

# **Attachment A**

**Recommended Conditions of Consent**

# GENERAL CONDITIONS

## (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/139 dated 18 March 2024 and the following drawings:

Drawing Number	Drawing Name	Date
001 Rev 5	Site Plan	25/06/2024
002 Rev 5	Plan Proposed	25/06/2024

and as amended by the conditions of this consent.

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

### Reason

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

## (2) TIME LIMITED CONSENT

The period during which the use is approved to operate is restricted to **5 years** from the date of this consent. The use must cease after 25 September 2029. A further development application may be lodged before the expiration date for Council's consideration of the continuation of the use.

Note: Council's consideration of this further application will take into account the compliance of the use in terms of: compliance with conditions of development consent, number and nature of substantiated complaints regarding the operation of the premises and any views expressed by the NSW Police Service

### Reason

To ensure that the approved use is operated on a time limited basis only.

## (3) APPROVED USE

- (a) Use of Area 1 and Area 2 within the Entertainment Quarter under this consent is to be limited to those events specified in Categories A-F listed in the table below:

Category	Proposed Events
Category A	Film, video and photography production, including live media coverage.

Category B	Food and beverage stalls, trucks, cooking exhibitions
Category C	Exhibitions, such as art exhibitions
Category D	<p>Outdoor/open-air recreation and sporting activities, such as:</p> <ul style="list-style-type: none"> <li>▪ Mini golf;</li> <li>▪ Racquet sports (e.g., pickle ball and padel tennis);</li> <li>▪ Bowling;</li> <li>▪ Temporary swimming pool (no excavation proposed – above ground temporary structures only);</li> <li>▪ Electric go-kart;</li> <li>▪ Outdoor gymnasium;</li> <li>▪ Squash;</li> <li>▪ Ice skating;</li> <li>▪ Mini soccer;</li> <li>▪ Basketball / mini basketball;</li> <li>▪ Netball;</li> <li>▪ Obstacle courses;</li> <li>▪ or any other use of a like character.</li> </ul>
Temporary events	
Category E	Community markets
Category F	Community events, including any ceremony, cultural celebration, fete, fair

- (b) Any amplified music that is played on the site must be background and ancillary to support the activities specified in Condition 2(a) and must comply with the relevant noise conditions specified under this consent. No concerts, music events and/or dance parties are permitted or approved.
- (c) All temporary events listed in Categories E and F must not operate for more than 52 days (whether or not consecutive days) in any period of 12 months in each of Area 1 and Area 2.

- (d) No permanent physical works are approved under this consent. The applicant or operator must ensure all necessary approvals or exemptions are obtained from the relevant authorities prior to carrying out the development approved under this consent.

**Reason**

To ensure the type of events is restricted to those listed above.

**(4) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

**Reason**

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

**(5) GENERAL SITE REQUIREMENTS**

- (a) Access for emergency vehicles must be provided to and within the site area at all times for the duration of events including bump in and bump out periods.
- (b) Perimeter security fencing must 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 must be clearly indicated with conspicuous 'Exit' signage.
- (c) All mechanical and electrical installations including generators, electrical cabling and any mobile structures must 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 firefighting equipment must 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 must be adequately secured to prevent toppling or otherwise falling due to wind effects.

**Reason**

To ensure the site and use of temporary structures are of an appropriate standard.

**(6) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO COMMENCEMENT OF USES**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Trinity Consultants, dated 8 July 2024, ref 237401.0153.R02V02, titled Noise Impact Assessment, Council Ref 2024/406413 must be implemented in the development prior to the commencement of its use.

**Reason**

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

**(7) 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 must be adequately bolted or clamped together to ensure that the overall design stability of the stage structures is achieved and maintained.
- (c) 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.
- (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 must be constructed and certified by a SafeWork NSW licensed rigger.
- (f) 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.
- (g) Sufficient exits with designated 'Exit' signage must 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 must be supervised by appointed responsible persons at all times when accessible to the public.

- (i) 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.
- (j) 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.

**(8) SANITARY FACILITIES – TEMPORARY STRUCTURES**

Adequate sanitary facilities, including specialised facilities for use by persons with a disability, must be provided on the site to cater for the maximum number of patrons attending each event. In this regard user demand must 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 must be displayed throughout the site.

**Reason**

To ensure adequate sanitary facilities are provided and the temporary structures meet the relevant requirements.

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

- (a) Details of all temporary food stalls 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.

## **OCCUPATION AND ONGOING USE**

### **(10) OCCUPATION CERTIFICATE - TEMPORARY STRUCTURE USED AS AN ENTERTAINMENT VENUE**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a temporary structure used as an entertainment venue

#### **Reason**

To ensure the use as an entertainment venue is certified appropriately.

### **(11) HOURS OF OPERATION**

The hours of operation for the premises are regulated by the conditions as follows:

- (a) The hours of operation must be restricted to between 7.00am and 12.00 midnight Monday to Sunday inclusive.
- (b) Notwithstanding (a) above, any amplified music or amplified performance must be restricted to between 10.00am and 10.00pm Monday to Sunday.
- (c) Bump-in and bump-out construction related noise must be restricted between the hours of 7.00am and 10.00pm Monday to Sunday.

#### **Reason**

To ensure the premises operates within the approved hours of operation.

### **(12) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is:
  - (i) Area 1 – 1,500 patrons.
  - (ii) Area 2 – 1,500 patrons.
- (b) The capacity for each area must not exceed the maximum numbers at any given time.
- (c) The management of the event is responsible for ensuring the number of persons in the premises does not exceed the maximum specified above.

#### **Reason**

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.



### **(13) PLAN OF MANAGEMENT AND TEMPORARY STRUCTURES GUIDELINES**

The use must always be operated / managed in accordance with the Plan of Management, prepared by Que Consulting dated 21 August 2024 (Council Reference: 2024/485329) and the Temporary Structure Guidelines dated 21 August 2024 (Council Reference: 2024/485333) that have been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Should the operator seek to amend the approved plan of management, a Section 4.55 modification application must be submitted to and approved by Council's Area Planning Manager.

#### **Reason**

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

### **(14) COMPLIANCE WITH MANAGEMENT STRATEGIES**

The following Strategies are to be complied with during any of the activities approved by this consent:

- (a) Lighting Management Strategy Part 2: Family Entertainment Precinct (March 1997);
- (b) Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997);
- (c) Outdoor Filming and Outdoor Events Management Strategy Part B: Outdoor events (March 1997 as updated with Show Ring Management Plan in August 1999);
- (d) Water Quality, Drainage and Waste Management Strategy Fox Site (November 1996);
- (e) Public Transport Management Strategy (August 1999); and
- (f) Parking Management Strategy (August 1999).

#### **Reason**

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

### **(15) NOISE CONTROL**

- (a) The noise level emitted must comply with Minister for Planning consent DA 37/96 and the 'Fox Studios Australia Noise Management Strategy Part 2; Family Entertainment Precinct'.
- (b) No sub-woofer speakers are to be utilised on site at any given time.
- (c) Any amplified noise as associated with this development must not exceed the following criteria:

- (i) An  $L_{A10}$  noise level not exceeding 48dB measured over any 15 minute period between 7am and 10pm at the most affected residential receiver;
  - (ii) An  $L_{A10}$  noise level not exceeding 40dB measured over any 15 minute period between 10pm and midnight at the most affected residential receiver, and
  - (iii) The  $L_{A1}$  noise level not to exceed 55dB measured over any 1 minute period between 10pm and midnight at the most affected residential receiver.
- (d) A suitably qualified acoustic engineer must be appointed to measure and verify noise levels prior to the commencement of any events with background/amplified music, from the nearest residential boundary, to ensure that the activity does not exceed noise criteria detailed in the "Noise Management Strategy Part 2; Family Entertainment Precinct".

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(16) NOISE – MECHANICAL PLANT USED FOR EVENTS**

- (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.
- (b) An  $L_{Aeq,15\text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90,15\text{ minute}}$  (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 NPfI 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.

**(17) NEIGHBOURHOOD AMENITY**

The event organiser must ensure that the behaviour of patrons entering and leaving the event venue does not detrimentally affect the amenity of the neighbourhood. In this regard, the event manager must be 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 to the satisfaction of Council.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(18) COPIES OF CONSENTS AND MANAGEMENT PLANS**

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

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(19) REMOVAL OF GLASS**

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from Area 1 and Area 2 in the boundaries of the licensed premises.

**Reason**

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

**(20) 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 *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

**Reason**

To protect the amenity of the surrounding area.

**(21) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**Reason**

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

**(22) COMPLAINTS HOTLINE**

The applicant must provide the contact details of the complaint hotline and the relevant person/s for any complaints to Council prior to the commencement of any events.

Details shall be emailed to [HealthBuildingInfo@cityofsydney.nsw.gov.au](mailto:HealthBuildingInfo@cityofsydney.nsw.gov.au) and [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

**Reason**

To protect the amenity of the surrounding area.

**(23) INCIDENTS – RECORDING AND NOTIFICATION**

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

**Reason**

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

**(24) TRANSPORT ACCESS GUIDE**

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

The following information shall be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

**Reason**

To ensure that sustainable transport options are considered and communicated effectively.

**(25) MOORE PARK EVENTS OPERATIONS GROUP**

The applicant must consult with the Moore Park Events Operations Group (MEOG) and other relevant stakeholders to provide event specific details at least 2 months ahead of any planned events.

**Reason**

To address the safe and efficient management of event traffic and transport operations.