

# **Attachment A**

<b>Recommended Conditions of Consent</b>
--

## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### 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

- (a) Development must be in accordance with Development Application No. D/2018/675 dated 20 June 2018 and the following documents:

Drawing Name	Date
Map of Sydney Square showing Safe Space Locations	Undated

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### (2) HOURS OF OPERATION

The hours of operation are restricted to the following:

- (a) 9.30pm to 4.00am (the following day) on Fridays;
- (b) 9.30pm to 4.00am (the following day) on Saturdays;
- (c) 9.00pm to 4.00am (the following day) on New Years Eve;
- (d) 9.30pm to 4.00am (the following day) on Australia Day Eve;
- (e) 9.30pm to 4.00am (the following day) Good Friday Eve; and
- (f) 9.30pm to 4.00am (the following day) Anzac Day Eve.

#### (3) TEMPORARY USES

- (a) The period during which the use is approved to operate is restricted until 31 July 2021. The use must cease after that time. A further development application may be lodged before the end of that period for Council's consideration of the continuation of the use.

- (b) Council's consideration of this further application will take into account the compliance of the use by reference to matters including, but not limited to, the following: conditions of consent; number and nature of substantiated complaints regarding the operation of the premises; and any views expressed by the NSW Police Service.

#### **(4) PLAN OF MANAGEMENT**

The use must always be managed in accordance with the 'Take Kare Safe Space Risk Assessment Plan', dated 1 June 2018 prepared by the Thomas Kelly Youth Foundation and 'Minor Works Briefing & Statement of Environmental Effects', prepared by the Thomas Kelly Youth Foundation that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

#### **(5) 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 10m<sup>2</sup>, 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.

**(6) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS**

The applicant must ensure that all existing public assets are protected and preserved whilst the temporary structure is in use.

Any damage which occurs as a result of the temporary structures and/or vehicle access relating program, including but not limited to damage to footpath, kerb and gutter, signage, street furniture, utility pit lids, lighting and street trees is to be rectified to Council's satisfaction.

Any rectification works must be completed in accordance with Council's specifications and requirements.

**(7) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.

**(8) 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 use.
- (b) 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.

**(9) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

**(10) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to the commencement of the use, the business owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(11) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

## **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>

## **SCHEDULE 3**

### **External Referral Conditions**

*Transport for NSW (TfNSW)*

#### **(12) CONSULTATION WITH TFNSW**

The applicant must consult with the Sydney Light Rail Team within TfNSW in relation to vehicle and pedestrian access arrangements to Sydney Square prior to the first erection of the proposed structures as the subject development area falls adjacent to the Light Rail construction site boundary.

*Office of Environment and Heritage (OEH)*

#### **(13) REMOVAL OF STATE SIGNIFICANT ARCHAEOLOGICAL RELICS**

This exemption does not allow the removal of state significant archaeological relics. If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. Contact the Heritage Division on 9873 8500 or at [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

#### **(14) ABORIGINAL OBJECTS**

If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Office of Environment & Heritage (OEH) is to be informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. More information is available at <http://www.environment.nsw.gov.au/licences/ACHregulation.htm> or contact the Environment Line on 131 555.

#### **(15) EXPERIENCED PERSONNEL**

Anything done pursuant to this exemption must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

*NSW Police*

#### **(16) SIGNAGE**

- (a) An unfixated, clear and unobstructed business signage must be provided;
- (b) Signage must be erected to alert patrons indicating the requirements of utilising the area.

## **(17) SAFETY AND SECURITY**

- (a) The operator/manager must liaise with the Sydney City Local Area Command prior to the use and operation of the site regarding any information and training relating to responding to intoxicated and aggressive behaviours. The operator/manager is responsible for the cascading of information and training to staff and volunteers.
- (b) Immediately after the person in charge of shift becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
  - (i) Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police; and
  - (ii) Make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and
  - (iii) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

## **(18) CCTV**

- (a) The safe space must be set up within the view of the City of Sydney street cameras.
- (b) No obstructions are to be erected to obscure the view of City of Sydney street camera to the safe space area.

## **(19) CARE OF THE VENUE**

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the venue shall ensure that surrounds of the venue including pavements and gutters are to be kept clean and free of litter associated with the operation of the safe space program at all times. Regular morning, noon, afternoon, evening and night time litter patrols shall be undertaken.

## **(20) LIGHTING**

- (a) Any internal and external lighting used must meet the requirements of the Australian Standards to enhance surveillance opportunities during hours of darkness and the safety of staff and customers to maximise the identification effect of CCTV footage.
- (b) Lighting is to have an even distribution with no glare; and
- (c) Lighting is to be positioned in all areas where CCTV cameras are installed to enhance the vision of the cameras.