



## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### DETERMINATION OF DEVELOPMENT APPLICATION NO. 023-10-07

(FILE NO. 0708/037)

#### OUTDOOR PERFORMANCE IN NOVEMBER 2007 AT THE FORMER CARRIAGE WORKSHOP, NORTH EVELEIGH, OUTSIDE EXISTING OUTDOOR EVENT TIMES APPROVED BY DEVELOPMENT CONSENT 013-10-06

I, the Chief Executive Officer of the Redfern Waterloo Authority as delegate of the Minister for Planning under Instrument of Delegation dated 22 February 2007, pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979*, clause 9A of the State Environmental Planning Policy (Major Projects) 2005 determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To confirm the details of the application and details submitted by the applicant.
2. To comply with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
3. To ensure compliance with relevant planning controls.
4. To protect the amenity of the local environment, and adjoining residents, businesses and landowners.

A handwritten signature in black ink, appearing to read "Robert Domm".

Robert Domm  
**Chief Executive Officer**  
**Redfern Waterloo Authority**

Sydney, 1 November 2007

**SCHEDULE 1****PART A—TABLE**

<b>Application made by:</b>	Vic McEwan Performance Space 245 Wilson Street, Darlington (North Eveleigh)
<b>Development Application:</b>	023-10-07
<b>On land comprising:</b>	Part Lot 4 in Deposited Plan 862 514 245 Wilson Street, Darlington (North Eveleigh)
<b>Local Government Area</b>	City of Sydney Council
<b>For the carrying out of:</b>	Performances at the Carriage Workshop, North Eveleigh, which lead the audience in and around the Carriage Workshop building during November 2007. Consent is required as Condition A9 of DA 013-10-06 requires a separate Development Application as there is proposed outdoor activity later than 8.00pm.  A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
<b>Estimated Cost of Works</b>	Not Applicable
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	Not Integrated
<b>Determination made on:</b>	1 November 2007
<b>Determination:</b>	A development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	The consent becomes effective from the endorsed determination date.
<b>Date consent is liable to lapse</b>	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> <li>▪ a shorter period of time is specified by the Regulations or</li> <li>▪ a condition in Schedule 2, or</li> <li>▪ the development has physically commenced.</li> </ul>

**PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 023-10-07*****Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

***Appeals***

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

***Legal notices***

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern Waterloo Authority.

***Further Information***

If you have any queries regarding this matter, please contact Mohini Nair on 9202 9100.

## PART C—DEFINITIONS

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Applicant** means Vic McEwan, Performance Space, or any party acting upon this consent.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act,

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**CEO** means the Chief Executive Officer of the Redfern Waterloo Authority

**Council** means the City of Sydney.

**DA No. 023-10-07** means the development application and supporting documentation submitted by the Applicant on 8 October 2007.

**Department** means the Department Planning or its successors.

**Planning Director** means the Planning Director of the Redfern Waterloo Authority.

**Minister** means the Minister for Planning.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Regulations** mean the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**RWA** means the Redfern Waterloo Authority

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Advisory Notes** – means advisory information relating to the approved development but do not form a part of this consent.

**SCHEDULE 2****CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 023-10-07****PART A—GENERAL CONDITIONS****A1 Reference to Related Development Consent**

That the development shall be carried out in accordance with the conditions of consent under Development Consent D/2003/977 granted by the Council of the City of Sydney on 20 December 2004 (as set out in Attachment "A" hereto) and Development Consent 013-10-06 granted by Redfern-Waterloo Authority on 21 December 2006 (as set out in Attachment "B" hereto) except as varied by the terms of this consent and to the extent of any inconsistency the terms of this consent shall prevail.

**A2 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) Performances at the Carriage Workshop which lead the audience in and around the Carriage Workshop building;
- (2) Six dance performances over six evenings on 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> November 2007;
- (3) Performances to commence at 7.30pm and conclude at approximately 8.40pm;
- (4) Performers to lead audiences in and around the buildings. Performers and the audience will move along the eastern façade of the Carriage Workshop building, along the northern façade in the pedestrian roadway, and along the western façade. A maximum of twenty minutes of the performance will be outside the Carriage Workshop building, at approximately 7.40pm for 10 minutes and at 8.30pm for about 10 minutes;
- (5) Performances which will not involve any amplified sound;
- (6) Lighting which will consist of low height strips which will remain at, or close to, ground level;
- (7) A performer may be rigged to the outside of the building;
- (8) The performance will have an audience capacity of 150 people, with 5 performers and 6 ushers to assist in directing the audience through and around the building.

**A3 Development in Accordance with Plans**

The development shall be in accordance with development application number 023-10-07 submitted by the Applicant on 8<sup>th</sup> October 2007, and in accordance with the following:

- Statement of Environmental Effects submitted 8 October 2007;
- Plan of Management submitted 8 October 2007;
- Plan of Audience Travel submitted 8 October 2007,

and as amended by following conditions:

**A4 Restricting Audience Movements**

Performers and the audience are to use the paths directly adjacent to the Carriage Workshop. The applicant is to:

- provide staff to guide the audience and to ensure vehicular traffic on the road between the Carriage Workshop and the Blacksmiths' Workshop is not restricted by the audience;
- Appropriately barricade the car park, the traverser and railway tracks to prevent audience access; and
- Provide staff after the performance to direct any loitering audience members off outdoor areas by 8.50pm.

**A5 Performer on the Roof**

Any use of the roof or walls of the Carriage Workshop by performers is to be restricted to the northern side of the building and is not to approach the side of the building facing the rail corridor. Performers and riggers are to ensure safety and comply with the Occupational Health and Safety Act.