

Attachment A

Recommended Conditions of Consent
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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, 2 and 3.

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/386 dated 5 May 2025 and the following drawings:

Drawing Number	Drawing Name	Date
-	Friday Night Market	26 August 2025
-	Saturday Morning Market	26 August 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) FRIDAY NIGHT MARKET HOURS AND OPERATION

The market to occur on Fridays are permitted to operate between 5.00pm and 10.00pm. Bump in is permitted to occur between 3.00pm – 5.00pm and bump out is permitted to occur between 10.00pm and 12.00am (midnight).

The Friday market must be operated / managed in accordance with the Plan of Management prepared by Organic Food Markets (Council Ref. 2025/443840). 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.

(3) SATURDAY MORNING MARKET HOURS AND OPERATION

The market to occur on Saturdays are permitted to operate between 8.00am and 2.00pm. Bump in is permitted to occur between 6.00am – 8.00am and bump out is permitted to occur between 2.00pm and 4.00pm.

The Saturday market must be operated / managed in accordance with the Plan of Management prepared by Organic Food Markets (Council Ref. 2025/340551). 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.

(4) APPROVED USE PERIOD

- (a) The time-period during which the temporary use is approved to operate is restricted to five (5) years from the date of this consent. The temporary use must cease after that time. A further application may be lodged 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 NSW Police and Liquor & Gaming.

Reason

To ensure the approved use is operated on a temporary basis and consistent with a separate Roads Act Approval.

(5) TRAFFIC MANAGEMENT

The bump in, bump out and operation of the markets must be in accordance with the approved Traffic Management Plan (Council Ref. 2025/365457).

Reason

To increase pedestrian safety at the site access.

(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 crossings must be kept free of obstructions at all times.

Reason

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

(7) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require consent be obtained for any non-exempt signs.

(8) WASTE AND RECYCLING MANAGEMENT - GENERAL

The waste management measures detailed in the Waste Management Plan (Council Ref. 2025/261874) must be followed at all times.

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

(9) OTHER REQUIRED APPROVALS

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under the Local Government Act 1993 and/or the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain.

Reason

To ensure use of a public place is managed appropriately.

(10) TEMPORARY FOOD STALL - SET UP AND OPERATION

- (a) Details of all temporary food stalls attending the event must be submitted to Council using the approved form at least 28 days prior to the event commencing.
- (b) All temporary food stalls at the event must be registered with Council in accordance with the requirements of the *Food Act 2003*.
- (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*.

Reason

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

(11) EMISSIONS

- (a) The use 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*.

Reason

To protect the amenity of the surrounding area.

(12) NOISE

Noise from amplified music must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected residential receiver.

Reason

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

(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. 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 10m², 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.

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>

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 prepared for Organic Food Market, as listed in the table below:

Description
Site Plan - 1.3a Site Plan - Taylors Square (Friday Night) Markets - Proposed Layout
Site Plan - 1.3 Site Plan - Taylor Square (Saturday) Markets - Proposed Layout

- b) *Organic Food Markets, Heritage Impact Assessment, Taylor Square North, 136 Oxford Street, Darlinghurst 2010*, submitted with the application.

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, the installation and removal of temporary structures and the works associated with the operation of the markets, 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 the City of Sydney 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 environmental heritage. Reasonable notice must be given for the inspection.

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.