

Attachment A

Recommended Conditions of Consent
--

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/411 dated 20 May 2025 and the following drawings prepared by Erth Visual & Physical Inc.:

Drawing Number	Drawing Name	Date
-	Site plan	04.07.2025
-	Audience pathway	04.07.2025
-	Lighting plan	04.07.2025

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) LIMITATION OF THIS CONSENT – USE ONLY

This consent is limited to use only and does not provide for any permanent physical works to be undertaken. Any physical works are to be subject to separate development application as required.

Reason

To ensure no physical works are carried out.

(3) USE CONSISTENT WITH ADOPTED PLAN OF MANAGEMENT UNDER LOCAL GOVERNMENT ACT 1993

The use of Walter Read Reserve and Paddington Reservoir Gardens must be in accordance with the adopted Plan of Management applying to the site under section 35 of the Local Government Act 1993.

Reason

To ensure the use is consistent with the adopted Plan of Management.

(4) TEMPORARY EVENT

The use of the site for temporary event is to be in accordance with the event hours and dates specified in the table below:

Activity	Date	Hours
Media launch day	Thursday 28 August 2025	Set up from 2.00pm
Bump-in (rehearsal days)	Monday 1 September 2025 - Thursday 4 September 2025	9.00am - 5.00pm
Performance days	Thursday 4 to Saturday 6 September 2025 Thursday 11 to Saturday 13 September 2025 Thursday 18 to Saturday 20 September 2025	Bump-in from 9.00am Performances from 5.00pm - 8.00pm Bump-out until 10.00pm
Bump-out	Monday 22 September 2025	9.00am - 5.00pm

Reason

To ensure the use of the site is in accordance with the permitted time and dates of the temporary event.

(5) TIME LIMITED CONSENT

The period during which the temporary event is approved to operate is restricted to the dates specified in condition (4) of this consent.

Reason

To ensure the temporary event order is operated within the approved period and only within the approved hours of operation.

(6) MAXIMUM CAPACITY

The maximum capacity of persons (including staff, performers and attendees) permitted in the Paddington Reservoir Western Chamber at any one time is restricted to 200 persons.

Reason

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

(7) NOISE – AMPLIFIED MUSIC

- (a) Two (2) Bluetooth speakers located within the puppet structure at a maximum decibel output of 75dB at 1metre are permitted during performance hours only.
- (b) Noise from the amplified music, approved under (a) above, used at the event must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected receiver.

Reason

To ensure amplified noise does not result in unreasonable impact to residential amenity.

(8) PLAN OF MANAGEMENT

The temporary use must be operated / managed in accordance with the Plan of Management prepared by Erth Visual & Physical Inc. (Council Ref. 2025/274782). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

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

(9) QUEUING

No persons are to be permitted to queue outside the site at any time. Security persons are to ensure that there is no queue outside of site boundaries and take all reasonable steps to ensure compliance with this condition.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(10) EXTERNAL LIGHTING

- (a) The external lighting associated with the event in Paddington Reservoir Western Chamber is to be consistent with the lighting plan approved under condition (1) of this consent.

- (b) No external floodlighting or illumination of the building or site landscaping is permitted.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(11) 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*, 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.

(12) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

To ensure the public domain is kept free from physical obstructions.

(13) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

Reason

To ensure signage is designed in accordance with Council's DCP.

(14) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.