



NSW GOVERNMENT
Department of Planning

29 April 2009

Sal Sharah
Sydney Harbour Foreshore Authority
PO Box N408
GROSVENOR PLACE NSW 1220

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Our ref: DA 059-04-2009
Notice of Determination

Notice of Determination of a Development Application

Issued under section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Reference No.

**Development Application
Number**

DA 059-04-2009

Development Application

Name of Applicant Sal Sharah, Sydney Harbour Foreshore Authority

Address of Applicant PO Box N408
GROSVENOR PLACE NSW 1220

Address of land to be developed Darling Harbour – various locations.

Proposed Development

Darling Harbour Jazz & Blues Festival 2009 – Use of the public domain at Darling Harbour, 2-11 June, 2009

Determination Date

29 April 2009

Determination

Approval

Details of conditions

See attached schedule

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
- (4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- (5) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with Section 96 of the Act.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Further information

If you have any queries regarding this matter, please contact Karl Fetterplace on (02) 9228 6519, or email karl.fetterplace@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.



Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 29 April 2009

SCHEDULE

ADDRESS: Darling Harbour – various locations.

DA NUMBER: DA 059-04-2009

FILE NUMBER:

DESCRIPTION OF DEVELOPMENT: Darling Harbour Jazz & Blues Festival 2009 – Use of the public domain at Darling Harbour, 2-11 June, 2009

A APPROVED DEVELOPMENT

- A1** The development shall be generally in accordance with development application number DA 059-04-2009 submitted by the applicant on 22 April 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared by Sydney Harbour Foreshore Authority, Butler's Hire and Tiered Seating Solutions Pty Ltd.			
Drawing No.	Revision/ Issue	Name of Plan	Date
1	0	Site Plan – Darling Harbour	13 MAR 2009
2	0	Site Plan – Harbourside Amphitheatre	16 MAR 2009
3	0	Site Plan – Convention Centre Forecourt	16 MAR 2009
4	0	Site Plan – Southern Promenade	16 MAR 2009
5	0	Site Plan – Druitt Landing	24 MAR 2009
6	0	Site Plan – Tumbalong Park	13 MAR 2009
7	5	SHFA Tumbalong Park	22 MAY 2007
8	BLAIR	Follow Spot Tower	25 MAR 2009
9	PAUL	6.0m x 6.0m MOBILE STAGE	19 SEP 2008
TSS5100	-	SHFA Configurations	21 MAR 2006
10	-	Coastal Stage Structure	17 APR 2009
Statement of Environmental Effects, prepared by Sydney Harbour Foreshore Authority, undated.			

Except as amended by the following conditions:

- A2 Bump in / Bump out**
Bump in shall commence no earlier than 6.00am on Tuesday 2 June 2009 and bump out is to finish no later than 5.00pm Thursday 11 June 2009.
- A3 Event Times**
The portion of the Darling Harbour Jazz & Blues Festival 2009 using the public domain of Darling Harbour is permitted to take place between the hours of 11.00am and 8.00pm on 6-8 June 2009.

A4 Public Domain Bump in / Bump out Prohibition

Notwithstanding Conditions A2 and A3 above, the movements of vehicles in and around the public domain area during the bump in and bump out period between the hours of 12.00 pm and 2.00 pm is prohibited by reason of public safety.

A5 Approved Structures Compliance

All proposed structures are to be structurally sound and erected in accordance with manufacturer's specifications and/or advice from a suitably qualified engineer, to meet relevant requirements of the Building Code of Australia, Codes of Practice, and applicable Australian Standards.

A6 Changes to Approved Plans

No new changes or fixtures other than those shown on the stamped plans are to be installed without prior approval from the Planning Assessment Manager of the Department of Planning's Urban Assessment's Branch.

B CONDITIONS TO BE MET PRIOR TO THE OPERATION OF CONSENT

B1 Temporary Food License

A temporary food licence shall be obtained from the City of Sydney Council prior to the event if food is made available to the public in association with the event.

B2 Cleaning and Waste Removal Requirements

The events branch of SHFA is to confirm additional cleaning and waste removal requirements with the Services Manager prior to the event.

B3 Fireworks Schedule

The applicant is to confirm final fireworks bump in schedule and location so any impact on commercial vessels can be minimised with the property branch of SHFA prior to the event.

C CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

C1 Emergency Access Zone

The applicant shall be responsible for maintaining a 4m corridor to facilitate access through the event area for emergency services at all times during the event period, including bump-in and bump-out periods.

C2 Security

The applicant is to ensure that suitably qualified security personnel will be maintained on site during the entire event to ensure the free flow of pedestrians throughout the public domain area, including, but not limited to, bump-in and bump-out periods to oversee the structure set up and dismantling process.

C3 Public Access

All electrical cabling is to be covered by cable trays or removed from general public access.

C4 Emergency and public access within the proposed area shall be maintained at all times.

C5 Noise and Waste Management

The applicant shall be responsible for the control of noise and litter generated by patrons and shall ensure that patrons leave the vicinity of the premises in an orderly manner.

- C6** The use of the event areas including music and other activities must not give rise to the emission of an "offensive noise" as defined under the *Protection of the Environment Operation Act 1997* to adjoining properties.
- C7 Waste Removal**
The area is to be kept clean and tidy at all times and rubbish is to be removed from the immediate area during the temporary use of the public domain.
- C8 Temporary Structures**
All temporary structures, equipment, and furniture to the event are to be wholly located within the approved areas shown on the stamped plans.
- C9** The applicant shall ensure that all the temporary structures are positioned on a level, stable surface and sufficiently weighted to ensure stability at all times. No pegs and stakes are permitted for the use of stability of the temporary structure.
- C10** The temporary structures are to be erected and supported in a secure manner for safety purposes. Should adverse weather conditions (strong winds and the like) arise during the event the applicant must mitigate potential safety concerns by removing the temporary structures from the public domain or by increasing the amount of weights holding the temporary structures.
- C11 Work Cover Requirements**
The applicant shall ensure that all works associated with the erection, operation, and dismantling of the structure is done in accordance with safe work practices, meeting relevant Australian Standards and WorkCover requirements.
- C12 Profloor Requirements**
All marquees, fete stalls or similar structures are to have profloor under and at least 1m around them. Profloor is to be laid underneath all structures located on Tumbalong Park to prevent wear and tear on grassed surfaces.
- C13 Vehicular Access**
If vehicles are required to access the park during bump in/out, track matting is to be used to prevent damage to the grassed surfaces.
- C14 Existing Public Domain Furniture**
The applicant shall ensure the satisfactory protection of the public domain structures and existing furniture and shall be responsible for any consequential repairs required, as a result of the setup and temporary use of the public domain.
- C15 Temporary Signage**
All temporary signage associated with the event shall not be installed more than 24 hours prior to the event and shall be removed within 24 hours after the event has taken place.
- C16 Unauthorised Signage**
No unauthorised portable signs, third party advertising, A-frame signs or flyers shall be placed on the footways or other areas.
- C17 Fire Safety**
The applicant is responsible for ensuring adequate arrangements are in place in relation to detection and suppression of fire and the safe and orderly egress of persons from the precinct in the event of fire.

C18 Copy of Approved Plans On Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Authority, Council or the PCA.

C19 Licensed liquor area

The licensed liquor area is to be secured with solid barricades. No alcohol is to be consumed outside the licensed area.

The reasons for the imposition of the above conditions are:

- To confirm the details of the application and plans submitted by the applicant, and to ensure that the structures are not altered without approval.
- To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
- To ensure compliance with relevant planning controls.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure the development complies with the requirements of *Sydney Harbour Foreshore Authority Outdoor Events Policy 2006*.