

# **Attachment A**

**Recommended Conditions of Consent**

## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/25 dated 24 January 2023 and the following drawings:

Drawing Number	Drawing Name	Date
SK01	Site Plan	03/05/2023

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.

##### **Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

##### (2) GENERAL HERITAGE

The bump in, bump out and operation of the market must comply with the Terms of Approval issued by the Heritage Council, per Schedule 3 of this consent.

##### **Reason**

To ensure that the development does not result in adverse heritage impacts.

##### (3) SIGNAGE GENERAL REQUIREMENTS

- (a) A maximum of three A-frame signs (and the like) are permitted during market operating hours and must be located within the bounds Taylor Square North.
- (b) Signage must not obstruct pedestrian flow and must not compromise the safety of patrons or the public.
- (c) The signage is not to contain highly reflective materials, colours and finishes.
- (d) The signage is not to incorporate sound, vibration, odour and other emissions.

##### **Reason**

To ensure signage does not impact the amenity of the area.

**PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

*There are no conditions relevant to Part B.*

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

*There are no conditions relevant to Part C.*

**PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

*There are no conditions relevant to Part D.*

**PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

*There are no conditions relevant to Part E.*

## **PART F – OCCUPATION AND ONGOING USE**

### **(4) APPROVED MARKET DAYS**

- (a) The market is permitted to operate on Saturdays between 8.00am and 1.00pm for a period of 12 months from the proposed commencement date, being 19 August 2023.
- (b) Should the operator seek to continue the approved use of the site, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation of the approved use will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by the Police.

#### **Reason**

To ensure that the operator complies with the recommended operational conditions and that the impacts of the development can be reviewed.

### **(5) BUMP IN AND BUMP OUT**

Bump in and bump out must only occur between the following times on the permitted market days.

- (a) Bump in – 7.00am to 8.00am
- (b) Bump out – 1.00pm to 2.00pm

#### **Reason**

To ensure that the operator complies with the recommended bump in and bump out times.

### **(6) PEDESTRIAN ACCESS**

- (a) Adequate clearance during bump in and bump out must be provided so that pedestrians can move along the footpath at Oxford Street.
- (b) The access ramp to Oxford Street at the signalised crossing must be kept free of obstructions at all times.

#### **Reason**

To ensure that pedestrians are not adversely affected by the proposal.

### **(7) OPERATION OF THE MARKET**

The market must be operated in accordance with the approved Event Plan at all times (Council ref: 2023/387397-02).

**(8) TRAFFIC MANAGEMENT**

- (a) The bump in/bump out and operation of the market must be in accordance with the approved Traffic Management Plan (Council ref: 2023/387397-01).
- (b) Any road closure, change in traffic and pedestrian travel direction from existing must be approved by the Roads Authority and Council.

**Reason**

To ensure the operation of the market is in accordance with the approved Traffic Management Plan and to protect the amenity of the area.

**(9) WASTE MANAGEMENT**

- (a) The waste management measures detailed in the approved Waste Management Plan (Section 12 of the Event Plan) must be followed at all times.
- (b) All must waste produced during the operation of the market must be removed from the site upon completion of bump out and the site made good.

**Reason**

To ensure the operation of the market is in accordance with the approved Waste Management Plan.

**(10) NOISE**

- (a) The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15minute) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) (b) The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15 minute) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the LAeq, 15 minute noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
  - (i) The existing internal LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (ii) If the LZ90, 15 minute background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave



band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZeq 15 minute noise criteria level.

- (d) Notwithstanding (b) above, the LA1 15 minute noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
  - (i) The existing internal LA90, 15 minute (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - (ii) If the LZ90, 15 minute minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.

Note: L<sub>eq</sub>, L<sub>01</sub>, and L<sub>90</sub>, metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L<sub>A90</sub> level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L<sub>A90</sub> levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

### **Reason**

To protect the acoustic amenity of surrounding properties.

## **(11) NOISE - COMMERCIAL PLANT/INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in Fact Sheet C of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(12) TEMPORARY FOOD STALL - SET UP AND OPERATION**

- (a) Details of all temporary food stalls proposed to attend site must be submitted to the City of Sydney at least 28 days prior to the event commencing using the City of Sydney "Temporary Food Stall Event Register".
- (b) All temporary food stalls at the event must be registered with the City of Sydney in accordance with the requirements of the Food Act 2003 using the City of Sydney, 'Temporary food stall application' form.
- (c) The set up and operation of any temporary food stall and associated equipment must comply with the NSW Food Authority Guidelines for Food Businesses at Temporary Events and Australian New Zealand Food Standards Code 3.2.2 - Food Safety Practices and General Requirements.

Note: The "Temporary Food Stalls Event Register" and Temporary food stall application forms can be obtained from the City of Sydney website <http://www.cityofsydney.nsw.gov.au>.

The completed forms may be returned to Council's Health and Building Unit by post, email or in person.

Post: Health and Building, Level 16, Town Hall House, 456 Kent Street, Sydney, NSW 2000

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

In Person: Town Hall House - Level 2, 456 Kent Street, Sydney

**Reason**

To ensure details of the temporary food stall are provided to the City of Sydney.

### **(13) 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.

Separate Certification must 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 must be sufficient.

- (c) Any lighting, rigging, scaffolding or the like, associated with the subject stages must be constructed and certified by a SafeWork NSW licensed rigger.
- (d) Electrical services serving stage(s) and allied structures must meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior the commencement of use.
- (e) All structures to which members of the public may be allowed access must be supervised by appointed responsible persons at all times when accessible to the public.
- (f) There must be NO SMOKING inside any of the subject structures. Appropriate signage must be displayed at the entrance to the structure and all security personnel made aware of this requirement.
- (g) Erection and dismantling (packing up) must be done quietly and orderly to minimise disturbance to the surrounding locality.

#### **Reason**

To ensure temporary structures are installed and managed appropriately.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

### SCHEDULE 3

#### TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by *the delegate of the Heritage Council of NSW* are as follows:

#### APPROVED DEVELOPMENT

1. Development must be in accordance with:
  - a. Architectural drawings titled "Taylor Square Markets", prepared by BJM dated 15 March 2023, as listed in the table below:

Description	Date
SK01 Site Plan	15/03/2023

- b. Statement of Environmental Impact titled Sydney Sustainable Markets Inc @ Taylor Square

**EXCEPT AS AMENDED** by the following conditions of this approval

#### SPECIALIST TRADESPERSONS

2. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

#### SITE PROTECTION

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### COMPLIANCE

4. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### SECTION 60 APPLICATION

5. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

**Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.