporting of Planned Category 2 Event

Prior to any Planned Category 2 Event being held with an amplified noise aspect, The Barangaroo Delivery Authority (The BDA) is to hire a Suitably Qualified Acoustic Consultant* who must:

- (i) Review and familiarise themselves with:
 - a. Any approved plan of management resultant from Condition 4, and review this consent,
 - b. Review Appendix 5 to the SEE – (Noise Criteria), “Noise Management Plan – Barangaroo Point, Headland Park Cultural Space” Version 06 dated 5 July 2016, Council Ref 2016/426225.
 - c. The proposed event and the surrounding environment.
- (ii) Provide advice as to the specific setup of the proposed event for the purpose of minimising noise impact,
- (iii) Be available on the day of the event to undertake noise monitoring in accordance with Appendix 5 to the SEE – (Noise Criteria), “Noise Management Plan – Barangaroo Point, Headland Park Cultural Space”, Version 06 dated 5 July 2016, Council Ref 2016/426225, and any additional requirements resultant from Condition 4. Additionally, the Suitably Qualified Acoustic Consultant, The BDA and the proprietor of the planned event must:
 - a. Ensure that the planned event complies with the noise criteria,

- b. The BDA and the proprietor of the planned event must follow all instructions of given by the Suitably Qualified Acoustic Consultant in relation to noise control,
 - c. Adequately staff the event to ensure compliance with a.-b. above.
 - d. Respond to any complaints in accordance with the methodology given in Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225, in addition to any additional requirements resultant from Conditions 4, 5 and 6.
- (iv) Report on the event to The BDA and the North Area Manager – Health & Building, in accordance with Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225.

* note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(10) CATEGORY 3 EVENTS – NOISE & OPERATIONAL RESTRICTIONS

(a) Category 3 Event – Definition

For the purposes of this determination, Planned Category 3 Events are activities which are taken to be events with a low to medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this condition.

Planned Category 3 Events are taken to be those with operations which are not planned to operate in excess of the PLANNED CATEGORY 4 EVENTS – NOISE & OPERATIONAL RESTRICTIONS conditions.

(b) Noise – Entertainment, Patrons & Amplified Noise.

The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any premise:

- (i) The LA10, 10 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 8.00am and 6.00pm when assessed at the boundary of any affected residence.

(c) Permitted Hours

Permitted hours of operation are 8.00am to 6.00pm, any day of the week.

(d) **Noise Monitoring & Response to Complaints**

The Barangaroo Delivery Authority is responsible for investigating and reacting to any complaints in accordance with relevant parameters of the methodology given in Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225., in addition to any additional requirements resultant from Condition 4.

(11) CATEGORY 4 EVENTS – NOISE AND OPERATIONAL RESTRICTIONS

(a) **Category 4 Event – Definition**

For the purposes of this determination, Planned Category 4 Events are activities which are taken to be events with a low to medium potential for noise impact on the surrounding environment and must only occur in accordance with all terms of this condition.

Planned Category 4 Events are taken to be those with operations which are not planned to operate in excess of the PLANNED CATEGORY 1, PLANNED CATEGORY 2, or PLANNED CATEGORY 3 EVENTS – NOISE & OPERATIONAL RESTRICTIONS conditions.

(b) **Noise – Entertainment, Patrons & Amplified Noise**

The cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:

- (i) 55 dB(A) during the hours of 10am to 10pm. As a guideline to resolving low frequency noise issues, the $L_{Ceq, 10\text{minute}}$ should not exceed 65 dB(C) during these times, and
- (ii) 50 dB(A) between the hours of 10pm to 11pm (as a guideline to resolving low frequency noise issues, the $L_{Ceq10\text{-minute}}$ should not exceed 60 dB during these times).

(c) **Permitted Hours**

Permitted hours of operation are 10am to 11pm, any day of the week with a maximum of 5 hours overall event duration.

- (i) There must be no more than 15 planned Category 4 Events per calendar year.

(d) **Noise Monitoring & Response to Complaints**

The Barangaroo Delivery Authority is responsible for investigating and reacting to any complaints in accordance with relevant parameters of the methodology given in Appendix 5 to the SEE – (*Noise Criteria*), “*Noise Management Plan – Barangaroo Point, Headland Park Cultural Space*”, Version 06 dated 5 July 2016, Council Ref 2016/426225., in addition to any additional requirements resultant from Condition 4.

(12) NOISE – MECHANICAL PLANT & ANCILLARY EQUIPMENT (NOT MUSIC PATRONS & PERSONAL AMPLIFICATION) – ALL GROUP EVENT TYPES

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
 - (iv) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(13) NOISE – MECHANICAL PLANT & ANCILLARY EQUIPMENT (NOT MUSIC PATRONS & PERSONAL AMPLIFICATION) – ALL GROUP EVENT TYPES

Operation of the premises is not to cause perceptible vibration in any separate habitable building.

SCHEDULE 1B

PRIOR TO COMMENCEMENT OF WORK/HEALTH AND BUILDING

(14) TEMPORARY STRUCTURES – GENERAL

- (a) The ground surface on which the structure is to be erected is to be sufficiently firm to sustain the structure while it is being used and isn't dangerous because of its slope or irregularity or for any other reason.
- (b) The temporary structures must be erected and secured in accordance with the manufacturers' structural specifications to ensure they are structurally sound and can withstand likely wind and live loadings. Modular stage sections shall be adequately bolted or clamped together to ensure that the overall design stability of the stage structures is achieved and maintained.
- (c) Separate Certification shall be provided by the installers for the structures, confirming installation in accordance with the relevant design and specification(s). Note: where structures are minimal in nature such as food stalls, marquees less than 10m², platforms raised less than 300mm and the like, a copy of the manufacturer's specification shall be sufficient.
- (d) Stage structures are not to be loaded in excess of those loadings recommended by the suppliers and / or manufacturer. Appropriate signage nominating the maximum number of persons permitted on the stage must be prominently displayed.
- (e) Any lighting, rigging, scaffolding or the like, associated with the subject stages shall be constructed and certified by a Workcover licensed rigger.
- (f) Electrical services serving stage(s) and allied structures shall meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior the commencement of use.
- (g) Sufficient exits with designated 'Exit' signage shall be provided to all temporary structures appropriate to the intended occupancy capacity for each structure.
- (h) All structures to which members of the public may be allowed access shall be supervised by appointed responsible persons at all times when accessible to the public.
- (i) There shall be NO SMOKING inside any of the subject structures. Appropriate signage shall be displayed at the entrance to the structure and all security personnel made aware of this requirement.
- (j) Erection and dismantling (packing up) shall be done quietly and orderly to minimise disturbance to the surrounding locality.

(15) GENERAL SITE REQUIREMENTS

- (a) Access for emergency vehicles shall be provided to and within the site area at all times for the duration of the event including bump in and bump out periods.
- (b) Perimeter security fencing shall incorporate sufficient opening exit gates to provide access to emergency services and adequate egress in an emergency situation for the intended event capacity. All exit gates shall be clearly indicated with conspicuous 'Exit' signage.
- (c) All mechanical and electrical installations including generators, electrical cabling and any mobile structures shall comply with AS/NZS 3002 and be surrounded or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times and to prevent ground laid cabling from being a trip hazard during public use of the site.
- (d) Appropriate fire fighting equipment shall be available for installations such as generators, power boxes, mechanical systems, food stalls and the like, which may be utilised on site during normal occupation times.
- (e) Any "Display Boards", viewing screens, temporary signage and artwork used on site shall be adequately secured to prevent toppling or otherwise falling due to wind effects.

(16) SANITARY FACILITIES – TEMPORARY STRUCTURES

Adequate sanitary facilities, including specialised facilities for use by persons with a disability, shall be provided on the site to cater for the maximum number of patrons attending each event. In this regard user demand shall be monitored and appropriately managed for the duration of the event to ensure that public convenience is provided and maintained. Adequate directional and way finding signage to these facilities shall be displayed throughout the site.

(17) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(18) VENTILATION - MINOR WORKS

The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

(19) WASTE/RECYCLING COLLECTION

The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(20) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
- (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

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

IMPORTANT ADDITIONAL INFORMATION

Advisory note: The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

You may also need to:

1. Lodge an **Application for Approval** under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the **erection of a hoarding**.
2. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
3. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Russell Hand ph. 9246 7321, email rhand@cityofsydney.nsw.gov.au.